



PRIME MINISTER
Republic of Trinidad and Tobago
KAMLA PERSAD-BISSESSAR, SC, MP,
BA (Hons), Dip Ed, LLB (Hons), LEC, EMBA (Dist.)

July 3rd, 2026

The Honourable Phillip J. Pierre
Prime Minister of St. Lucia and Chairman of CARICOM

The Right Honourable Gaston Browne
Prime Minister of Antigua and Barbuda

The Honourable Philip Davis
Prime Minister of The Bahamas

The Honourable Mia Amor Mottley, SC, MP
Prime Minister of Barbados

The Honourable John Briceño
Prime Minister of Belize

The Honourable Roosevelt Skerrit
Prime Minister of Dominica

The Honourable Dickon Mitchell
Prime Minister of Grenada

His Excellency, Dr. Mohamed Irfaan Ali
President of the Co-operative Republic of Guyana

Alix Didier Fils-Aimé
Prime Minister of Haiti

Dr. the Most Hon. Andrew Holness, ON, PC, MP
Prime Minister of Jamaica

The Honourable Reuben Meade
Premier of Montserrat

**The Honourable Dr. Terrance Drew
Prime Minister of St. Kitts and Nevis**

**The Honourable Goodwin Friday
Prime Minister of St. Vincent and the Grenadines**

**Her Excellency Jennifer Simons
President of the Republic of Suriname**

Dear Chairman, Heads of State and Prime Minister Colleagues,

Re: Position and Proposed Way Forward on the Issues Surrounding the Purported Reappointment of the Secretary-General

I write to reaffirm the Government of The Republic of Trinidad and Tobago's unwavering commitment to the Caribbean Community ("CARICOM"), to the ideals of regional integration, and to the rule of law that lies at the heart of our Treaty-based Community. Trinidad and Tobago has always regarded CARICOM as one of the Caribbean's greatest achievements, reflecting our shared history, common aspirations and collective determination to secure a stronger future for the people of CARICOM.

It is in that spirit that I address the issue of the purported reappointment of the Secretary-General Dr. Carla Natalie Barnett. Our concern is not directed towards any individual. It is neither personal nor political. Rather, it concerns the legality of the process adopted, the integrity of our institutions and the faithful observance of the constitutional framework established by the Revised Treaty of Chaguaramas ("the Revised Treaty").

The Government of The Republic of Trinidad and Tobago does not accept the process by which the Secretary-General was purportedly reappointed, and consequently, is unable to recognise the validity of the purported second term of the Secretary-General.

I wish to be very clear: our position is not held to create division within the Community, but to preserve the constitutional order upon which the legitimacy and credibility of CARICOM ultimately depends. Regional unity cannot rest upon expediency and irregular practices masquerading as precedent. It must rest upon adherence to the rules which every Member State has freely accepted and undertaken to uphold.

The Republic of Trinidad and Tobago respectfully sets out below the reasons upon which it considers that the process adopted for the purported reappointment of the Secretary-General was inconsistent with the Revised Treaty and the Rules of Procedure governing the Conference of Heads of Government.

We have also set out our proposals for a final and conclusive determination of the issues arising therefrom by the Caribbean Court of Justice ("the CCJ") by way of an advisory opinion, as well as proposals for interim measures.

A. THE FACTS SURROUNDING THE PURPORTED REAPPOINTMENT OF THE SECRETARY-GENERAL

- (1) **January 16th 2026** - Savingram No. 25 of 2026 circulated Draft Provisional Agenda for the 50th Regular Meeting of the Conference of Heads of Government did not include the issue of the re-appointment of the Secretary-General.
- (2) **January 30th 2026** - Savingram No. 30 of 2026 circulated the Draft Provisional Annotated Agenda did not include the issue of the re-appointment of the Secretary-General.

The Draft Provisional Annotated Agenda listed Agenda Item 12 “***Financing and Governance of the Community***” with the following text:

“The Conference will receive an update on the financial position of Member States with the CARICOM Secretariat as at (31 December 2025) including arrears, and the debt situation. The Paper will present alternative sources of independent financing for the budget of the Secretariat and other Regional Institutions, including an impost on extra-regional imports, consumption taxes and levy on telecommunication services. The Paper will also discuss mechanisms for the transfer of such funds to Regional Institutions.”

- (3) The matter of the re-appointment of the Secretary-General was not included in any of the Working Documents uploaded by the CARICOM Secretariat for Member States.
- (4) **February 24th 2026 at 8:55am** – The CARICOM Secretariat issued the Programme of Work for the Conference.
- (5) **February 25th 2026:** the Honourable Sean Sobers, Minister of Foreign and CARICOM Affairs, participated in a Caucus of Heads of Government plus 1 member of each delegation on behalf of Prime Minister Kamla Persad-Bissessar from 4:30pm to 8:30pm to discuss the following agenda items:

9. Security Issues

9.1 Update from the High-Level Representative on Law and Criminal Justice

10. The Situation in Haiti

13. Border Issues

13.1 Belize-Guatemala

13.2 Belize-Honduras

13.3 Guyana-Venezuela

14. Enlargement of the Community:

14.1 Development of a Caribbean Community (CARICOM) Enlargement Policy

15. Update on applications for Membership and Associate Membership of the Community;

(6) **February 25th 2026:** Minister Sobers became the *de facto* Trinidad and Tobago Head of Delegation and participated as such at the Caucus. At the end of the Caucus meeting, at about 8.35 pm Minister Sobers verbally indicated to the Secretary-General that he would be participating in the Heads Retreat scheduled for the following day.

(7) At about 8.55 am on the morning of **February 26th 2026**, Minister Sobers received the following text on the COFCOR Group Chat from the Secretary-General, which disinvited him and other Ministers from the Heads Retreat:

“Good morning Foreign Ministers. Chairman PM Drew has indicated that today will be a Heads only retreat. Notwithstanding any indication otherwise, he would like it to remain Heads only. He apologizes for any inconvenience. Ministers should therefore remain for the Community Council Meeting to complete its work, including those agenda items from the Heads agenda which Community Council is to consider and provide recommendations to Heads for adoption.”

(8) At about 9.01 am on the morning of **February 26th 2026** The Republic of Trinidad and Tobago’s Director of CARICOM received verbal and, written confirmation via WhatsApp message from the Chef-de-Cabinet detailing the seating arrangements for boat transport to Nevis (the venue of the Retreat) and listing the attendees. Only Heads of Government were listed. The list did not include any representatives of Antigua and Barbuda, the Bahamas and The Republic of Trinidad and Tobago.

(9) The Republic of Trinidad and Tobago, Antigua and Barbuda and The Bahamas were prevented from exercising their Treaty right to be represented through duly designated representatives at the meeting during which the reappointment of the Secretary-General was discussed.

(10) Later in the morning of **February 26th, 2026**, out of an abundance of caution, Minister Sobers instructed Trinidad and Tobago’s Director of CARICOM to contact the Chef-de-Cabinet to verify the aforementioned arrangements relayed via the WhatsApp message set out at paragraph 8 above. The Chef-de-Cabinet was contacted and responded verbally verifying those arrangements, and reminded that Foreign Ministers should attend the Community Council Meeting as previously advised by the Secretary-General.

(11) **February 27th 2026:** Minister Sobers participated in the Final Segment of the Plenary Session and Closing Session of the Conference.

(12) The purported reappointment was neither identified as an express agenda item nor included within any Working Paper circulated for consideration by the Conference. Rules 27.2 and 27.3 of the Rules of Procedure distinguish between matters properly notified in advance and those introduced during the course of proceedings. Where a matter is introduced during the Meeting, the Rules require that the proposed decision be circulated and confirmed by the Conference in Plenary before it becomes effective. No such confirmation occurred.

- (13) The purported decision was never circulated for approval in Plenary, never confirmed by the Conference in accordance with the Rules of Procedure and never formally adopted before the Meeting concluded. Neither a subsequent communiqué nor a public announcement can substitute for the constitutional requirement of Plenary confirmation. Accordingly, the purported reappointment remained procedurally incomplete and never attained legal effect under either the Revised Treaty or the Rules of Procedure.
- (14) **March 1st 2026:** Closing Press Conference was held and no mention was made of the decision to reappoint the Secretary-General. In addition, a Joint Communiqué was released without any mention of a decision to reappoint the Secretary-General.
- (15) **March 2nd 2026:** Savingram 89 of 2026 dated March 2nd 2026 circulated the Summary of Unconfirmed Decisions of the Conference, with no mention of the decision taken at the Retreat to reappoint the Secretary-General.
- (16) **March 24th 2026:** Dr. Terrence Drew, Prime Minister of St. Kitts and Nevis and then Chair of the Conference of Heads of Government of the Caribbean Community, telephoned Minister Sobers and informed him that the Retreat discussed the re-appointment of the Secretary-General and decided that the Secretary-General should be reappointed. Dr. Drew asked Minister Sobers for The Republic of Trinidad and Tobago's position on the matter. Minister Sobers indicated that he would ascertain the views of the Cabinet and the Honourable Prime Minister of the Republic of Trinidad and Tobago and subsequently revert to Dr Drew.
- (17) **March 25th 2026:** the CARICOM Secretariat issued a statement on social media announcing the reappointment of the Secretary-General Dr. Carla Barnett.
- (18) **March 25th 2026:** Minister Sobers wrote to Dr. Terrence Drew, as then Chair of CARICOM to place on record The Republic of Trinidad and Tobago's disagreement with, and objection to the reappointment of the Secretary-General.
- (19) **March 31st 2026:** Minister Sobers wrote to Dr. Terrence Drew, as Chair of CARICOM requesting certain information and documents relative to the process utilised in the reappointment of the Secretary-General.
- (20) **March 31st 2026:** The Permanent Secretary in the Ministry of Foreign and CARICOM Affairs wrote to the Chef-de-Cabinet requesting certain information and documents relative to the process utilized in the reappointment of the Secretary-General.
- (21) **April 8th 2026:** Dr. Terrence Drew, as Chair of CARICOM wrote to the Hon. Prime Minister of The Republic of Trinidad and Tobago attempting to explain the events leading up to the decision to reappoint the Secretary-General, and informed of a Special Emergency Meeting of the Conference of Heads of Government of CARICOM scheduled for April 10th 2026. Minister Sobers was instructed by the Hon. Prime Minister of The Republic of Trinidad and Tobago to respond to this letter.
- (22) **April 9th 2026:** Minister Sobers wrote to Chairman Dr. Terrence Drew, responding to his letter to the Hon. Prime Minister dated April 8th 2026. Minister Sobers disagreed with Dr. Drew's explanations.

Minister Sobers reiterated The Republic of Trinidad and Tobago's objections to the reappointment and repeated the prior request for certain information and documents relative to the process utilized in the reappointment of the Secretary-General.

(23) **April 10th, 2026:** Chairman Dr. Terrence Drew issued a Statement indicating that the purported reappointment of the Secretary-General was subsumed under the broad heading "Financing and Governance of the Community."

(24) **April 17th 2026:** The Chef-de-Cabinet wrote to the Permanent Secretary in the Ministry of Foreign and CARICOM Affairs providing certain items of information which were previously requested relative to the process utilised in the reappointment of the Secretary-General.

(25) **May 7th 2026:** The Permanent Secretary in the Ministry of Foreign and CARICOM Affairs wrote to the Chef-de-Cabinet reminding that The Republic of Trinidad and Tobago had yet to receive information, requested on several occasions, about a number of items relative to the process utilised in the reappointment of the Secretary-General.

(26) **May 8th 2026:** The Chef-de-Cabinet responded in writing to the Permanent Secretary in the Ministry of Foreign and CARICOM Affairs expressing *inter alia* the Secretariat's inability to provide details of what she described as "*closed deep-Caucus discussions of the Conference, such as the Retreats.*"

(27) **May 08th, 2026:** At an Intersessional Meeting of the Conference held on 8 May 2026, the issue of the "*Confirmation of the decision to reappoint the Secretary-General, based upon the improper decision adopted at the Retreat at the St. Kitts and Nevis Conference*", was placed before the Heads of Government at the request of Montserrat. During that Meeting, the Conference discussed in caucus the purported reappointment and reaffirmed the position reflected in the Chair's Statement issued on 25 March 2026. Significantly, however, the Conference also expressly noted that The Republic of Trinidad and Tobago was not a party to the decision to reappoint Dr. Carla Barnett.

(28) **May 13th 2026:** The Permanent Secretary in the Ministry of Foreign and CARICOM Affairs wrote to the Chef-de-Cabinet requesting advice on the practice of reporting of decisions of CARICOM relative to the appointment of a Secretary-General and any practice followed on how such decisions are taken (whether by consensus or majority vote).

(29) **May 21st 2026:** The Chef-de-Cabinet wrote to the Permanent Secretary in the Ministry of Foreign and CARICOM Affairs acknowledging receipt of his letter dated May 13th 2026 and promised a response "*in due course*".

(30) **9th June 2026:** the CARICOM Secretariat issued a Savingram, dated 9th June 2026, Savingram No. 251, which contained the Summary of Unconfirmed Decisions of the Intersessional Meeting held on the 8th May, 2026, and requested that Member States indicate their amendments if necessary on or before the 30th June 2026. The Republic of Trinidad and Tobago, by Diplomatic Note dated 23rd June 2026, formally requested that the Summary of Unconfirmed Decisions be amended to record accurately its position, namely that The Republic of Trinidad and Tobago objected to the process by which Dr. Carla Barnett had purportedly been reappointed as Secretary-General.

B. THE ISSUES THAT HAVE ARISEN (THE PROPOSED ISSUES)

The core issues that have arisen as a result of the process adopted in the purported reappointment of the Secretary-General are set out as follows:

- (1) **Whether the gathering described as a "Heads Retreat" held on 26 February 2026 on the island of Nevis constituted a meeting of the Conference having the power to appoint or reappoint a Secretary-General)?**
- (2) **Whether the reappointment of the Secretary General requires as a mandatory condition precedent, a recommendation from the Community Council and if so, whether the failure to obtain such recommendation renders such reappointment unlawful, null, void and/or of no legal effect?**
- (3) **Whether the purported decision taken by what the Chair, in his 25 March 2026 press release, described as "*the required majority of CARICOM Heads of Government*" was validly taken to reappoint the Secretary General, having regard to the non-participation of The Republic of Trinidad and Tobago, Antigua and Barbuda and the Bahamas and/or the failure to adequately notify member states of the proposed decision?**
- (4) **Whether the participation of the Secretary-General and/or the General Counsel in the process of purported reappointment vitiated the decision to reappoint?**

C. THE LAW AND APPLICATION TO THE FACTS

(1) *Reappointment at a Retreat rather than by the Conference*

Article 24 of the Revised Treaty expressly gives the power to appoint and reappoint the Secretary-General to the Conference, not by a Retreat, caucus or informal gathering of Heads of Government. While a Retreat may lawfully facilitate confidential discussion, it cannot replace the constitutional institution designated by the Revised Treaty to exercise the power of appointment.

The Rules of Procedure regulate the manner in which the Conference conducts its deliberations, but do not alter the institutional authority established by the Revised Treaty. Accordingly, where the decision itself was taken at the Heads-only Retreat rather than by the Conference acting in accordance with Articles 11 and 24 of the Revised Treaty, the reappointment was made by a body lacking the constitutional competence to exercise that power and was therefore inconsistent with the Revised Treaty.

It appears from:

- (i) the contemporaneous email and Savingram evidence;
- (ii) the statement of the Chair after the fact dated 11 April 2026;
- (iii) the conspicuous absence the formal record of decision to reappoint the Secretary General coming out of the Conference as required by the procedural rules (Rule 27(5));

- (iv) the absence of any decision circulated under confidential cover to the Hon. Prime Minister of The Republic of Trinidad and Tobago for ratification prior to the end of the Fiftieth Meeting (Rule 27(4)); and
- (v) the fact that the proposal for the reappointment of the Secretary General was never circulated as an item for decision at least 1 month prior to the commencement of the Conference (Rule 26(1))

that the Heads Retreat was not a meeting that legally constituted a Conference and/or indeed a caucus, for the purposes of exercising the Article 24(1) of the Revised Treaty power to reappoint the Secretary-General of CARICOM.

At paragraph 1 of the first Attachment to the Statement of the Chairman of CARICOM dated April 11th 2026, there appeared the following:

*“In preparation for the 50th Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM) which was held in St Kitts and Nevis from 24-27 February 2026, all Member States were duly informed of the Official Events, the Draft Agenda of the Conference and the Programme of Work **indicating which Agenda Items were to be taken in Plenary sessions, in Caucus and in Retreat of Heads only.**” (emphasis added)*

It is clear that the Retreat of Heads was seen as something separate and apart from the plenary session of the Conference or a Caucus under Rule 19(3) of the Rules of Procedure for Meetings of the Conference of Heads of Government of the CARICOM.

The powers conferred by a constitutive treaty upon an institutional organ must ordinarily be exercised in the manner prescribed by the treaty. CARICOM organs possess only those powers conferred by the Revised Treaty, and must exercise them consistently with its institutional framework. Where a treaty creates an organ and specifies how that organ is composed and how it acts, compliance with those requirements is ordinarily a condition of validity rather than administrative convenience. Substance prevails over nomenclature. A body cannot avoid treaty obligations merely by changing labels. Equally, a gathering cannot acquire treaty powers merely because participants overlap with those who ordinarily constitute the treaty organ.

Article 11(2) of the Revised Treaty identifies a fundamental attribute of a meeting of the Conference. Article 11 of the Revised Treaty does more than describe attendance. It establishes a procedural entitlement. Article 11(2) of the Revised Treaty provides: *“Any Head of Government may designate a Minister or other person to represent him or her at any Meeting of the Conference.”* This provision is significant. It does not say that representation may occur at the discretion of organisers. It does not say that attendance must be personal. It creates an institutional right attached to Meetings of the Conference. The ability to designate a representative therefore becomes part of the legal architecture of the Conference. Accordingly, a gathering from which that right is excluded may cease to satisfy the definition of a Meeting of the Conference.

(2) ***Absence of an Express Agenda Item***

The purported reappointment of the Secretary-General did not appear as a separate item on either the Provisional Agenda or the Programme of Work circulated to Member States. Instead, it is alleged to have been subsumed under the broad heading "*Financing and Governance of the Community.*"

The Draft Provisional Annotated Agenda listed the Agenda Item 12 "*Financing and Governance of the Community*" with the following text:

"The Conference will receive an update on the financial position of Member States with the CARICOM Secretariat as at (31 December 2025) including arrears, and the debt situation. The Paper will present alternative sources of independent financing for the budget of the Secretariat and other Regional Institutions, including an impost on extra-regional imports, consumption taxes and levy on telecommunication services. The Paper will also discuss mechanisms for the transfer of such funds to Regional Institutions."

Rules of Procedure, Rule 26(1) makes it mandatory for a proposal for such an important and substantial decision as the reappointment of the Secretary-General, would be circulated as an item for decision at least 1 month prior to the commencement of the Conference. This was never done.

Significantly, the Communique issued following the Meeting likewise contained no reference whatsoever to the reappointment of the Secretary-General under that agenda item, as per the "*Communique – Fiftieth Regular Meeting of the Conference of Heads of Government of CARICOM | 24 -27 February 2026*" released by CARICOM on March 1, 2026:

"Heads of Government agreed to establish a special committee comprising the Honourable Mia Amor Mottley, Prime Minister Barbados; Honourable Roosevelt Skerritt, Prime Minister, Dominica; His Excellency Dr Mohamed Irfaan Ali, President, Guyana; and Dr the Most Honourable Andrew Holness, Prime Minister, Jamaica, to review the governance and financing of Community institutions."

That omission deprived Member States of the opportunity to prepare for deliberation upon a matter affecting one of the highest constitutional offices within the Community.

Any suggestion that past practice dispenses with the need to identify such an important constitutional question expressly on the Agenda, cannot be reconciled with the principles of openness, legality and informed participation which underpin the Revised Treaty. Further, wrong past practice cannot be used to validate present wrong practice - "two wrongs do not make a right".

(3) ***Failure to Engage the Community Council***

Article 24 of the Revised Treaty establishes a mandatory constitutional sequence whereby the Community Council first makes a recommendation before the Conference may appoint or reappoint a Secretary-General.

No recommendation was sought or obtained from the Community Council before the purported reappointment. This requirement is neither procedural nor optional. It forms an essential constitutional safeguard intended to ensure that the Conference exercises its appointing authority only after receiving the institutional advice contemplated by the Revised Treaty. A reappointment is not a separate constitutional process; it forms part of the same appointment mechanism established by Article 24 of the Revised Treaty, and is therefore subject to the same mandatory requirements.

By bypassing the Community Council, the constitutional balance established by the Revised Treaty was displaced, and the Conference purported to exercise a power that had not yet been lawfully engaged.

(4) *Exclusion of Designated Representatives*

Article 11(2) of the Revised Treaty confers upon every Head of Government an unqualified right to designate a Minister or other representative to attend any Meeting of the Conference.

Pursuant to a WhatsApp communication circulated on 26th February 2026 at 8:55 a.m. to the Council for Foreign and Community Relations (COFCOR) Group, participation in the Retreat was restricted to Heads of Government only.

As a consequence, The Republic of Trinidad and Tobago, Antigua and Barbuda and The Bahamas were prevented from exercising their right under the Revised Treaty to be represented through duly designated representatives, at the meeting during which the reappointment of the Secretary-General was discussed.

Out of an abundance of caution Minister Sobers instructed his Director of CARICOM to contact the CARICOM Secretariat to verify the instructions relayed via the WhatsApp Group, to which the Chef-de-Cabinet responded in the positive. Consequently, there was no doubt in the minds of The Republic of Trinidad and Tobago's Delegation that even though their Foreign Minister was Head of Delegation, he was not invited (in fact he was disinvented) to attend the Retreat, as he was not a Head of Government.

The exclusion of designated representatives was inconsistent with Article 11(2) of the Revised Treaty and the Rules of Procedure, which preserve the right of accredited representatives to participate whenever the Conference exercises its constitutional decision-making authority. The validity of any decision reached under circumstances in which Member States were unlawfully deprived of representation, must therefore be seriously questioned.

(5). *Flawed Voting Procedure - Lack of Unanimity*

Articles 24 and 28 of the Revised Treaty establish a single constitutional framework governing both the appointment and reappointment of the Secretary-General. While Article 24 identifies the Conference as the appointing authority, Article 28 prescribes the applicable voting requirement by

providing that, save where otherwise expressly provided, decisions of the Conference require the affirmative vote of **all** Member States, that is, a unanimous decision.

Article 28(2) of the Revised Treaty creates a carefully limited exception where unanimity is absent solely because one or more Member States are absent. In those circumstances only, a valid decision can be rendered, provided Member States constituting three-quarters of the total membership vote affirmatively. Article 28(3) of the Revised Treaty further distinguishes abstention from opposition, by providing that a failure to participate constitutes an abstention, rather than a vote against.

The Treaty therefore draws a deliberate constitutional distinction between an abstention and a negative vote. Where there is a vote against, the requirement of an affirmative vote of all Member States is no longer satisfied, and Article 28(2) of the Revised Treaty cannot be invoked to preserve the decision. Accordingly, while abstentions may in limited circumstances be accommodated by the Revised Treaty, an opposing vote prevents the formation of the unanimity required by Article 28 of the Revised Treaty. Opposition is fatal.

In *Advisory Opinion No. AOOJ2019/001* concerning Article 28 of the Revised Treaty, the CCJ recognised that the voting formula prescribed by Article 28 of the Revised Treaty is not merely procedural but confers substantive legal rights upon Member States. The court stated at paragraph 59 of that judgment that:

“Significantly, under Article 28 of the RTC, as stated earlier, the Conference may take decisions only by an affirmative vote of all its Members although an abstention will not impair the validity of decisions if three-quarters of the membership of the Community vote in favour of such decisions. This formula for voting in the Conference effectively accords to each Member State the power to veto a proposal that might otherwise have become a decision of the Conference.”

A vote against a proposal operates as a veto preventing the adoption of the decision, whereas abstentions serve as a distinct device by which consensus may be preserved, without displacing the unanimity requirement embodied in Article 28 of the Revised Treaty.

Equally, the constitutional threshold cannot be reduced merely because Member States were absent or unlawfully excluded from participation. Trinidad and Tobago was prevented and/or discouraged from participating through its designated representative, and there was a conspicuous failure and/or neglect to give prior specific notification that a proposal for reappointment would be considered at the “Heads Retreat”.

In his 11th April 2026 statement, the then CARICOM Chair had stated:

“During the Retreat, under the Agenda item, Financing and Governance of the Community, Heads decided to consider the reappointment of the Secretary General and agreed to the reappointment as provided for under Article 24 of the Revised Treaty of Chaguaramas. The Secretary General was not in the room during the discussion of this matter.”

The above statement demonstrates that the decision to reappoint was an *ad hoc* decision and did not form part of the original agenda of the Conference, and also that the Heads were not notified in advance that such a decision was to be taken.

Antigua and Barbuda and The Bahamas were similarly denied representation, whilst Haiti and Montserrat were absent. Consequently, only 10 of the 15 Member States participated in the purported decision, representing only a two-thirds majority. The significance of this is that the Revised Treaty recognises a two-thirds majority only in Article 27(6), which provides that:

"Recommendations of Community Organs shall be made by a two-thirds majority of Member States and shall not be legally binding. Member States omitting to comply with recommendations shall inform the Secretariat in writing within six months stating the reasons for their noncompliance."

That provision has no application to the appointment of a Secretary-General. It applies only to recommendations made by Community Organs and expressly provides that such recommendations are not legally binding. The reappointment of a Secretary-General is not a recommendation. It is a binding constitutional decision of the Conference of Heads of Government.

Accordingly, the constitutional voting requirement prescribed by Article 28 of the Revised Treaty nevertheless remained unchanged, requiring unanimity, and an affirmative vote of **all Member States**, subject only to the limited exception for abstentions contained in Article 28(2). Given the purposeful absence of Haiti and Montserrat, Article 28, read together with *Advisory Opinion No. AOOJ2019/001*, required a three-quarters majority of all 15 Member States, namely 12 **affirmative** **votes**.

The purported approval by only 10 Member States falls short of that threshold prescribed in Article 28 of the Revised Treaty, and cannot satisfy the majority required by the Revised Treaty.

(6) *Failure of Plenary Approval*

The purported reappointment was neither identified as an express agenda item, nor included within any Working Paper circulated for consideration by the Conference. Rules 27.2 and 27.3 of the Rules of Procedure distinguish between matters properly notified in advance and those introduced during the course of proceedings. Where a matter is introduced during the Meeting, the Rules require that the proposed decision be circulated and confirmed by the Conference in Plenary, before it becomes effective. **No such confirmation occurred.**

The purported decision was never circulated for approval in Plenary, never confirmed by the Conference in accordance with the Rules of Procedure, and never formally adopted before the Meeting concluded. Neither a subsequent communiqué, nor a public announcement can substitute for the constitutional requirement of Plenary confirmation. Accordingly, the purported reappointment remained procedurally incomplete and never attained legal effect under either the Revised Treaty or the Rules of Procedure.

(7) ***Subsequent Conduct of the Conference Demonstrates that No Binding Consensus Existed***

The events following the February Meeting reinforce, rather than diminish the constitutional concerns surrounding the purported reappointment. At the Intersessional Meeting of the Conference held on 8th May 2026, the issue of the “*Confirmation of the decision to reappoint the Secretary-General, based upon the **improper decision** adopted at the Retreat at the St. Kitts and Nevis Conference*”, was placed before the Heads of Government at the request of Montserrat.

During that Meeting, the Conference discussed in caucus the purported reappointment and reaffirmed the position reflected in the Chair's Statement issued on 25 March 2026. Significantly, however, the Conference also expressly noted that The Republic of Trinidad and Tobago was not a party to the decision to reappoint Dr. Carla Barnett.

Had a valid constitutional decision already been made, there would have been no reason to formally record that one Member State did not regard itself as having participated in, or assented to, that decision.

The subsequent conduct of the Conference therefore confirms that the constitutional validity of the purported appointment remained unresolved rather than settled.

Following that Meeting, the CARICOM Secretariat issued a Savingram, dated 9th June, 2026, Savingram No. 251, which contained the Summary of Unconfirmed Decisions of the Intersessional Meeting held on the 8th May, 2026, and requested that Member States indicate their amendments if necessary on or before the 30th June 2026.

By Diplomatic Note dated 23rd June 2026, the Republic of Trinidad and Tobago formally requested that the aforesaid Summary of Unconfirmed Decisions be amended to record accurately its position, namely that The Republic of Trinidad and Tobago objected to the process by which Dr. Carla Barnett had purportedly been reappointed as Secretary-General. The proposed amendments were accepted by the CARICOM Secretariat.

That request further demonstrates that the dispute concerns the legality of the constitutional process, rather than the individual appointed, and confirms that this matter remains one of continuing constitutional controversy within the Community.

(8) ***Irregular Post-Meeting Notifications Cannot Cure Constitutional Defects***

After the conclusion of the February 2026 50th Meeting of the Conference, the procedural deficiencies identified above were compounded by the attempt to communicate the purported decision through correspondence issued by the Chair of the Conference dated 8th April 2026 to the Prime Minister of The Republic of Trinidad and Tobago.

In that aforementioned letter of 8th April 2026, the Chair wrote to the Prime Minister of The Republic of Trinidad and Tobago indicating that as a matter of courtesy, he had contacted those

Heads of Government who had been absent to inform them of the decision that had purportedly been taken to reappoint the Secretary-General. Respectfully, that procedure is inconsistent with both the Revised Treaty and the Rules of Procedure.

Rule 27 establishes a comprehensive and mandatory procedure for recording and confirming the Conference's decisions. Responsibility for preparing and circulating the Summary of Conclusions rests upon the Secretary-General, not upon the Chair of the Conference. That Summary constitutes the authoritative institutional record of the decisions, recommendations and resolutions adopted by the Conference. It is also required to distinguish between confirmed and unconfirmed decisions.

The Rules further provide that where matters are considered in caucus, any decision reached must be brought before the Conference in plenary for confirmation before becoming effective. Only in exceptional circumstances involving sensitive matters, may a confidential record be circulated by the Secretary-General to Heads of Government for ratification before the conclusion of the Meeting. These procedural safeguards serve important constitutional purposes. They ensure transparency, legal certainty, institutional accountability and equality of treatment among Member States. Every Member State is entitled to receive the same authoritative record of the decisions of the Conference through the mechanism prescribed by the Rules.

Accordingly, informal notifications issued by the Chair after the Meeting cannot substitute for the Summary of Conclusions required by Rule 27, nor can courtesy communications, weeks after the Meeting, retrospectively validate a decision that had not been confirmed in accordance with the Rules before the Meeting concluded. To hold otherwise, would permit constitutional decisions of the Conference to be created or confirmed through informal correspondence, rather than through the procedures established by the Revised Treaty and the Rules of Procedure. Such an approach would undermine legal certainty, create uncertainty concerning the status of Conference decisions, and erode the institutional safeguards carefully established to preserve the integrity of CARICOM's decision-making process.

The distinction between the constitutional functions of the CARICOM Chair, and those of the Secretary-General is deliberate and fundamental. The CARICOM Chair presides over the deliberations of the Conference. Quite separately, the Secretary-General is entrusted with the official responsibility for accurately recording and communicating the Conference's decisions. Those separate functions cannot be combined, without undermining the constitutional architecture established by the Revised Treaty.

(9) *Participation of the Secretary-General in the Administrative Process*

The CARICOM Chair's statement dated 10th April 2026, indicated that the Secretary-General was not in the room of the Heads Retreat when they were discussing her reappointment.

However, the Secretary-General participated in the administrative arrangements governing the process. In particular, she communicated that it was the Chair's direction to restrict attendance at the Retreat to Heads of Government only, which directly affected whether designated

representatives of Member States, including The Republic of Trinidad and Tobago, would be permitted to attend.

The law is clear that no person must be a judge in their own cause. In particular, an office-holder such as the Secretary-General, whose own appointment or reappointment is under consideration, must not participate in any aspect of the administration of that process. That obligation extends beyond abstaining from participating in the discussions. It includes avoiding participation in procedural arrangements capable of affecting the conduct of the decision-making process itself. This is exactly what the Secretary-General did when she communicated administrative arrangements for the Heads Retreat to Delegations.

The Secretary-General's conflict of interest by her said participation in the administration of the reappointment process is inconsistent with the principles of institutional impartiality, procedural fairness and good administration that govern appointments to the highest offices of the Community.

(10) *Failure of the Office of the General Counsel to Provide Appropriate Legal Guidance*

Further, the constitutional significance of appointing the Secretary-General, who is the chief administrative officer of the Community, requires scrupulous adherence to the Revised Treaty and the Rules of Procedure. In those circumstances, it was the responsibility of the the Office of the General Counsel to ensure that the constitutional requirements governing representation, agenda, voting, participation, confirmation of decisions and the role of the Community Council were fully observed.

Had appropriate legal guidance been provided at the relevant stages, many of the procedural irregularities now giving rise to controversy could have been avoided altogether. The apparent absence of such guidance contributed materially to the procedural deficiencies identified above and has unnecessarily placed the legality of the purported reappointment in issue.

D. DETERMINATION OF THE ISSUES BY ADVISORY OPINION OF THE CCJ

The issues surrounding the purported reappointment of the Secretary-General have caused much discomfort and dissonance in the CARICOM.

Consequently, The Republic of Trinidad and Tobago, believing in the values of the CARICOM, and wishing to strengthen, rather than weaken its institutions, proposes that this matter be resolved through the legal mechanism established by the Revised Treaty itself, by way of a reference to the CCJ for an advisory opinion, in circumstances where there is a genuine dispute concerning the legality of the purported reappointment of the Secretary-General.

That legal mechanism for resolving disputes in the CARICOM is Article 212 of the Revised Treaty, which expressly provides that:

"(1) The Court shall have exclusive jurisdiction to deliver advisory opinions concerning the interpretation and application of the Treaty.

(2) Such opinions shall be delivered only at the request of the Member States parties to a dispute or the Community."

An advisory opinion from the CCJ pursuant to Article 212 of the Revised Treaty would provide an authoritative and impartial interpretation of the relevant Treaty provisions, preserve institutional continuity, and furnish the certainty and legitimacy necessary for the Community to move forward together, with confidence and mutual respect.

The following dicta of the CCJ in its *Advisory Opinion No. AOOJ2019/001 [2020] CCJ 1 (OJ)(AO)* at paragraphs 1 and 2 is instructive:

"The process for dealing with advisory opinion requests is neither adversarial nor contentious. Invariably, the factual background to the questions is agreed so that the Court's remit extends to hearing submissions from interested persons and furnishing a comprehensive legal opinion in answer to the questions submitted.

Requests for an advisory opinion provide opportunities for a principled interaction between the Court, on the one hand, and Member States and the Community on the other. The latter may obtain the Court's advice on whether specific policies or procedures, established or proposed, are in conformity with Community Law. This dialogue helps to assure the integrity of the RTC, clarify its provisions and promote public trust and confidence in CARICOM and the Court."

The framers of the Revised Treaty wisely recognised that disagreements concerning the interpretation of our constitutional instruments should be resolved by law, rather than by competing political interpretations. Therefore, resorting to the CCJ is not an act of confrontation. It is an affirmation of the very constitutional architecture that Member States created to safeguard the integrity of the Community. Regional integration depends upon trust, predictability, fidelity to agreed legal principles, and the rule of law.

Over the decades, CARICOM has strengthened cooperation, deepened solidarity, and amplified the collective voice of the Caribbean in the international community. Those achievements can only endure where the institutions of CARICOM are administered transparently and consistently with the Revised Treaty, and with the legal framework to which every Member State has committed itself.

The Republic of Trinidad and Tobago respectfully submits that having regard to all of the foregoing, and in all of the circumstances, the continuing absence of a formal and Treaty-compliant record of the purported decision to reappoint the Secretary-General, and the failure of subsequent meetings to achieve consensus on these issues, the mechanism of an Advisory Opinion from the CCJ is both timely and essential.

Consequently, The Republic of Trinidad and Tobago respectfully proposes that the Conference of Heads of Government agree:

(i) in accordance with Article 212 of the Revised Treaty to request the CCJ to render an advisory opinion on the aforesaid issues which have arisen relating to the purported reappointment of the Secretary-General.

(ii) to take the necessary steps to urgently refer to the CCJ for an advisory opinion on the several issues as set out above in this letter.

(iii) that CCJ be requested to deliver its opinion in the shortest possible time.

(iv) that all Member States are to abide by the Court's determination.

Such a course would reaffirm our collective commitment to the rule of law, reinforce confidence in the Community's institutions, and demonstrate that even where Member States differ, CARICOM remains united by its shared respect for law, justice, and democratic governance.

E. RECUSAL OF THE SECRETARY-GENERAL AND GENERAL COUNSEL

There is substantial legal basis for concluding that both the Secretary-General and the General Counsel should recuse themselves from every aspect of CARICOM's consideration with respect to a referral to the CCJ seeking an Advisory Opinion on the Secretary-General's purported reappointment.

The Secretary-General should recuse herself because the proposed Advisory Opinion directly concerns the legality of her own reappointment, and consequently, her own tenure of office. She has a direct personal and legal interest in the subject-matter of the proposed proceedings. That alone is sufficient to require her withdrawal from every stage of the proposed CCJ proceedings.

Furthermore, the Secretary-General's prior participation in aspects of the reappointment process gives rise to a separate basis for recusal. Her involvement in administrative arrangements surrounding the Retreat and her involvement in the subsequent institutional explanation of the process, create a conflict between her official responsibilities and her personal interest in the outcome. Those circumstances also give rise to a reasonable apprehension of apparent bias and undermine the institutional independence required of a referral concerning her own reappointment.

In addition, there is a credible and legally supportable basis for concluding that the General Counsel should likewise recuse herself. If she advised upon, approved or otherwise participated in any of the legal issues arising during the reappointment process, her continued involvement in determining whether that process should be referred to the Court, would give rise to a professional conflict of interest, and a reasonable question as to the independence of her legal advice. Equally, if her previous advice or involvement becomes relevant to the proposed proceedings, she may be placed in the position of advising upon matters in which her own earlier legal advice may itself be subject to scrutiny.

Consequently, it is our respectful position that neither the Secretary-General nor the General Counsel should advise upon, facilitate, prepare or otherwise participate in the proposed referral to the CCJ.

The decision whether to seek an Advisory Opinion, the formulation of the questions to be referred, the preparation of the factual record and all legal advice relating to the proposed proceedings should instead be undertaken by independent persons acting directly under the authority of the Conference of Heads of Government. Such an approach will be most consistent with the requirements of natural justice, institutional impartiality, good administration and the preservation of public confidence in the legality and integrity of CARICOM's decision-making processes.

F. INTERIM ARRANGEMENTS PENDING ADVISORY OPINION

Further, in light of the significant constitutional questions arising from the 2026 purported reappointment process, and recognising the importance of preserving both the continuity of the Community's administration and the integrity of the constitutional order established by the Revised Treaty, The Republic of Trinidad and Tobago respectfully proposes:

1. Should the current tenure of the incumbent Secretary-General end before the determination of these issues by the CCJ in its Advisory Jurisdiction, the Conference of Heads of Government would engage Dr. Carla Barnett on a month-to-month basis until such determination. Such an interim extension should be expressly stated to be without prejudice to the legal rights or positions of any Member State, and should not be construed as affirming the validity of the impugned reappointment process.
2. Pending the determination of the advisory proceedings:
 - (a) the incumbent Secretary-General shall fully recuse herself from the exercise of any authority whatsoever or take any decision directly or indirectly, regarding the said advisory proceedings. Responsibility for such action shall be vested entirely in the Deputy Secretary-General or some other independent person/body; and
 - (b) The General Counsel shall recuse herself from the matter of the advisory opinion in light of her primary role as an advisor to the Secretary-General, who is subject to the proposed advisory opinion.
3. The proposed questions of interpretation arising under the Revised Treaty of Chaguaramas to the CCJ be urgently referred for an expedited advisory opinion pursuant to Article 212 of the Revised Treaty.

Given the constitutional significance of the issues and their implications for the governance of the Community, the Court should be requested to hear and determine the reference on an urgent basis.

4. The Republic of Trinidad and Tobago further supports the fullest possible participation in those proceedings by all Member States, Community Organs, Associate Members where appropriate, and such other persons or institutions possessing a sufficient legal or institutional interest as the Court may permit, including the University of the West Indies and other recognised experts in Community Law.

In this regard, the Conference should further request that the CCJ facilitate the fullest possible participation in the advisory proceedings, consistent with its Rules governing intervention and participation by interested parties. *The Caribbean Court of Justice (Original Jurisdiction) Rules 2024, Rule 17.2 provides:*

“A Member State, the Community or a person having a substantial interest of a legal nature which may be affected by a decision of the Court in the exercise of its original jurisdiction, may apply to the Court to intervene.”

5. Pending the determination of the advisory proceedings, no irreversible administrative or contractual steps should be taken pursuant to the purported reappointment beyond those strictly necessary for the continued day-to-day administration of the Secretariat.
6. Upon delivery of the advisory opinion, all Members shall accept and implement the Court's interpretation of the Revised Treaty as the authoritative determination of the constitutional issues in dispute. If the Court determines that the purported reappointment was lawfully effected, The Republic of Trinidad and Tobago shall immediately recognise the appointment as valid.
7. If the Court determines that the purported reappointment was inconsistent with the Revised Treaty, the Deputy Secretary-General shall continue to discharge the functions of Acting Secretary-General until the Conference has formally considered and implemented the Court's decision. The Deputy Secretary-General shall continue to act as Secretary-General until the Community Council has made the recommendation required by Article 24 of the Revised Treaty and the Conference has lawfully appointed a Secretary-General in accordance with the constitutional requirements identified by the CCJ.

In closing, The Republic of Trinidad and Tobago reiterates that this matter is advanced not in a spirit of disagreement, but in a spirit of constitutional responsibility. Our Community has endured because successive generations of Caribbean leaders understood that regional integration can flourish only where the institutions created by the Revised Treaty faithfully observe the constitutional framework that binds us together.

We therefore respectfully invite our fellow Heads of Government to regard this matter not as a dispute between Member States, but as an opportunity to reinforce CARICOM's institutional maturity. A willingness to submit genuine questions of The Revised Treaty for interpretation by the CCJ is not a sign of division. It is a demonstration of confidence in the institutions that we, as sovereign States, have collectively established to uphold the rule of law within our Community.

The Republic of Trinidad and Tobago remains fully committed to working constructively with every Member State to secure an orderly, principled and timely resolution of these issues. We stand ready to participate fully in an expedited reference to the Caribbean Court of Justice, to respect the Court's interpretation as the authoritative statement of Community law, and to faithfully implement its determination, whatever the outcome.

We are at a very critical juncture. History will judge this generation of Caribbean leaders not by whether differences arose, for differences are inevitable within any community of sovereign States, but by whether those differences were resolved in accordance with the rule of law.

Let it be said, that when confronted with an important constitutional question affecting the governance of our Community, the Conference of Heads of Government reaffirmed that no institution and no office stands above the Revised Treaty, that legality remains our common guide, and that our enduring commitment to Caribbean unity is best preserved through transparency, constitutional fidelity and unwavering respect for the rule of law.

It is therefore deeply regrettable if an insistence upon legality and constitutional propriety is characterised as creating diplomatic discord, while on the other hand, acquiescence in a process that is arguably inconsistent with the governing legal framework is regarded as prudent or statesmanlike.

Experience teaches that institutions are preserved not by political convenience, but by steadfast adherence to constitutional principle. Governments change, oppositions change, and office holders come and go. What must endure is the commitment to legality that gives public institutions their legitimacy. If adherence to the rule of law is sacrificed for political expediency, the damage extends beyond any single administration or political party. It weakens public confidence, diminishes regional institutions, and ultimately undermines the interests of all the peoples of the Caribbean.

G. THESE MATTERS REQUIRE URGENT CONSIDERATION AND INCLUSION ON THE AGENDA OF THE 51ST REGULAR MEETING

The Republic of Trinidad and Tobago respectfully notifies all Parties that the Honourable Prime Minister shall, in accordance with Rule 7(1) of the Rules of Procedure for Meetings of the Conference of Heads of Government of the CARICOM propose an additional item on the agenda for urgent consideration of the following proposals:

- 1. That the Conference of Heads of Government agree:**
 - (a) in accordance with Article 212 of the Revised Treaty to request the CCJ to render an advisory opinion on the aforesaid issues which have arisen relating to the purported reappointment of the Secretary-General.**
 - (b) to take the necessary steps to urgently refer to the CCJ for an advisory opinion on the several issues as set out above in this letter.**

(c) that CCJ be requested to deliver its opinion in the shortest possible time.

(d) that all Member States are to abide by the Court's determination.

(e) That upon delivery of the advisory opinion, all Members shall accept and implement the Court's interpretation of the Revised Treaty as the authoritative determination of the constitutional issues in dispute. If the Court determines that the reappointment was lawfully effected, The Republic of Trinidad and Tobago shall immediately recognise the reappointment as valid.

(f) That if the Court determines that the purported reappointment was inconsistent with the Revised Treaty, the Deputy Secretary-General shall continue to discharge the functions of Acting Secretary-General until the Conference has formally considered and implemented the Court's decision. The Deputy Secretary-General shall continue to act as Secretary-General until the Community Council has made the recommendation required by Article 24 of the Revised Treaty and the Conference has lawfully appointed a Secretary-General in accordance with the constitutional requirements identified by the Court.

(g) Should the current tenure of the incumbent Secretary-General end before the determination of these issues by the CCJ in its Advisory Jurisdiction, the Conference of Heads of Government would engage Dr. Carla Barnett on a month-to-month basis until such determination. Such an interim extension should be expressly stated to be without prejudice to the legal rights or positions of any Member State, and should not be construed as affirming the validity of the impugned reappointment process.

2. That the Conference of Heads of Government further agree that pending the determination of the advisory proceedings:

(i) the incumbent Secretary-General shall fully recuse herself from the exercise of any authority whatsoever or take any decision directly or indirectly, regarding the said advisory proceedings. Responsibility for such action shall be vested entirely in the Deputy Secretary-General or some other independent person/body.

(ii) the General Counsel shall recuse herself from the matter of the advisory opinion in light of her primary role as an advisor to the Secretary-General who is subject to the proposed advisory opinion.

(iii) no irreversible administrative or contractual steps should be taken pursuant to the purported reappointment beyond those strictly necessary for the continued day-to-day administration of the Secretariat.

The Republic of Trinidad and Tobago wishes to advise that the contents of this correspondence is to be treated as the explanatory memorandum for the purposes of Rule 7(2) of the Rules of Procedure for Meetings of the Conference of Heads of Government of the CARICOM.

Please accept, Chairman, Heads of State and Prime Ministers, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Persad-Bissessar', followed by a long horizontal flourish.

The Honourable Kamla Persad-Bissessar, SC, MP
Prime Minister of the Republic of Trinidad and Tobago

cc. Chef-de-Cabinet, the CARICOM Secretariat