

SPEECH DELIVERED

BY PRIME MINISTER THE HON

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QC,

ON BARBADOS' IMMIGRATION

POLICY

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Ladies and Gentlemen of the Media,

It is always a source of pleasure for me to return to Guyana, the birthplace of my paternal grandfather, and this trip is no exception.

I especially asked for this audience, because I believe the fourth estate is the correct entity and forum through which I should communicate my vision of continued Caribbean unity and collaboration; on this the eve of the 30th Meeting of the Conference of Heads of Government of Caricom.

I wish on this occasion to reiterate my personal and my government's unswerving commitment to the tenets and ideals of the various treaties in Caricom to which we are signatory. Barbados' record of support for and contributions to the building of our regional community are unparalleled.

I do not wish to turn this into a history lesson, but it would do well for you to cast your minds back to the 1960s when the collaborative movement, as we know it today, took meaningful root.

I have been looking back to CARICOM's past, even as I look forward to its future. Forty years ago, our predecessors, meeting in what was then the 5th Conference of Commonwealth Caribbean Countries in Port of Spain took a number of momentous decisions. I will talk a bit about these because they have had a profound effect on us, even today.

But before I come to that, let me remind you briefly of what the world was like in February of 1969. [For my part, I was still in short pants.] It certainly was a very different place than it is today.

Some of our states were young democracies, just emerging from the shadow of colonialism. Others were still colonies.

Our region was recovering from the trauma of the failure of the federal experiment. The Cold War divided the world and poisoned the hemisphere. As a region, our economies were undiversified and leading members of the global community had expressed doubts as to the viability of what were then described, rather disparagingly, as “micro-states”.

This then was the atmosphere in which, a year after Antigua and Barbuda, Barbados and Guyana had inaugurated CARIFTA, Eric Williams hosted Errol Barrow, Forbes Burnham, Vere Bird, Lynden Pindling and others. Institutions such as the CDB, the Caricom secretariat and even CMC are lasting tributes to their pioneering efforts.

Let me fast forward twenty years, from 1969 to 1989.

In that year, at Grand Anse, Prime Minister Herbert Blaize hosted and chaired that historic tenth meeting of what by then had been institutionalised as the Conference of Heads of Government of the Caribbean Community.

Do we recall what was going on in 1989? The Berlin wall was falling, the Soviet Union and its sphere of influence were imploding and the Gulf War and a major global recession were just around the corner. Europe and North America were consolidating their economic blocs and CARICOM itself was in crisis and struggling to reinvent itself. In his speech to his fellow heads of government, Prime Minister Blaize asked “where are we heading for today?” He answered his own question thus:

In order to successfully survive...we have to reconfirm that we are one people, with the same heritage, the same history, the same culture and the same destiny.

Collectively, the Conference issued the “Grand Anse Declaration and Work Programme for the Advancement of the Integration Movement” whose legacy is the revised Treaty of Chaguaramas and the Single Market and Economy.

You will be wondering why I have taken you back. From where I stand, you have to understand your past in order to sensibly shape your future. You have to understand the historic context of the long and arduous journey, started by that great generation of

West Indian leaders, which took us from colonialism, through the Federal experiment, to CARIFTA.

And then to CARICOM, and ultimately to an expanded Caribbean Community with its vision for a Single Market and Economy. In summary, you have to measure the way forward by acknowledging the way already travelled.

It is easy, especially in times of economic crisis, for the stakeholders to become impatient at what they see as the slow pace of the integration project, and to declare it dead on arrival.

At Grand Anse in 1989, Michael Manley reminded us that crisis, stagnation and economic recession had been the permanent bedfellows of CARICOM since its inception, engendering as a consequence: “the long period of near-retreat from strategic purpose”.

In 2009, we are again faced by global economic convulsions of unprecedented proportions.

These circumstances only reinforce my conviction that regional integration is the last best hope for the Caribbean. Going it alone or fragmenting into unworkable reconfigurations of the regional project cannot be an enduring solution. We must concentrate on strengthening the core, not on proliferating the periphery.

Now, in the midst of global crisis and regional upheaval, is not the time for CARICOM to retreat from its strategic purpose. But this **is** the time for us to regroup, and refocus, to find, as Michael Manley put it “strategies fashioned in the crucible of survival”

I have invited you here today, because I want to talk frankly about CARICOM, and the way forward. As lead Head for the Single Market and Economy I have

a special duty to preserve the positive legacy of the past, and to build, sustainably, for the future.

And as the Prime Minister of Barbados, I feel I have an additional responsibility to ensure that what I am trying to achieve, in the long-term interest of both Barbados and the Caribbean Community, is communicated directly to you, not interpreted through the prism of emotive rhetoric, distortions of fact, or misinterpretations of what is or is not the spirit and letter of the revised Treaty of Chaguaramas.

Let me reiterate that, as an independent state – and in many ways even long before then – Barbados has never seen its destiny as separate from the destiny of its neighbours.

Over the centuries, thousands of Barbadians have found welcoming new homes in other parts of the

Caribbean. Who we are today, as a people, includes the knowledge that, quite literally, we have brothers, sisters and cousins throughout the region.

Equally, Barbados has, over decades, benefited from the skills, knowledge and dedication of thousands of Caribbean nationals. Many of them have become Barbadian icons, such as Dame Olga Lopes-Seale, originally of Guyana, upon whom we have conferred our highest national honour.

This is the background against which, like other members of the Caribbean Community, Barbados is implementing the Revised Treaty of Chaguaramas and also working to live up to the moral obligation we feel towards the members of our extended regional family.

Now, it will be evident that this is easier said than done and certainly requires far more than fine words in speeches and communiqués. In fact, it requires of

Barbados but also of all CARICOM states, that we overhaul many existing institutions and policies as well as create entirely new ones.

This point is critical and is often overlooked. The successful implementation of the interlocking elements of the CARICOM Single Market and, eventually, Single Economy demands of us that we refocus many of our national institutions from a purely domestic vision to the wider regional horizon.

It requires us to put in place a host of regional institutions, dealing with accreditation, standards and the exchange of information, amongst others. If we do not do this carefully, to be perfectly frank, we will endanger the fabric of the very societies regional integration is aimed at sustaining.

We live in an age where the clamour is for instant results, no matter how complex the project at hand, or

how difficult the external economic environment. And so of late there has been considerable public pessimism over the state of our CSME project. But what is the reality?

The Single Market has been in force since 2006. Intra-regional trade has grown slowly over the years though it is expected that the rates of growth have increased after the CSM came into being.

All the provisions on the right of establishment, and the free movement of goods, services, capital and skilled persons are being implemented. The Caribbean Development Fund has been established as required by the Treaty to assist disadvantaged countries, regions and sectors.

And, while the timetable for the Single Economy may have been delayed, recent developments in the region have shown the true extent of the financial interdependence that already exists among us, and

have given new urgency to the policy coordination efforts of the region's regulators and Ministers of Finance.

I think it is worth pointing out to you that a recent CSME audit has shown that Barbados is in full compliance with its CSME obligations. All the identified restrictions have been removed and legislation amended where necessary.

Externally, the Regional Negotiating Machinery, a unique institution in the developing world, and one that is highly regarded internationally, has helped us to conclude an Economic Partnership Agreement with Europe, and is preparing the groundwork for the start of trade talks with Canada.

In the area of functional cooperation, CARICOM's significant achievements have gone almost unheralded.

Some of the institutions which underpin our functional cooperation, such as the UWI, which predates CARICOM, and the Caribbean examinations Council (CXC) are so much a fabric of our every day life, that we do not even register them as components of the integration process.

The fact that we have harmonised systems and standards in the area of education and health, institutions that have made CARICOM a leader in the developing world in terms of strategies on chronic non-communicable diseases, on HIV/AIDS and pandemics such as the new H1N1 virus, is worthy of celebration.

So too is our work on Climate Change, on Disaster Response, on Standards and Quality, on Competition, and on Crime and Security.

And perhaps most significant of all is the coming into being of the Caribbean Court of Justice, as the Court of original jurisdiction for the Single Market and Economy, and of Appellate Jurisdiction in replacement of the Privy Council. Barbados has subscribed to the Court in both of its jurisdictions.

When you look dispassionately at what has in fact been achieved in regional integration, against such formidable odds, it is difficult to understand the pessimism and the talk of failure.

In that regard, perhaps the area that has generated the greatest heat but the least light is Freedom of Movement. This is a fundamental issue and one on which much confusion and misunderstanding persists.

In the circumstances it is important for all of us to understand what the Treaty of Chaguaramas actually says, and what it means.

To be precise, the Revised Treaty of Chaguaramas, at Article 45, provides that “Member States commit themselves to the goal of the free movement of their nationals within the Community”. Let me repeat: they commit themselves to the **goal** of free movement. This is therefore an aspiration which the framers of the Treaty implicitly acknowledged would have to be reached through a phased approach, not instantaneously.

In Article 46 they agreed, **as a first step** to allow **5** categories of skilled Community nationals to seek employment in their jurisdictions, namely: University graduates; media workers; sportspersons; artistes and musicians.

The article also envisages the possibility of enlarging, as appropriate, the categories of persons entitled to move and work freely in the Community.

In fact, in July 2006 Heads of Government agreed to permit trained teachers and registered nurses to move under the Skilled Nationals regime. In July 2007 Heads of Government agreed that holders of Associate degrees and Equivalents and artisans possessing Caribbean Vocational Qualifications (CVQs) would also join the programme.

Nine categories are therefore now in force, 5 enshrined in the Revised Treaty, and 4 agreed by Heads at the 26th and 27th Meetings of the Conference. **Barbados is honouring its obligations in all nine categories.**

It is important for me to stress this, because there are some member states which have not moved beyond the minimum five.

We are also in full compliance with the Treaty obligations of Articles 32, 34, 36 and 37 to provide for the free movement of non-wage earners, either as service providers, or to establish businesses, including managerial, supervisory and technical staff, and their spouses and immediate family members.

Between 2000 and 2008 Barbados has accepted over 1000 CARICOM Skilled Nationals from across the region.

Since implementation of the regime in 2005 to permit persons to establish enterprises without work permits, more than 70 CARICOM Nationals have moved to

Barbados. Many CARICOM Nationals moving under the provisions of the CSME are accompanied by their spouses and dependents.

For the purposes of the movement of skills, service providers and persons establishing businesses, the Treaty also speaks to both national and regional mechanisms for certifying and establishing equivalency or according accreditation to degrees, diplomas, certificates and other evidence of relevant qualifications.

It is significant that as of today, only Barbados and Trinidad and Tobago have National Accreditation Councils in place specifically for this purpose, and that there is as yet no functioning regional body with the capacity to provide this important service.

I mention this, because the Barbados Accreditation Council does the most rigorous checks, and we are often criticized for this. But we do not believe that the certification or verification of skills should be a mere rubber stamp process.

And let me tell you why: There are a lot of false documents floating around the Caribbean and some even pass through the hands of national certifying authorities.

Right now in Barbados a young Caribbean national is in the care of her Majesty's Prison Authorities. And do you know what that field was? Medicine! That is why it is so important that everyone who purports to meet the requirements of a skilled Community national must be shown to so do.

Let us look now at the category that has caused the greatest public commentary: the unskilled Community

National. As I have said earlier, the Revised Treaty of Chaguaramas does not, as a matter of law, provide for unrestricted freedom of movement of Community nationals. It is described as a goal for our region.

The Heads had targeted 2008 as the timeframe for moving to full freedom of movement. Subsequently, the timetable was revised to 2009.

In the current economic downturn, it is highly unlikely that this indicative timeframe can still be met. So, to be clear, unrestricted freedom of movement is **not** in place in the Caribbean Community, and Barbados is not in breach of any of its Treaty obligations in removing those persons whose presence in our country is sanctioned neither by our Immigration Laws nor by any of the provisions within CARICOM to which we have agreed.

I think that it is instructive if on this subject I recall the words of the great Barbadian regionalist, the Right Excellent Errol Barrow, in his 1986 address to Heads, and I quote: “I should like to believe that we are all committed to the principle of mobility and people interaction, **to the principle, I repeat.**”

And, that we have an obligation to think and go on thinking out ways how such a principle might be applied **without imposing on any territory a greater strain than its resources are able to support”**.

The essence of Barrow’s comment is the need for a balanced, manageable approach. We know that if all the passengers on a boat rush suddenly to one side it will capsize.

If two countries are the poles to which the unskilled movers gravitate, especially in times of economic recession, how will they sustain their own economies,

maintain social services, and provide a win-win for all?

It is these inconvenient truths that we need to have the courage as leaders to confront honestly, in a spirit of mutual understanding, not public rancour.

Yet because Barbados is forthright enough to admit that we are unable at this time to embrace **full** freedom of movement without some of the underlying issues, especially the matter of contingent rights, being seriously dealt with, we are charged with abdicating our responsibility.

But is it responsible to charge headlong behind a noble ideal whose time has not yet come, only to trip over all the obstacles that we have clearly seen, defined, and in some cases studied, but left unresolved?

It is instructive to recall that the 1989 Grand Anse Declaration, which was the catalyst for the modern CSME spoke to the free movement of skilled and professional personnel **“as well as for contract workers on a seasonal or project basis”**.

I therefore believe that until the growth in our economies is such that they can sustain full freedom of movement, we should move towards a formal system of managed migration through guest worker programmes similar to the type we currently enjoy with Canada and the United States.

Bilateral Government to Government negotiations could set the terms, based on labour market requirements, with employers formally contracting the numbers that are needed for specifically identified projects, and with provisions built in to guarantee decent wages, housing and health care.

In this way identified labour shortages could be filled by properly documented CARICOM nationals, and not by irregular migrants whose circumstances leave them vulnerable to abuse and exploitation.

In the absence of a consensus CARICOM decision to move to full freedom of movement, and in the absence of a Community policy on managed migration, my Government has taken interim action to regularize the situation of undocumented individuals in Barbados.

Those who are CARICOM nationals, have entered Barbados before December 31, 2005, and have been residing in Barbados without appropriate documentation for eight or more years will be eligible to be considered for regularisation under an amnesty, provided that they apply before December 31, 2009

and meet the stipulated conditions which include a full criminal check.

Those who fall outside of this eight year span, and who have overstayed their time in the country will be asked to leave. Those who do not leave voluntarily will be deported.

In applying the new amnesty policy as well as in dealing with those who fall outside of its scope, I have every confidence that the Immigration and Law Enforcement authorities of Barbados are acting and will act in strict conformity with the laws of Barbados and with full respect for the rights and dignity of the individual.

My Government does not condone abuse of power or inappropriate behaviour on the part of its public officials, and if evidence is produced that any of those empowered to take enforcement action have been

excessive in the carrying out of their duties, they will be disciplined appropriately.

To ensure full transparency and objectivity, it is my intention to establish an independent review panel to investigate any complaints in respect of the treatment of Caribbean Immigrants by Immigration officers or other enforcement agents.

I still find it hard to understand why the action of providing an amnesty for a large number of CARICOM nationals could generate such ill-informed commentary and misunderstanding. Barbados has been most generous and accommodating to the citizens of CARICOM, including those whose movement is not sanctioned by the Treaty of Chaguaramas.

Perhaps it might be helpful if I give you some comparative statistics for the past few years:

In 2005 172,700 CARICOM Nationals landed in Barbados. That figure rose to 191,327 in 2006 and for 2008 we recorded 170, 670. More than 70% of these arrivals came from our closest neighbours, Guyana, St. Vincent and the Grenadines, and Trinidad and Tobago.

In 2005 572 CARICOM Nationals were refused entry and that figure rose to 1,165 in 2008.

Please recall that that represents 0.6 % of the total landed. In 2006 209 CARICOM nationals were deported and in 2008 that figure was 235. Unfortunately three quarters of that figure were Guyanese and Jamaican nationals.

Between 2000 and 2008 more than 1,000 CARICOM nationals were admitted to Barbados under the Skilled Nationals programme. Over 40% of these were from Guyana; 20% from

Trinidad and Tobago and another 20% from Jamaica.

In 2006 5,381 work permits were issued to CARICOM Nationals. That figure rose to 6,730 in 2007 and fell to 5,608 in 2008. Almost 90% were issued to Guyanese nationals in 2008.

In 2008 1,717 student visas were issued to CARICOM Nationals. 721 of these went to Guyanese nationals.

I hope this has helped to put things into perspective for you. My Immigration Department has, in all instances, been facilitating Guyanese nationals. The department is in frequent contact with officials in Georgetown and will maintain this cordial relationship.

As you are aware, the vast majority of unskilled CARICOM nationals who are working in Barbados,

most with the requisite permission, but a considerable number without, are from Guyana.

I intend to use the opportunity of my presence in Georgetown to discuss with President Jagdeo ways in which we can work together to better manage the migration situation.

I am prepared to consider a more structured approach to the readmission of overstays, whether through a protocol or memorandum of understanding. I am also prepared to look carefully at a guest worker programme in areas where the labour market may justify it in future.

In addition, I think it would be useful to establish a formal mechanism for regular consultation and information exchange between our Chief Immigration Officers and senior personnel.

Above all, I will be reiterating to President Jagdeo my hope that Guyana will give favourable consideration to the setting up of a High Commission in Bridgetown, staffed with an appropriate number of professionals, to handle the increasing consular needs of the Guyanese population in Barbados, as well as to promote the significant bilateral opportunities that our two Foreign Ministries have discussed in the areas of trade, investment, agriculture and tourism.

I am here in Guyana to further the valuable relationship Barbados has enjoyed with CARICOM, and Guyana in particular, over the years. And I look forward to even greater collaboration as we move forward together as a CSME.

I thank you and I am available for your questions.