



IMPEDIMENTS TO CARIBBEAN REGIONAL INTEGRATION:

AN EXAMINATION OF THE PROVISION OF
CONTINGENT RIGHTS IN CARICOM.

CARIBBEAN



1. Antigua
2. Bahamas
3. Barbados
4. Belize
5. Dominica

6. Grenada
7. Guyana
8. Haiti
9. Jamaica
10. Montserrat

11. St Kitts
12. St Lucia
13. Suriname
14. St Vincent
15. Trinidad

THE CARICOM SINGLE MARKET & ECONOMY

- **1989** – Conceptualised to cope with an increasingly globalised world economy
 - Required the removal of the barriers to trade to maximise the region's production capacity
- **2001** - The Revised Treaty of Chaguaramas created
- **2006** – Launch of the CARICOM Single Market

CARICOM Single Market

4



MOVEMENT OF FACTORS OF PRODUCTION

- **Goods** – No tariffs or restrictions
- **Services** – Removal of discrimination on grounds of nationality for providing services
- **Capital** – Easier Transfer of Funds to and from Member States
- **Labour** – Work Permits not required for certain categories

FREE MOVEMENT OF LABOUR

- “...basically entails the right of a CARICOM National to seek work or engage in gainful employment in all CARICOM Member States as either a wage-earner or non-wage earner; without the need to obtain a work permit in the Member State in which he/she desires to work.”

A STATUS UPDATE OF CARICOM FREE MOVEMENT OF LABOUR REGIME

6

Original Categories of CSNs

- University Graduates (1996)
- Artistes (2001)
- Musicians (2001)
- Media Workers (2001)
- Sportspersons (2001)

Subsequently Added Categories of CSNs

- Teachers (2006)
- Nurses (2006)
- Associate degree or equivalent qualifications holders (2007)
- Artisans with a CVQ (2007)
- Domestic workers with a CVQ (2009)

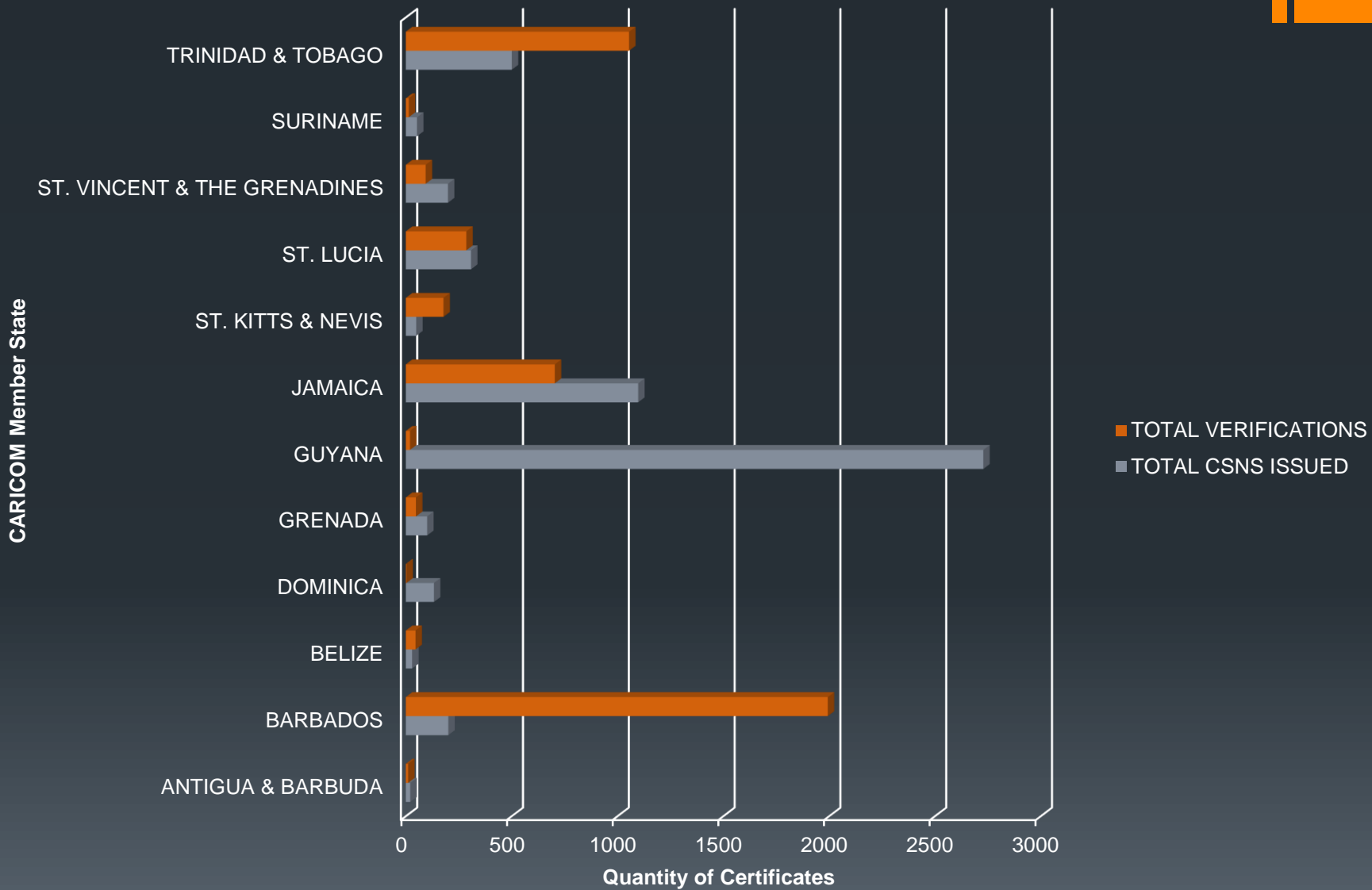
ORIGINAL IMPLEMENTATION OF THE FREE MOVEMENT OF LABOUR SCHEDULE

YEAR	SKILLS LEVEL
2007	Associate degrees and equivalents, such as Professional Qualifications and relevant Technical and Vocational Education Qualifications
2008	CXC 'O' Levels
2009	All CARICOM Nationals

CSME COMPLIANCE

- The recent findings of key CSME studies commissioned by the CARICOM Secretariat under the CARICOM Trade and Competitiveness Project, (CTCP) revealed that overall:
 - **the core CSME regimes for the free movement of persons are operating at 70% level of compliance.**
 - Legal compliance is **57.5%**,
 - institutional compliance **86.6%**
 - administrative measure is at an average of **67.5%**.

Total CSNs & Verifications from Inception to 2010





MAIN CHALLENGES

1. Right to work immediately
2. Issuance of certificates
3. Country capacity
4. Management of the regime nationally
5. Standardisation of qualifications
6. Harmonised immigration procedures for non-wage earners
7. Certification of temporary service providers
8. Rights of establishment
9. Discretionary power of immigration officials
10. Contingent Rights

PRINCIPLES OF THE REVISED TREATY OF CHAGUARAMAS

■ **ARTICLE 7 – NON DISCRIMINATION**

- “Within the scope of application of the Treaty and without prejudice to any special provisions contained therein, any discrimination on the grounds of nationality only shall be prohibited.”

■ **ARTICLE 8 – MOST-FAVOURLED NATION (MFN)**

- “Subject to the provisions of this Treaty, each Member State shall, with respect to any rights covered by this Treaty, accord to another Member State treatment no less favourable than that accorded to
 - A third Member state; or
 - Third States

ARTICLE 239

“The Member States undertake to elaborate a Protocol relating, inter alia, to:

(a) electronic commerce

(b) government procurement

(c) treatment of goods produced in free zones and similar jurisdictions

(d) free circulation of goods in the CSME; and

(e) rights contingent on establishment, provision of services and movement of capital in the

Community.

CONTINGENT RIGHTS

- **Rights Contingent on the Establishment, Provision of Services and Movement of Capital in the Community**

- Rights which are considered to be those which persons may be entitled to in the course of exercising their basic social rights under the Revised Treaty.

- The Revised Treaty only regards these rights as non-discriminatory access to land, capital, buildings and property.

THE CSME LAUNCH DECLARATION

- **“WE ALSO DECLARE OUR INTENTION, ...RELATING TO CONTINGENT RIGHTS, TO GRANT ELIGIBLE NATIONALS OF PARTICIPANT MEMBER STATES ACCESS TO HEALTH CARE, EDUCATION AND SUCH OTHER SOCIAL SERVICES AS ARE NECESSARY FOR THEIR ENJOYMENT OF CSME RIGHTS, SUBJECT TO CONSIDERATIONS OF NATIONAL CAPACITY.”**

(CSME Launch, Kingston Jamaica, January 2006)



WHY IS THIS ACCESS IMPORTANT?

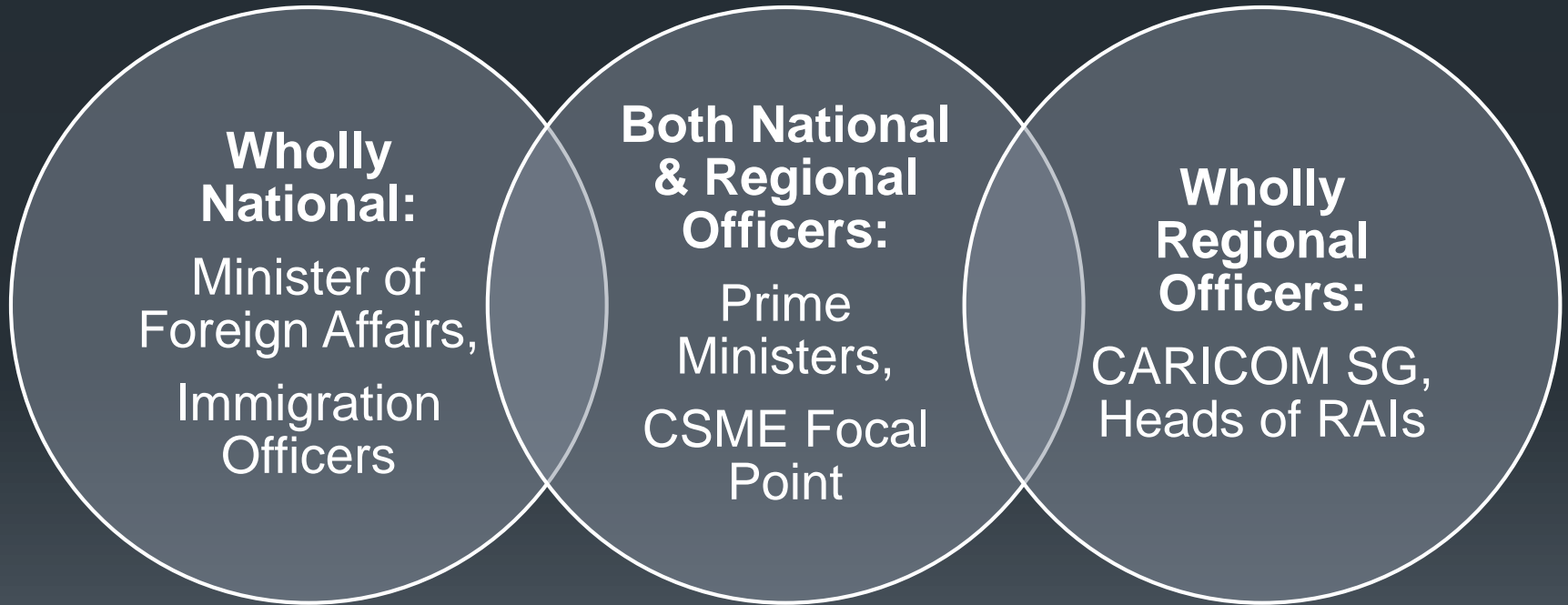
- Having moved to a CARICOM state to work for an extended period, spouses and dependents are likely to follow the CARICOM National/Principal Beneficiary.
- As the categories are increased then the matter of Contingent Rights becomes more complex as more persons can be entitled to them – SPOUSE AND DEPENDENTS

THE OBLIGATIONS OF MEMBER STATES

16

- Each CARICOM state must grant CARICOM Nationals treatment which is no less favourable than that of non-CARICOM states.
- Should CARICOM identify, and Member States agree on, areas/benefits to be granted to CARICOM Skilled Nationals, those benefits would be given identical to those extended to locals.

Governance Operating Levels



CFP FUNCTIONALITY SCORE

<u>CARICOM MEMBER STATE</u>	<u>IMPLEMENTATION SCORE (25)</u>	<u>PUBLIC CONSULTATION & INFORMATION DISSEMINATION SCORE (50)</u>	<u>ADVICE TO NATIONALS & PUBLIC OFFICIALS (25)</u>	<u>TOTAL (100)</u>
ANTIGUA & BARBUDA	10.18	12.5	0.7	23.38
BARBADOS	15.74	19.43	2.96	38.13
BELIZE	10.18	13.39	0.86	24.43
DOMINICA	6.94	11.25	1.76	19.95
GRENADA	6.01	9.45	1.43	16.89
GUYANA	6.01	15.92	24.34	46.27
JAMAICA	10.64	6.8	10.44	27.88
ST. KITTS & NEVIS	4.62	8.79	0.86	14.27
ST. LUCIA	7.4	11.65	2.97	22.02
ST. VINCENT & THE GRENADINES	10.64	9.01	2.5	22.15
SURINAME	8.33	14.81	0.8	23.94
TRINIDAD & TOBAGO	5.55	19.11	4.78	29.44

CFP FUNCTIONALITY SCORE FINDINGS



Following Multiple Linear Regression Analyses:

1. 84.6% of the variability in the number of CSNs issued explained by the score. A positive relationship to the Functionality Score and the # of CSNs issued.
2. 87.1% of variance in the CSN verifications for 2006-2009 explained by the existence of a BLAC, IMCC and a NCIP.
3. The MDCs CFPs higher scores than the LDCs.

ACCESS TO EDUCATION

- Unequal Teacher-student Ratio
 - Barbados (1:20)
 - Jamaica (1:35)
 - Trinidad and Tobago (1:17)
- Unequal public expenditure on Education
 - Barbados (US\$ 14, 453)
 - Jamaica (US\$ 3, 561)
 - Trinidad and Tobago (US\$ 8, 176)

COMPARATIVE EDUCATION FINDINGS

21

BARBADOS

- Catchment Areas
- Teacher Student Ratio
- Investment – No fees,
Textbook loan scheme,
uniform grant, dental care etc

BELIZE

- Technical-vocational
programs/apprenticeships
- Borderers – Guatemalan
Students
- Compulsory 6-14 years

CSME IMPLEMENTATION

SUCCESSSES

- Supporting Infrastructure
 - CSME Unit
 - CSME Focal Point
- Institutional Architecture
 - IMCC, FMC, BLAC
- Competent Authorities
- Administrative Procedures
 - CSNs
 - Hassle-Free Travel

CHALLENGES

- Overstretched Human Resources
- Inadequate Infrastructure & Legislation
- Limited data
- Restriction of Movement
- Limited Definitions & Criteria
- No harmonisation of issuing and verification procedures

THE FUTURE OF THE CSME

1. Stronger Commitment to Deepening Regionalism
2. Create a regional strategy for security to assist in the development of our CSME with a balance between security and facilitation of travel.
3. Revisiting Contingent Rights Negotiations
4. Creation of a Community Free Movement Policy
5. Strengthen the Office of the CSME Focal Point:
 1. to Monitor Compliance of Regional Integration commitments at the national level
 2. To Assess the impact of the Regional Integration activities and processes that are key to the success of the CSME
6. A Revised CSME Implementation Framework:
 1. Strengthening of Member States implementation mechanisms
 2. Inclusion of regional Associate Institutions