



**TWENTIETH SESSION OF THE
CARIBBEAN DEVELOPMENT AND COOPERATION COMMITTEE**
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**STATUS OF THE REVIEW OF THE CONSTITUENT DECLARATION
AND RULES OF PROCEDURE OF THE CDCC**

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In resolution 55(XV111) entitled *the Chaguaramas Declaration*, the Ministers and other Heads of Delegations participating at the eighteenth session of the CDCC which convened in Chaguaramas, Trinidad and Tobago, over the period, 30 March-1 April 2000, decided, *inter alia*:

To reiterate the continuing relevance of ECLAC/CDCC in supporting its members to meet the challenges presented by the impact of the globalisation process on our countries which necessitates increased unity and cooperation among ourselves, through the strengthening of dialogue and the articulation of positions to be adopted in relation to third countries, groups of countries and conferences and meetings of the United Nations;

To emphasize the importance of the continuing existence of the Committee as a Caribbean entity for cooperation in support of the CDCC member States in recognition of its utility as a mechanism whose basic ideas as enshrined in its Constituent Declaration remain valid;

To agree on the need to undertake a comprehensive review of the Constituent Declaration of the CDCC with particular reference to the specific objectives, goals, structures, mechanisms and processes of the organ, including its relationship with other organs;

To urge the ECLAC/CDCC secretariat to prepare a document embodying the review mentioned in the preceding paragraph for submission to governments for comments for the preparation of the comprehensive document to be examined by a Working Group to be convened before the end of 2000. The final report of the Working Group would be submitted to the Monitoring Committee for its consideration and approval in early 2001.

At the tenth Meeting of the Monitoring Committee which convened in Trinidad and Tobago on 6 March 2001, the ECLAC/CDCC secretariat presented the following documents for consideration:

1. LC/CAR/G.634, 12 February 2001: A Review of the Caribbean Development and Cooperation Committee (CDCC) incorporating a review of its Constituent Declaration and Rules of Procedure;
2. The CDCC into the New Millennium: Meeting the Challenges of the Future - A Discussion Paper, 2 January 2000; and

3. MONCOM 10/WP.1, 13 February 2001: Strengthening the CDCC: Review of its objectives and functions, its inter-institutional links and its programmatic and organic structure. The task before the meeting was to develop draft revised texts for consideration by the nineteenth session of the CDCC in 2002.

Based on its consideration of the comprehensive review document presented by the secretariat in accordance with resolution 55(XV111), the Monitoring Committee recommended the adoption of revised texts in respect of the *Constituent Declaration of the Caribbean Development and Cooperation Committee (CDCC)* and the *Functions and Rules of Procedure of the Caribbean Development and Cooperation Committee (CDCC)*. The Committee also recommended adoption of a document embodying *Draft Rules of Procedure of the Monitoring Committee*.

In order to ensure that the draft texts adopted by the Monitoring Committee were in conformity with United Nations practice, the secretariat undertook to refer them to the Office of Legal Affairs at United Nations Headquarters, New York.

Following its review of the texts under reference, the Office of Legal Affairs transmitted to the secretariat its observations on the proposed texts. In broad terms, the observations covered six main areas, namely:

1. The status of the CDCC within the wider ECLAC system;
2. The practice of the CDCC in respect of Associate Members for which no provision is made in the 1975 Constituent Declaration and Functions and Rules of Procedure of the Caribbean Development and Cooperation Committee (CDCC);
3. The general content of the Draft Revised Rules of Procedure of the CDCC;
4. Technical and other considerations relating to the conduct of Meetings of the CDCC;
5. The Rules of Procedure of the Monitoring Committee for which no provision was made either in the 1975 Constituent Declaration or elsewhere;
6. Specific proposals for additions/deletions and other amendments.

The written consultations mentioned above were supplemented by a visit undertaken by a representative of the ECLAC Subregional Headquarters for the Caribbean to the Office of Legal Affairs at United Nations Headquarters, New York, on 4 December 2001.

Arising from the totality of the exchanges between the ECLAC/CDCC secretariat and the Office of Legal Affairs, revised draft texts were prepared in respect of:

1. The Constituent Declaration of the Caribbean Development and Cooperation Committee; and
2. The Functions and Rules of Procedure of the CDCC

With respect to the *Draft Rules of Procedure of the Monitoring Committee* as adopted by the Monitoring Committee, the Office of Legal Affairs observed that “..they to a great extent repeat the provisions of the rules of procedure of the Committee. Therefore, we suggest that instead of having a separate set of rules for the Monitoring Committee the rules of procedure of the Committee or the Constituent Declaration should stipulate that the rules of procedure of the Committee shall apply mutatis mutandis to meetings of the Monitoring Committee”.

On the basis of this advice, there was no further reference to a separate body of *Rules of Procedure of the Monitoring Committee*.

The revised draft texts prepared by the secretariat were forwarded for review by the Office of Legal Affairs, in accordance with the agreement reached in the course of the consultations held on 4 December 2001. It was expected that, upon receipt of the comments of the Office of Legal Affairs on these texts, the CDCC would have been in a position to make a definitive recommendation with respect to the revision of the Constituent Declaration and Functions and Rules of Procedure of the CDCC.

At the nineteenth session of the CDCC which convened in Port of Spain, Trinidad and Tobago, on 14-15 March 2002, a *Revised Draft Text of the Constituent Declaration of the CDCC* embodying, in addition, *the Revised Functions and Rules of Procedure of the CDCC* was adopted unanimously. Following the adoption of the texts, the Chair recalled to the attention of the meeting that, in order to ensure that they conformed with United Nations practice, the secretariat would refer them to the Office of Legal Affairs at United Nations Headquarters.

The response of the Office of Legal Affairs, dated 14 March 2002, the same date on which the nineteenth session convened, was received at the ECLAC/CDCC secretariat too late to be considered. This response included some recommendations for amendment of the text submitted, for example, with respect to the size of the quorum that should be stipulated, (two thirds, instead of three quarters, in certain instances). The advice which eventually issued from the Office of Legal Affairs with respect to the revised draft texts that had been adopted by the nineteenth session of the CDCC, was to the effect that they be referred to the Headquarters of ECLAC in Santiago de Chile for a determination to be made. According to the advice received from the Office of Legal Affairs, any text adopted by the CDCC, given its status, would enjoy the status of recommendations. In effect, since the CDCC is a body created by ECLAC, its rules can be changed only by ECLAC.

According to the Office of Legal Affairs:

The original Constituent Declaration of the CDCC was adopted by the Committee under the authority given to the Committee by ECLAC pursuant to its resolution 358(XVI) of 13 May 1975. As the report on the revision of the Constituent Declaration of the CDCC is now being forwarded to ECLAC, which may take a whichever (sic) it finds appropriate action regarding this report, we would appreciate your attaching to the report our two previous memoranda on the subject matter so that ECLAC could be fully apprised of the views of this Office when it considers the report.

In this regard, the eleventh Meeting of the Monitoring Committee of the CDCC, which convened in Puerto Rico on 10 April 2003, was informed that the relevant texts had been transmitted to ECLAC, Santiago, under cover of a letter dated 3 May 2002. However, it was not possible for the matter to be addressed in the context of the twenty-ninth Session of the Commission when it convened in May 2002. The next opportunity will be the thirtieth session which will convene in 2004.

The eleventh Meeting of the Monitoring Committee expressed the view that the adoption of revised texts of the Constituent Declaration and Rules of Procedure of the CDCC had become an urgent matter. It was, therefore, incumbent on the Committee to have the proposed revised draft texts submitted to the next session of the Commission for approval. In this regard, the proposed revised texts have been resubmitted by the ECLAC/CDCC secretariat to ECLAC, Santiago, with a request that they be considered by the Commission at its thirtieth session which is scheduled to convene in Puerto Rico over the period 28 June–2 July 2004.

Delegations are invited to:

Note the status of the review of the Constituent Declaration and Rules of Procedure of the CDCC;

Also note that the thirtieth session of ECLAC is scheduled to convene in Puerto Rico over the period 28 June-2 July 2004;

Further note that the results of the deliberations of the Commission on this matter will be communicated to member countries at the earliest opportunity.