

LEGAL AND PROCEDURAL ASSESSMENT: THE REAPPOINTMENT OF THE CARICOM SECRETARY-GENERAL AT THE 50TH REGULAR MEETING

9 April 2026

INTRODUCTION

This assessment examines the process by which the reappointment of the Secretary-General of the Caribbean Community was handled at the 50th Regular Meeting of the Conference of Heads of Government held in St. Kitts and Nevis from 24 to 27 February 2026. It does so by reference to the Revised Treaty of Chaguaramas and the Rules of Procedure for Meetings of the Conference of Heads of Government, effective 6 July 2016.

This assessment is not about who should serve as Secretary-General. It is not a commentary on the political positions of any Head of Government or Member State, nor a judgment on the personal motivations of any individual. The only question addressed here is whether the rules were followed. That question matters because CARICOM is a rules-based organisation whose authority to bind Member States derives from the Treaty and from compliance with the Rules that its own organs have adopted. When those Rules are not followed, the legitimacy of decisions is undermined, not only for the Member State that raises an objection, but for every Member State and every citizen the Community exists to serve.

There is a risk that this matter will be treated as a political dispute or buried because of wider political differences among Member States. That would be a serious mistake. The procedural concerns raised are grounded in specific, identifiable provisions of the Treaty and the Rules. They would be equally valid regardless of which Member State raised them. If Member States are willing to overlook procedural failures for political reasons, they will have established a precedent far more damaging than any single appointment: that CARICOM's Rules apply selectively, bend under political pressure, and can be dispensed with when inconvenient.

The correct response is straightforward. A mistake was made in the process. It can be rectified. If the reappointment is the right decision, it will be confirmed through a proper process. There is nothing to fear from doing it properly. What is not acceptable is to proceed as though the Rules were followed when they were not, and to treat a Member State's formal legal objection as a political inconvenience rather than a procedural right.

This assessment sets out the governing legal framework, reconstructs what occurred, analyses the procedural failures, and concludes that the matter must be properly addressed, through the Conference or, if necessary, through the Caribbean Court of Justice.

I. THE GOVERNING LEGAL FRAMEWORK

A. The Revised Treaty of Chaguaramas: Articles 24 and 28

Article 24(1) of the Treaty provides that the Secretary-General shall be appointed by the Conference on the recommendation of the Community Council, and may be reappointed by the Conference. Unlike appointment, no Community Council recommendation is specified

for reappointment. The Conference is therefore the sole body with authority over the reappointment decision, and when it exercises that power it must do so through its own proper procedures.

The primary obligation governing how the Conference makes any substantive decision is consensus. Rules of Procedure 24(1), adopted by the Conference under its own authority to regulate procedure pursuant to Article 12(10) of the Treaty, requires that the Conference shall first seek consensus among all Member States before any other step is taken. This is not optional. It is the first and paramount requirement. Every Member State is entitled to be heard and to have genuine agreement sought before any decision is treated as made. Only if consensus cannot be reached does the question of voting arise.

B. The Rules of Procedure (effective 6 July 2016)

The following rules are directly material.

Rule 6 requires items for decision to be placed on the provisional agenda at least one month prior, accompanied by an explanatory memorandum and a proposed decision.

Rule 19 provides that the Conference may meet in plenary, meaning Heads plus delegations, or in caucus, meaning Heads plus one adviser, or Heads only in exceptional circumstances where the Conference so determines. These are the only recognised formats.

Rule 24 provides that the Conference **shall** first seek consensus before any vote is taken. The word "shall" is obligatory. Consensus is the required first step. Voting is the fallback of last resort. Where a vote is taken, decisions must be by unanimous vote. The only qualification is Rule 24(7), which preserves unanimity where at least three-quarters of Members vote in favour. It is significant that the public statement of 25 March 2026 invoked "the required majority" rather than unanimity. That departure from the language Rule 24(2) requires is addressed in Section VI below.

Rule 26 requires working papers for items for decision to contain a draft decision and be circulated at least one month prior.

Rule 27 requires decisions taken in caucus to be ratified in plenary before they are effective, or as practiced frequently, circulated confidentially to all Heads for ratification. Where confirmation is not received within twenty-one days, the decision must be re-submitted to the Conference.

II. THE RETREAT: ITS STATUS AND THE CONSEQUENCES

A. What Constitutes the Conference

The Conference is a legal organ of the Community established by Treaty. Its authority to bind Member States derives from the Treaty and from compliance with the Rules, not from the physical co-presence of some Heads of Government. The Rules set out conditions precedent to the valid exercise of the Conference's decision-making powers. They are not administrative courtesies.

B. The Retreat Formed Part of the Conference

The Retreat's agenda items carried the Conference's own numbering, items 11 and 12, in direct sequence from the plenary sessions. It is only on that point that this analysis supports the position that the Retreat formed part of the 50th Regular Meeting. That is accepted.

If the Retreat was part of the Conference, every Rule governing the conduct of Conference meetings applied to it. The decision on the reappointment taken at the Retreat did not comply with those Rules in the following material respects: the reappointment was not placed on the agenda as a named decision item as required by Rule 6; no working paper containing a draft decision was circulated as required by Rule 26; the consensus-seeking process required by Rule 24(1) was not conducted with five absent Member States; the three-quarters threshold required by Article 28(2) and Rule 24(7) was not met; and the decision was not ratified in plenary or formally circulated to all Heads for confirmation as required by Rule 27. Each of these failures is addressed in detail in the sections that follow.

C. The Heads-Only Format and the Caucus Question

Heads of Government meeting by themselves can validly take decisions. Rule 19(3) expressly permits a Heads-only caucus in exceptional circumstances where the Conference so determines. The composition of the Retreat is not in itself the problem.

The problem is that Rule 19(3) requires the Conference to formally determine that a specific agenda item will be considered in Heads-only format. No such determination was made in respect of the reappointment, because the reappointment was not a named decision item at all. The Heads-only format was agreed for the Retreat through adoption of the Programme of Work. It was not and could not have been agreed for a decision item that no Member State knew was coming.

If the Retreat is to be characterised as a caucus, it must satisfy the requirements of Rule 19(3). The Programme of Work itself confirms that it does not and was not intended to. It uses "Heads plus 1" for restricted sessions on 25 February, which corresponds precisely to the language of Rule 19(3) defining a caucus as "Heads of Government accompanied by one adviser." The Retreat is designated differently as "CARICOM Heads of Government only." Those who prepared the Programme of Work understood and recorded the distinction between a caucus session and the Retreat. That distinction confirms the Retreat was not treated as a caucus within the meaning of Rule 19(3).

D. The Deemed Abstention Argument

It is reported that CARICOM's position is that absent Members absented themselves from that part of the Conference, triggering the deemed abstention under Article 28(3) and Rule 24(8). Five Member States had no Head of Government present at the Retreat: Antigua and Barbuda, The Bahamas, Haiti, Montserrat, and Trinidad and Tobago. So CARICOM's abstention assertion fails on two grounds.

First, the absent Members did not know the reappointment would be decided at the Retreat. Member States knew the Heads-only format required their Head to be present, but they could only ensure that for a decision they knew was coming. **Since the reappointment was not a named decision item, no Member State had the information needed to make that**

judgment. Article 28(3) and Rule 24(8) address informed non-participation, not absence from a session at which a matter not disclosed as a decision item was determined.

Second, the three-quarters threshold under Article 28(2) and Rule 24(7) is measured against the full membership of 15, not merely those present. It requires at least 12 affirmative votes from the full membership regardless of how many Heads attend. **With five Members absent, at most 10 affirmative votes were available. That is 66.7% of the membership, falling short of the required 75%.** The deemed abstentions of absent Members do not count as affirmative votes. They simply do not impair validity, but only if the affirmative votes reach the threshold. They do not. Furthermore, this assumes that all 10 Heads present voted affirmatively. If any Head present abstained or dissented, the affirmative vote count falls below 10, making the "required majority" claim even more difficult to sustain.

There is a further and independent reason why the deemed abstention argument cannot succeed, addressed in Section II.E below.

Verdict: The Retreat formed part of the Conference. Every Conference Rule therefore applied to it. The decision taken there did not comply with those Rules and is not a valid Conference decision.

E. The Treaty Right to Designate Representatives

Article 11(2) of the Treaty provides that any Head of Government may designate a Minister or other person to represent him or her at any Meeting of the Conference. This right is conferred by the Treaty without qualification and cannot be displaced by the Rules of Procedure or the Programme of Work. If the Retreat was a Conference meeting, every Member State had this right. The Heads-only format, which operates at the level of the Rules, cannot extinguish it.

Section II.C accepted that Rule 19(3) can validly create a Heads-only format. That does not conflict with the argument here. Rule 19(3) can only operate legitimately in respect of a properly noticed, named decision item. Where a Member State knows a specific decision will be taken in Heads-only format, it can ensure its Head attends personally and the Article 11(2) right is satisfied. **It is the agenda failure that makes the Article 11(2) violation inevitable here. Because the reappointment was not a named item, Member States had no notice that their Head needed to be present for this decision. They were denied the ability to exercise their Treaty right in either form available to them: by ensuring their Head attended, or by sending a designated representative. The two failures are not separate. The agenda failure caused the Treaty violation.**

The deemed abstention provision under Article 28(3) and Rule 24(8) applies to omission to participate. It cannot apply where a Member State's Treaty right to participate was denied by construct rather than declined.

Two questions arise which the Chairman must answer. First, it has been reported that Trinidad and Tobago was contacted about sending a representative to the Retreat. The Chairman must confirm whether the same invitation was extended to every other absent Member State. A selective invitation extended to one Member but not others would compound the procedural failure materially. Second, the Chairman must state when he became aware that the reappointment would be discussed at the Retreat. If that was known

before or during the plenary or caucus sessions of 25 February, he could have informed all Heads at that stage. The failure to do so, if the decision was already contemplated, is not a procedural oversight. It is a deliberate denial of the notice the Treaty and Rules require.

Verdict: The Heads-only format cannot be reconciled with Article 11(2) of the Treaty where the decision was not a named agenda item. Without notice that the reappointment would be decided at the Retreat, Member States were denied their Treaty right to participate in either form available to them. This is an independent Treaty-level ground of invalidity.

III. WHAT ACTUALLY HAPPENED

The Programme of Work listed the Heads Retreat on 26 February with two agenda items: Geopolitical Developments and Financing and Governance of the Community, followed by "Other issues as raised." The reappointment of the Secretary-General is not named as an agenda item anywhere in the Programme of Work, the Draft Agenda, or the Provisional Annotated Agenda. It is only CARICOM's stated position, advanced after the fact, that places the reappointment under the Financing and Governance item. The Chairman should advise on whether the required paper for the agenda item on 'Finance and Governance Reform of the Community', included the matter of the reappointment of the Secretary-General.

The 2016 reappointment of Secretary-General LaRocque provides a controlling comparison, and it is not the only one. Previous reappointments have followed proper procedure and the Secretariat would do well to make the full record of those precedents available to all Member States and to the Community's citizens. In 2016, the reappointment was listed as a named agenda item "RE-APPOINTMENT OF THE SECRETARY-GENERAL (CAUCUS)," considered in caucus with a specific paper, ratified in plenary, and formally recorded in the Confirmed Decisions document. Every element missing from 2026 was present in 2016.

IV. THE CORE PROCEDURAL FAILURES

Failure 1: The Agenda

It is reported that the Chairman and CARICOM take the position that the reappointment of the Secretary-General was properly on the agenda, on the basis that such matters are usually discussed under the standing agenda item "Financing and Governance of the Community." That position takes the liberty of a fatal assumption: that all Member States should have known that a matter as serious and consequential as the reappointment of the Secretary-General was subsumed within this catch-all item. That assumption cannot stand.

"Financing and Governance of the Community" is a permanent, recurring feature covering the routine financial and operational business of the Community. The reappointment of the Secretary-General occurs once every five years and is among the most consequential decisions the Conference takes. It determines who leads the Community's principal administrative organ for five years. No Member State reading a generic, standing agenda item of this kind would reasonably conclude that a specific five-year appointment decision was contained within it. The assumption that they should have known is not a legal argument. It is the substitution of an assumption for the notice that the Rules expressly require.

In 2016, the reappointment of the Secretary-General was listed as a discrete, named agenda item. Any Head reading that agenda knew unambiguously that this decision was coming and could prepare accordingly. In 2026, no such signal was given. The absence of five Member States from the Retreat cannot be treated as an informed choice to be absent from a known decision. It was absence occasioned directly by the failure to give proper notice.

There is a further dimension. CARICOM is a political organisation. Decisions of consequence are built through bilateral consultations, political positioning, and the informal alignments that happen before Heads enter the room. The placement of a decision item on the agenda is what triggers that process. The reappointment of the Secretary-General has traditionally attracted robust political engagement. Member States have historically exercised their voice freely on questions of Community leadership. That tradition is not incidental to the process. It is part of what gives the outcome legitimacy. By not placing this matter on the agenda as a named decision item, that entire political process was denied to every Member State.

Verdict: The reappointment was not properly on the agenda. The assumption that Member States should have known it was subsumed within a generic standing item is legally and procedurally untenable. The notice failure directly caused the absence of five Members and stifled the political engagement this decision requires.

Failure 2: No Working Paper

Rule 26 is mandatory. Every item for decision must have a working paper containing a draft decision, circulated one month prior. The Financing and Governance paper made no mention of the reappointment so CARICOM's argument that the reappointment should have been known to be discussed under this agenda item fails to meet evidentiary threshold. No separate working paper was circulated. No draft decision was circulated.

Verdict: Rule 26 was not complied with. The absence of any paper confirms the reappointment was not a planned decision item.

Failure 3: Consensus Not Sought

Rule 24(1) is mandatory: the Conference **SHALL** first seek consensus before any vote. Five Member States representing one-third of the membership were absent without given notice that this decision was to be taken. A consensus-seeking process that excludes one-third of the membership because they were never told the matter was on the table is not a consensus-seeking process. It is a decision taken by those present and presented to the absent as a fait accompli.

Verdict: The consensus requirement was not and could not have been observed in respect of five Member States. This is an independent ground of invalidity.

Failure 4: The Three-Quarters Threshold

If, as CARICOM's stated position appears to suggest through the Chairman's public statement, the Conference proceeded to a vote having dispensed with or bypassed the consensus-seeking process required by Rule 24(1), then the threshold invoked to validate that vote demands close scrutiny. The public statement claims the **"required majority" was**

achieved. That claim rests implicitly on the Article 28(2) and Rule 24(7) abstention protection. That protection requires at least three-quarters of the full membership of 15 to vote in favour, meaning at least 12 affirmative votes. It is measured against the full membership, not merely those present.

With five Members absent, at most 10 affirmative votes were available. That is 66.7% of the membership, falling short of the required 75%. The deemed abstentions of absent Members do not count as affirmative votes. They simply do not impair validity, but only if the affirmative votes reach the threshold. They do not. The decision therefore fails the unanimity requirement of Article 28(1) and Rule 24(2) on the numbers alone, independently of all other failures. Furthermore, this assumes all 10 Heads present voted affirmatively. If any Head present abstained or dissented, the affirmative vote count falls below 10, making the "required majority" claim even more difficult to sustain.

Verdict: The three-quarters threshold was not met. Ten votes fall two short of the required twelve.

Failure 5: No Formal Ratification

Rule 27(3) requires decisions taken in caucus to be ratified in plenary. Rule 27(4) requires confidential decisions to be circulated to all Heads for ratification before the close of the Meeting. Neither occurred. It is reported that the Chairman attempted to reach absent Heads by telephone and email as a matter of courtesy. A courtesy call is not formal ratification.

CARICOM has an established practice of circulating decisions to all Member States after meetings to seek confirmation and consensus. Where objections arise, the practice has been to seek consensus before treating the decision as final. That practice was not followed here. When Trinidad and Tobago formally objected within the twenty-one day window under Rule 27(6), the response was not to seek consensus. A public statement was issued asserting the required majority had been achieved. That response is directly contrary to what both the Rules and established practice require.

Verdict: The decision remained unconfirmed as to all five absent Members. Trinidad and Tobago's formal objection required re-submission to the Conference, not a public statement asserting finality.

Failure 6: Exclusion of Designated Representatives in Breach of Article 11(2)

As set out in Section II.E, Article 11(2) of the Treaty grants every Head of Government the right to designate a Minister or other person to represent them at any Meeting of the Conference. This is a Treaty right. It cannot be displaced by the Rules of Procedure or the Programme of Work.

If the Retreat was a Conference meeting, Member States whose Heads were unable to attend retained a Treaty right to participate through a designated representative. The Programme of Work designated the Retreat expressly as "CARICOM Heads of Government only." To the extent that format excluded designated representatives from a decision taken at that meeting, it was inconsistent with Article 11(2). The deemed abstention provision under Article 28(3) and Rule 24(8) applies to omission to participate. It does not apply where a Member State's

Treaty right to send a representative was overridden by a format that the Treaty does not authorise for this purpose.

Two pointed questions arise from this which the Chairman must answer. First, it has been reported that Trinidad and Tobago was contacted about sending a representative to the Retreat. If that is so, the Chairman must confirm whether the same invitation was extended to every other absent Member State, or whether Trinidad and Tobago was the only Government so contacted. A selective invitation, extended to one absent Member but not others, would compound the procedural failure materially. The Programme of Work said Heads only. If that format was relaxed for one Member State, it must be explained why it was not relaxed for all.

Second, the Chairman must state when he became aware that the reappointment of the Secretary-General would be discussed at the Retreat. If that was known before or during the plenary or Caucus (Heads plus 1) sessions of 25 February, there was an available remedy: he could have informed all Heads at that stage, allowing every Member State to ensure either their Head or a designated representative was present and to do their usual informal consultations as is customary. The failure to do so, if the decision was already contemplated at that point, is not a procedural oversight. It is a deliberate denial of the notice the Treaty and Rules require.

Verdict: The decision was taken in a format that excluded participation rights guaranteed by Article 11(2) of the Treaty. Unanswered questions about selective notification and prior knowledge of the Chairman aggravate this failure. This is an independent Treaty-level ground of invalidity.

V. THE PUBLIC STATEMENT OF 25 MARCH 2026

The statement invoked "**the required majority**" rather than unanimity. **Article 28(1) of the Treaty and Rule 24(2) require a unanimous vote.** The phrase "required majority" does not appear in Article 28 or Rule 24 in relation to this non-procedural issue requiring a decision. **That departure from the language the Treaty and Rules actually use is not trivial.**

If the statement invokes Article 28(2) and Rule 24(7), the arithmetic makes the claim untenable. **Three-quarters of the membership requires at least 12 of 15 affirmative votes. With five Members absent, at most 10 votes were available. The claim that the required majority was achieved is arithmetically incorrect by two votes.**

There is also a fundamental internal contradiction. If the required majority was assembled after the Retreat through courtesy notifications, the decision was not taken at a valid Conference session at all. CARICOM cannot have it both ways. Either position leads to the same conclusion.

The statement was not issued until 25 March, nearly four weeks after the Meeting. The 2016 reappointment was recorded in the confirmed decisions without delay. The delayed announcement, apparently coinciding with Trinidad and Tobago's formal objection, raises unresolved questions about when and how the decision was confirmed.

VI. WHAT SHOULD HAVE HAPPENED AND WHAT SHOULD HAPPEN NOW

A. What the Rules Required After Trinidad and Tobago's Formal Objection

Trinidad and Tobago's formal letter of objection of 25 March 2026 is not a political protest. It is a Member State formally declining to confirm an unconfirmed decision. Under Rule 27(6), the Rules required the Secretariat to record that confirmation had not been received and to re-submit the matter to the Conference as a formal agenda item, with a working paper and draft decision. Instead, a public statement was issued asserting finality. That is the precise opposite of what the Rules and CARICOM's own established practice require when a formal objection is received.

The significance of Trinidad and Tobago's objection must be understood in the context of the primary obligation. Rule 24(1) requires the Conference to first seek consensus. That obligation was never discharged in respect of the five absent Member States, because none of them knew the reappointment was to be decided at the Retreat. The question of whether consensus exists cannot be answered without hearing from those whose presence and participation the notice failure denied. Trinidad and Tobago's formal objection is conclusive evidence, if any were needed, that consensus has not been achieved. But the consensus obligation arose and was breached before any objection was lodged. The objection makes the failure visible; it does not create it.

The decision remained unconfirmed as to all five absent Members, not Trinidad and Tobago alone. It is reported that the Chairman's position is that absent Heads were informed of the decision as a matter of courtesy after it was taken. The Rules do not provide for that. Rule 27 requires absent Members to be given a formal opportunity to confirm before the decision is treated as final. Silence in response to a courtesy notification of a *fait accompli* is not confirmation under the Rules.

CARICOM cannot simultaneously assert that the decision was properly taken at the Retreat and that informing absent Members afterward was merely a courtesy. If it was a courtesy, the ratification process required by Rule 27 was never initiated. If the process was complete, it was not a courtesy. Either position leads to the same conclusion: the decision does not validly stand.

What the Rules require is not a public statement asserting finality. It is acknowledgment that a formal objection has been received, that the matter remains unconfirmed, and that it must be re-submitted to the Conference as a properly constituted agenda item with the requisite working paper and draft decision.

B. The Invitation Question Is a Distraction

Public attention has been drawn to the question of which representatives were or were not present, invited, or disinvented at the Retreat. The procedural failures identified in this assessment do not depend on the circumstances of any Member State's absence. They are grounded in the Rules and the Treaty itself: the reappointment was not on the agenda, no working paper was circulated, consensus was not sought, and unanimity was not achieved. Those failures exist regardless of why any Member State was absent. The invitation question is not a legal argument. It is a deflection from the only question that matters: whether the Rules were followed. They were not.

VII. CONCLUSION: A MATTER FOR THE CARIBBEAN COURT OF JUSTICE

This analysis has demonstrated across multiple independent grounds that the process by which the reappointment was handled does not conform to the Treaty or the Rules.

The question is not who should serve as Secretary-General. The only question is whether the rules were followed. The answer is that they were not. The question of who attended the Retreat and the circumstances of any individual's absence are beside the point. The procedural failures are grounded in documents of the meeting, in numbers, and in the Treaty and Rules themselves.

It must be stated plainly. The personal and political views that many in the region hold about the Prime Minister of Trinidad and Tobago are entirely irrelevant to the question before us. Disagreement with a political leader cannot be allowed to cloud judgment about whether the rules of a regional institution were followed. If Heads of Government allow their views of Trinidad and Tobago's Prime Minister to determine whether procedural failures of this magnitude are addressed, they will have confirmed that in CARICOM the rules apply to those we like and not to those we do not. That is not a regional institution. That is a political club. Caribbean citizens deserve better.

There is also a legitimate institutional question that cannot be avoided. The Secretariat carries a specific obligation under Rule 15 to advise and guide the Conference on procedural matters. How did a Conference of Heads arrive at a decision of this consequence through a process with such fundamental failures, without the Secretariat providing the guidance its mandate requires? International civil servants entrusted with the administration of a regional institution must ensure that the processes by which decisions are made conform to the rules that govern it. On the evidence, that responsibility does not appear to have been fully discharged.

If the political process will not resolve this, the matter must go to the Caribbean Court of Justice. The questions are justiciable: was the decision taken in accordance with Articles 11, 24 and 28 of the Treaty and the Rules of Procedure? The CCJ must demonstrate that the Treaty means what it says and that no organ of the Community is above the legal framework that constitutes it. Civil society, regional bar associations, and citizens have the right and responsibility to demand accountability. If the politicians will not act, the Court must be asked to do its job.

CARICOM was built on the premise that small states are collectively stronger under agreed rules. This matter is not about one appointment. It is about whether the Caribbean Community is, in any meaningful sense, a rules-based institution. The stakes are too high to leave unresolved.