

Regulating Artificial Intelligence in a Small Commonwealth Caribbean State

The Council of Europe Framework Convention Route

Naomi Eglantine Christie

September 2026

Naomi Eglantine Christie · LL.B. (Distinction) · L.E.C. (Honours) · LL.M., New York University, 2015 — International Legal Studies · Attorney-at-Law, admitted to the Bar of Guyana, October 2013, and to the Bar of Grenada, 2014. Correspondence: naomi@christiejustuslaw.com.

Abstract

The Commonwealth Caribbean completed two regional frameworks for the governance of artificial intelligence between December 2025 and July 2026, and no CARICOM state has enacted a statute on the subject. This paper argues that the question the region is asking — which model law to adopt — is the wrong one. The binding constraint on legislative effectiveness in these states is not enactment but commencement. The record is verified: Guyana's Data Protection Act 2023, uncommenced three years after assent; the Judicial Review Act 2010, brought into force only after a court order in 2018; a constitutional Human Rights Commission never operationalised; and the partly proclaimed data-protection statutes of the region. On that record the scarcest legislative resource is the commencement order, and the institution a statute presupposes. An AI statute modelled on the European Union's Artificial Intelligence Act, which runs on notifying authorities, notified bodies, market surveillance and conformity assessment, would produce a second uncommenced Act. The paper reads the Council of Europe Framework Convention on Artificial Intelligence closely and argues that it is the fitting international anchor for a small state: open to accession by non-member states; principles-based and cast as obligations of result; directed at rights and remedies that map onto a supreme-law constitution and a common-law judiciary ending in the Caribbean Court of Justice; and light enough to attach its duties to bodies that already exist. It proposes accession, a short domestic Act, practice directions of the courts and, before all three, commencement of the data-protection statute.

Keywords: artificial intelligence; Council of Europe Framework Convention; EU Artificial Intelligence Act; Guyana; CARICOM; commencement; data protection; legal transplants; Caribbean Court of Justice

Suggested citation: Naomi Eglantine Christie, 'Regulating Artificial Intelligence in a Small Commonwealth Caribbean State: The Council of Europe Framework Convention Route' (2026) Christie Justus Law Research Paper CJL-WP 2026/04 <<https://christiejustuslaw.com/research/>>.

© 2026 Naomi Eglantine Christie. This paper is published in the Christie Justus Law research series and may be downloaded, printed and circulated without charge for personal, academic and teaching use, with attribution. It states the law as the author understands it at the date on the cover; it is not legal advice to any person. Pending matters are described as pending.

I. Introduction

Between December 2025 and July 2026 the Commonwealth Caribbean acquired two regional frameworks for the governance of artificial intelligence and no statute. The Caribbean Telecommunications Union's Caribbean Artificial Intelligence Task Force published an interim report in December 2025 and a final report in July 2026;¹ the Council for Trade and Economic Development of the Caribbean Community, in its information and communication technologies configuration, endorsed the UNESCO Caribbean Artificial Intelligence Policy Roadmap on 7 July 2026;² and the final report was launched at the inaugural Caribbean Artificial Intelligence Forum at St Augustine on 23 and 24 July 2026.³ The Task Force's own summary of the legal position is accurate: CARICOM is the only major regional bloc without a collective instrument on the subject, and no member state has a binding national law on artificial intelligence.⁴

The instinct that follows a finding of that kind is to reach for the most complete instrument on the shelf, and this paper is written against it. In 2026 that instrument is Regulation (EU) 2024/1689, the European Union's Artificial Intelligence Act, whose pull on the legislation of third states is the best-documented contemporary example of what Anu Bradford has called the Brussels effect.⁵ The Act became applicable in most of its parts on 2 August 2026,⁶ the same month in which the Caribbean's regional frameworks were completed. The timing makes the transplant tempting.

I shall argue that it would be a mistake. The cause is regional, and it can be checked.

The argument advanced here is that the Commonwealth Caribbean's scarcest legislative resource is not the Act but the commencement order. Parliaments in these states enact; ministers do not proclaim; and the institutions that a statute presupposes — a commissioner, an office, a commission — are not stood up. Guyana's Data Protection Act 2023 was assented to in August 2023 and, as at the date of writing, has not been brought into force. Guyana's Judicial Review Act 2010 lay dormant for eight years until the High Court held that the Minister was under a duty to commence it. The Human Rights Commission which the Constitution of Guyana has "hereby established" since 2001 has never been operationalised. Trinidad and Tobago's Data Protection

¹ The Caribbean AI Task Force, *Interim Report: Toward Harmonized AI Policies and Recommendations for the Caribbean* (Caribbean Telecommunications Union, Port of Spain, December 2025) (CAITF Interim Report), publisher's note; The Caribbean AI Task Force, *Final Report: Toward Harmonized AI Policies and Recommendations for the Caribbean* (Caribbean Telecommunications Union, Port of Spain, July 2026) (CAITF Final Report), publisher's note. The Task Force was established by resolution of the CTU's 31st General Conference of Ministers with a one-year mandate.

² UNESCO, 'UNESCO's Caribbean AI Roadmap Wins Regional Backing' (7 July 2026) <<https://www.unesco.org/en/articles/unescos-caribbean-ai-roadmap-wins-regional-backing>>, reporting the endorsement of the Roadmap at the 126th Special Meeting of the Council for Trade and Economic Development (Information and Communication Technologies).

³ The University of the West Indies, 'The UWI & Caribbean Partners Launch Landmark AI Framework to Help Shape the Region's Digital Future' (Press Release, St Augustine, 28 July 2026) <<https://sta.uwi.edu/news/releases/release.asp?id=23165>>; CARICOM Secretariat, 'Caribbean Charts a United Course for Artificial Intelligence at Inaugural AI Forum' (24 July 2026) <<https://caricom.org/caribbean-charts-a-united-course-for-artificial-intelligence-at-inaugural-ai-forum/>>.

⁴ CAITF Final Report (n 1) 30: "CARICOM is the only major regional bloc without a collective AI governance instrument, and no CARICOM member state currently has a binding national AI law."

⁵ Anu Bradford, *The Brussels Effect: How the European Union Rules the World* (OUP 2020).

⁶ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L, 2024/1689, 12.7.2024 (AI Act) art 113.

Act 2011 has been in partial operation since January 2012. On that record, a statute modelled on the European Act — a supervisory machine of notifying authorities, notified bodies, conformity assessment, market surveillance and a registration database — would not produce the governance of artificial intelligence. It would produce a second uncommenced Act.

The positive claim follows. The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, opened for signature at Vilnius on 5 September 2024, is the fitting international anchor for a small Commonwealth Caribbean state, and the reasons are in its text. Its final clauses open it to accession by states that are not members of the Council of Europe. It is principles-based and cast, almost throughout, as obligations of result. Its concern is with rights, with remedies and with the integrity of the justice system, which is why it maps onto constitutions that already contain a supreme-law fundamental-rights part and onto a common-law judiciary culminating in the Caribbean Court of Justice. And it is light. It attaches duties to bodies that already exist. What I recommend is accession; a short domestic Act of some twenty sections fixing the non-delegable human decision in public and judicial functions, transparency, contestability and remedies; practice directions of the courts for the justice sector; and, as the precondition of all of it, the commencement of the data-protection statute.

The theoretical frame is borrowed. José Alvarez's account of international organisations as law-makers describes a world in which the rules governing a state's conduct are increasingly made by institutions in which that state does not sit;⁷ Harold Koh's account of transnational legal process describes how international norms come to be obeyed through repeated interaction, interpretation and internalisation into domestic law.⁸ The Commonwealth Caribbean tests both. It has spent three decades receiving standards made about it, above all in the financial-crime field, a process examined in a companion paper and cross-referred to here only for the parallel it supplies.⁹ The choice now presented in the field of artificial intelligence is between taking a standard and joining a treaty, and Alvarez's framework is what makes that difference visible. Koh's framework explains why a treaty joined can be internalised where a standard taken is merely copied; but it needs, for this region, a refinement offered in Section III: the process of internalisation characteristically stalls at a stage his typology does not isolate, the stage between enactment and operation.

The method is close reading of primary texts, each cited to its own words, and a record of events I have been able to verify. Sections II and III do the diagnostic work: the question the region is asking against the question it should ask, and then the commencement record. Section IV is an inventory of what already binds. Section V reads the Framework Convention article by article, and Section VI gives the European Act a fair account before saying why it does not fit. Section VII is the architecture. The paper does not address intellectual property in training data, competition or the labour market. It takes Guyana as its worked example, and cites the regional statutes where I have been able to verify them.

⁷ José E Alvarez, *International Organizations as Law-Makers* (OUP 2005).

⁸ Harold Hongju Koh, 'Why Do Nations Obey International Law?' (1997) 106 Yale LJ 2599.

⁹ Naomi Eglantine Christie, 'Compliance as Legislation: Domesticating the FATF Standards in Guyana's Anti-Money Laundering and Countering the Financing of Terrorism Act' (Christie Justus Law Research Paper CJL-WP 2026/01, September 2026).

II. The region's question, and the question it should ask

A. What the region has been told

The Task Force's diagnosis is stated in a sentence: the region must "either remain a peripheral 'standards-taker' and deepen existing vulnerabilities, or act collectively to shape AI in line with Caribbean priorities, values and development goals".¹⁰ Its interim report found that "the CARICOM lacks a region-wide framework", leaving member states "exposed to regulatory divergence, uneven safeguards for fundamental rights, higher cross-border compliance costs, weaker bargaining power with global vendors, and risks of procurement lock-in and loss of data sovereignty".¹¹ Its first recommendation was a Caribbean AI Governance Framework with model laws and harmonised regulations on algorithmic transparency, explainability, risk classification and liability, procurement and audit standards, and "a regional AI Oversight Network or Coordinating Body to set certification standards, maintain a registry of approved AI systems", possibly housed in an existing body such as the CARICOM Regional Organisation for Standards and Quality.¹² The final report is, on the governance pillar, more restrained and, I think, better: it recommends a framework anchored in the UNESCO Recommendation on the Ethics of Artificial Intelligence, minimum regional standards "while allowing member states flexibility in domestic implementation appropriate to their institutional capacity", and that governments "designate or strengthen an existing regional body, rather than necessarily creating a new one".¹³ The Roadmap that COTED endorsed is grounded in the same Recommendation, adopted by the UNESCO General Conference in November 2021.¹⁴

None of this is misdirected. My concern is what happens at the drafting table when "a harmonised framework" has to become an instrument, and what the standards-taker formulation conceals.

B. Standards taken and treaties joined

Alvarez's book argues that the doctrine of sources no longer describes where the operative rules governing states come from; its fourth chapter catalogues the standard-setting of technical bodies — codes, recommended practices, guidelines, conditionality — none of which is a treaty and all of which determine what states do.¹⁵ The Caribbean knows the category intimately. The recommendations of the Financial Action Task Force are not a treaty and no Caribbean state has ratified them; they are nonetheless the operative law of the region's financial sector, enacted on a deadline because a mutual evaluation that goes badly costs a small open economy its

¹⁰ CAITF Interim Report (n 1), Executive Summary.

¹¹ *ibid* 9.

¹² *ibid* 13, recommendation 1 ("Establish a Harmonized Regional AI Policy Framework and Governance Mechanism"), key components 1, 4 and 5.

¹³ CAITF Final Report (n 1) 32, recommendation 2 ("Establish a harmonized Caribbean AI governance framework, anchored in existing international norms"), paras (a)–(c).

¹⁴ UNESCO (n 2); UNESCO, Recommendation on the Ethics of Artificial Intelligence (adopted by the General Conference at its 41st session, 23 November 2021). The CAITF Final Report (n 1) 30 records the Recommendation as "adopted unanimously by all 193 UNESCO Member States in November 2021".

¹⁵ Alvarez (n 7) ch 4.

correspondent banking relationships.¹⁶ "Standards-taker" names exactly this condition. But the alternative the Task Force proposes, to become a "standards-maker", is not available in the sense that matters. The technical standards for machine-learning systems will be written where the systems are built, and a registry of approved systems maintained in Bridgetown or Port of Spain will not change who writes them.

What is available is different in kind. A standard is taken; a treaty is joined. A state that becomes a party to a multilateral convention acquires formal capacities that a state which copies a standard never does. Under the Framework Convention a Party sits in the Conference of the Parties, which considers "the possible supplementation to or amendment of" the Convention and makes "specific recommendations concerning the interpretation and application" of it,¹⁷ and any Party may propose an amendment.¹⁸ A state that enacts a statute copied from the European Act acquires none of these capacities: the lists defining the Act's high-risk category are kept under annual review by the Commission and may be amended under a delegated power the Regulation confers,¹⁹ and a third state that has copied them into a schedule will find, within a few years, that it has copied a text the Union has since revised. The choice the region actually faces is not between taking and making standards. It is between receiving a standard it cannot influence and joining an instrument in which it has a vote.

C. The prior question

There is a question prior even to that one, which a drafting table in Georgetown or Belmopan must answer before it chooses between Strasbourg and Brussels. It is not "what new Act do we pass" but "which existing duty already bites, what will actually be brought into force, and who will enforce it on Monday morning". The next two sections take those in turn.

III. Proclamation as the binding constraint

A. The mechanism

Guyana's Interpretation and General Clauses Act supplies the default rule: every Act "shall be published in the Gazette and shall come into operation on the date of publication unless it is provided in that Act or some other written law that it shall come into operation on some other date".²⁰ The default is displaced by a drafting convention so settled that it is rarely noticed. Where a statute creates an institution, the draftsman provides that it shall come into operation on a day appointed by the Minister by order, usually with different days for different provisions.

¹⁶ Christie (n 9).

¹⁷ Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (opened for signature 5 September 2024, entered into force 1 November 2025) CETS No 225 (Framework Convention) art 23(2)(b)–(c).

¹⁸ *ibid* art 28(1).

¹⁹ AI Act (n 6) arts 97 and 112(1).

²⁰ Interpretation and General Clauses Act (Guyana), Cap 2:01, s 15.

The Data Protection Act 2023 is so drafted;²¹ so is the Judicial Review Act 2010;²² so are the data-protection statutes of Jamaica, Barbados and Trinidad and Tobago.²³ The clause is sensible in its own terms: an office must be staffed before the offence of failing to register with it can be committed. Its effect, however, is to convert a legislative decision into an executive discretion, and to place the switch in the hands of the same executive that must find the money for the office. The Interpretation Act even anticipates the interval: a power conferred by an Act may be exercised after publication and before commencement, but nothing done under it, unless necessary to bring the Act into operation, shall "have any effect until the Act comes into operation".²⁴ The statute book thus contains, by design, a category of law that is law without being in force. The question is how large that category is in practice.

B. The record

Guyana's Data Protection Act 2023. Act No 18 of 2023 was passed by the National Assembly on 9 August 2023 and published in the Official Gazette on 16 August 2023.²⁵ It runs to 106 sections and 125 gazette pages. It establishes a Data Protection Office as a body corporate, provides for a Commissioner appointed by the President, prohibits operating as a data controller without registration, and confers powers of enforcement notice, information notice, warrant and administrative penalty.²⁶ It is to be reviewed "every five years from the earliest day appointed under section 1".²⁷ No day has been appointed. On 31 March 2026 the Digital Identity Card Act came into operation by a commencement order published in the Gazette on 26 March, while the Data Protection Act — on which the identity-card statute depends for its safeguards and for the very office of the Commissioner who is to superintend the register — remained uncommenced.²⁸ As at the date of writing, no commencement order has been published.²⁹ The dependent statute was switched on before the statute it presupposes, and the review clock in section 106 has not started.

Guyana's Judicial Review Act 2010. Act No 23 of 2010 was passed by the National Assembly on 21 October 2010.³⁰ It confers on the High Court a general jurisdiction to grant relief against administrative acts and omissions, codifies the grounds of review, imposes a duty to give reasons

²¹ Data Protection Act 2023 (Guyana), Act No 18 of 2023 (DPA 2023), s 1: the Act "shall come into operation on the day the Minister may, by order, appoint, and different days may be appointed in respect of different provisions of this Act".

²² Judicial Review Act 2010 (Guyana), Act No 23 of 2010 (JRA 2010), s 1.

²³ Data Protection Act 2020 (Jamaica), Act 7 of 2020, s 1(1); Data Protection Act 2019 (Barbados), Act 2019-29, s 99; Data Protection Act 2011 (Trinidad and Tobago), Chap 22:04, Act 13 of 2011, s 1(2).

²⁴ Interpretation and General Clauses Act (n 20) s 25.

²⁵ DPA 2023 (n 21), Official Gazette (Legal Supplement A), 16 August 2023; "Passed by the National Assembly on the 9th August, 2023" (Bill No 14/2023).

²⁶ *ibid* ss 51, 72, 78, 81, 87 and 99.

²⁷ *ibid* s 106.

²⁸ 'Digital ID law now active, but data protection act still not operational' *Demerara Waves* (Georgetown, 31 March 2026), reporting that the Digital Identity Card Act "came into operation on Tuesday" under a commencement order "published in the Official Gazette on March 26", while "the related 2023 Data Protection Act (DPA) is yet to come into force because the requisite commencement order has not been issued". The Commissioner is a creature of the Data Protection Act: DPA 2023 (n 21) s 72(2).

²⁹ No commencement order under DPA 2023, s 1 had been found as at 4 September 2026. [VERIFY: confirm against the Official Gazette immediately before typesetting.]

³⁰ JRA 2010 (n 22), "Passed by the National Assembly on 21st October, 2010" (Bill No 17/2010).

on request, and binds the State.³¹ No commencement date was appointed by either of the two governments that held office over the following seven and a half years. In May 2018 the acting Chief Justice, on an application by a former Attorney General, held that the Attorney General and Minister of Legal Affairs was under a duty to bring the Act into force, that no excuse had been offered, and that the delay could only be seen as a refusal to operationalise the law; she ordered commencement by the end of July 2018.³² The Minister's response is the most candid statement of the incentive structure in the regional record. He said that the previous government had not commenced the Act "so as to prevent the opposition and litigants from making claims under the Act which would give them a wide range of reliefs, including compensation for damages", and that the commencement decision vested in a Minister was, on the separation of powers, not a matter for the courts.³³ He appealed; a stay was refused; and on 15 August 2018 he made a commencement order appointing 1 January 2019, five months after the date the court had fixed.³⁴ Contempt proceedings followed. On 27 August 2018 the first order was rescinded and replaced by one that complied with the court's deadline, an error the Minister attributed to a "mix up" in his chambers, and the contempt proceedings were withdrawn in September.³⁵ It took a court order, an appeal, a refused stay, a defective commencement order, a second order and a contempt application to bring into force the statute that lets citizens go to court.

Guyana's Human Rights Commission. The Constitution provides that "[t]here are hereby established" four commissions "the goals of which are to strengthen social justice and the rule of law", the first of them the Human Rights Commission, and it routes the enforcement of the treaty-based rights recognised by article 154A through an application to that Commission.³⁶ In 2025 the compilation prepared for Guyana's universal periodic review recorded the Human Rights Committee's regret "at the lack of clear progress towards operationalizing the Human Rights Commission and the ongoing vacancy in the position of the Chairperson of the Commission".³⁷ A constitutional institution, established by the constitutional text for a quarter of a century, has not been stood up; and the constitutional remedy for breach of the Covenant on Civil and Political Rights, which the Fourth Schedule lists, runs through it.

Trinidad and Tobago. The Data Protection Act 2011 was assented to on 22 June 2011. By section 1(2) as it now reads, "Part I and Sections 7–18, 22, 23, 25(1), 26 and 28 came into operation on the 6th January 2012" — the provisions establishing the Office of the Information

³¹ *ibid* ss 3, 5, 15 and 23.

³² 'Bar Council welcomes ruling for activation of judicial review law' *Stabroek News* (Georgetown, 1 June 2018), reporting the ruling of acting Chief Justice Roxane George on an application by Anil Nandlall.

³³ *ibid*, quoting the statement of the Attorney General, Basil Williams SC.

³⁴ 'AG's move to enforce act still contemptuous of court order –Nandlall' *Stabroek News* (Georgetown, 20 August 2018), reporting the Judicial Review (Commencement) Order 2018, made 15 August and gazetted 16 August 2018: "I appoint the 1st day of January, 2019 as the day on which the Judicial Review Act shall come into operation."

³⁵ 'AG blames "mix up" for faulty commencement order for judicial review law' *Stabroek News* (Georgetown, 4 September 2018); 'Nandlall withdraws contempt proceedings against AG' *Stabroek News* (Georgetown, 16 September 2018). [VERIFY: the replacement Judicial Review (Commencement) Order of 27 August 2018 and the date it appointed, against the Official Gazette.]

³⁶ Constitution of the Co-operative Republic of Guyana, Cap 1:01 (Constitution), art 212G(1)(a) (inserted by constitutional amendment in 2001, Act No 5 of 2001); art 154A(4).

³⁷ UN Human Rights Council, 'Compilation of Information Prepared by the Office of the United Nations High Commissioner for Human Rights: Guyana' (2025) UN Doc A/HRC/WG.6/49/GUY/2, para 10.

Commissioner.³⁸ The substantive obligations have not been proclaimed in the fourteen years since, and the Task Force's 2026 survey records the position as "[o]nly partially proclaimed; no functioning regulator".³⁹

Barbados, Jamaica and Belize. The counter-examples matter because they show that the constraint is not a law of nature. The Barbados Act comes into operation "on a date to be fixed by proclamation";⁴⁰ it was proclaimed in 2021 and a Commissioner has been appointed.⁴¹ Jamaica's Act, likewise commenceable by ministerial notice, was brought into effect on 1 December 2023 with a six-month transitional period, and its Information Commissioner is operational.⁴² Belize enacted a Data Protection Act in 2021; the Task Force records it as passed but "not fully in force".⁴³

The region. The Task Force's survey finds that eleven of the fifteen CARICOM member states have enacted data-protection legislation, that only The Bahamas has a long-established supervisory authority, that "several other states have enacted legislation that is only partially operational or has yet to enter into force", and that "[i]n at least one case, legislation passed more than two decades ago has never been implemented" — Saint Vincent and the Grenadines' Privacy Act 2003, recorded as "[n]ever brought into force".⁴⁴

C. The finding

In this region the marginal statute is not scarce. The marginal commencement order is, and so is the marginal institution. Legislative capacity — parliamentary time, drafting counsel, the will of a minister — is consumed first by enactment and only afterwards, if at all, by proclamation and appointment. That is a finding about the region's legislative economy, and it should govern the choice of instrument.

Two observations sharpen it, and the first is that the pattern is not random. The Judicial Review Act and the Data Protection Act have a feature in common: each, once commenced, subjects the executive to new liabilities — to suit, to compensation, to a regulator's notice. The Attorney General's statement in 2018 that the Act had been left uncommenced to keep litigants from claiming relief against the government is an admission that the commencement discretion is, at least sometimes, exercised on exactly that ground. A statute that imposes duties on the state is the statute least likely to be switched on by the state. An AI statute is, in its most important part, a statute of that kind.

³⁸ Data Protection Act 2011 (Trinidad and Tobago) (n 23), s 1(2) (as amended by Legal Notice 2 of 2012); assent recorded as 22 June 2011 in the consolidated text of the Ministry of the Attorney General and Legal Affairs.

³⁹ CAITF Final Report (n 1) 31, Table 4.1.

⁴⁰ Data Protection Act 2019 (Barbados) (n 23), s 99.

⁴¹ CAITF Final Report (n 1) 31, Table 4.1 ("In force (2021); Commissioner appointed"). [VERIFY: the proclamation, reported as published in the Official Gazette of 26 March 2021 (SI 2021 No 24) with effect from 31 March 2021, against the Gazette.]

⁴² Data Protection Act 2020 (Jamaica) (n 23), s 1(1); 'Data Controllers in High-Risk Sectors to Register with the OIC Beginning June 1' *Jamaica Information Service* (Kingston, 11 May 2024): "The law came into effect on Dec. 1, 2023, however companies were given a six-month grace period"; CAITF Final Report (n 1) 31, Table 4.1.

⁴³ Data Protection Act 2021 (Belize), Act No 45 of 2021 [VERIFY: the official text on nationalassembly.gov.bz was unavailable on 4 September 2026; confirm the Act number and commencement provision]; CAITF Final Report (n 1) 31, Table 4.1 ("Passed; not fully in force").

⁴⁴ CAITF Final Report (n 1) 30–32 and Table 4.1.

The second observation is theoretical, and it is the one I want to press. Koh explains obedience by the "repeated cycle of interaction, interpretation, and internalization" of international norms into domestic legal systems, and distinguishes social internalisation, which "occurs when a norm acquires so much public legitimacy that there is widespread general obedience to it", political internalisation, which "occurs when political elites accept an international norm, and adopt it as a matter of government policy", and legal internalisation, which occurs when the norm is incorporated into the domestic legal system.⁴⁵ The Commonwealth Caribbean achieves legal internalisation with remarkable regularity: its anti-money-laundering, data-protection and cybercrime statutes are all incorporations of international norms, some word for word. What the record shows is that incorporation is not the end of the process. Between enactment and effect lies a further step — commencement, appointment, appropriation — which Koh's typology does not isolate and at which, in this region, the process characteristically stalls. I would call it operational internalisation, and its legal marker is the commencement order. The distinction tells a drafter what to design for. Chayes and Chayes argued that compliance with regulatory treaties is best secured not by sanction but by a managerial process of transparency, reporting and capacity-building;⁴⁶ the Caribbean record suggests that the managerial process must reach past the legislature to the ministry that signs the order, and that an instrument whose reporting obligation asks what has been done to give effect to the treaty, rather than what has been enacted, is better adapted to this region than one satisfied by a copied text.

The design corollary is a test. Any proposed instrument should be asked a question model laws are rarely asked: what must the state stand up before the instrument's first duty bites? An instrument that requires a new commissioner, a registry, a certification body and an inspectorate before anything happens has, on this record, a poor prognosis. An instrument that attaches duties to bodies which already exist, enforceable by courts that already sit, has a good one. A jurisdiction whose data-protection Act is not in force does not acquire the governance of artificial intelligence by enacting an AI Act. It acquires a second uncommenced Act.

IV. What already binds

The premise of the "regulatory gap" framing is that artificial intelligence is at present ungoverned in these states. It is not. A considerable body of law already bites on the public use of automated systems, and the residue — what is left after the following inventory — is the true legislative agenda.

A. The Constitution

The Constitution of Guyana is the supreme law, any inconsistent law is void to the extent of the inconsistency, and the courts, in interpreting its fundamental-rights provisions, "shall pay due regard to international law, international conventions, covenants and charters bearing on human rights".⁴⁷ Article 144, whose marginal heading is "Provisions to secure protection of law",

⁴⁵ Koh (n 8) [VERIFY: pinpoint pages for the quoted passages, which appear in Part III of the essay].

⁴⁶ Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1995).

⁴⁷ Constitution (n 36) arts 8 and 39(2).

guarantees to any person charged with a criminal offence "a fair hearing within a reasonable time by an independent and impartial court established by law".⁴⁸ Article 149 forbids any law that is "discriminatory either of itself or in its effect" and any discriminatory treatment "in the performance of the functions of any public office or any public authority", on enumerated grounds that include race, sex, gender, age, disability and social class; article 149D provides that "[t]he State shall not deny to any person equality before the law or equal protection and benefit of the law".⁴⁹ Article 153 gives any person who alleges that articles 138 to 151 have been, are being or are likely to be contravened a direct application to the High Court, with power to "make such orders, issue such writs and give such directions as it may consider appropriate".⁵⁰ Article 154A entitles every person to the rights enshrined in the Fourth Schedule treaties — among them the Covenant on Civil and Political Rights — to be "respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government".⁵¹ Article 122A requires all courts to "exercise their functions independently of the control and direction of any other person or authority", and final appeals lie to the Caribbean Court of Justice, adopted by the Caribbean Court of Justice Act 2004 and inaugurated in April 2005.⁵² That structure — supreme law, an entrenched rights part, a direct constitutional application, a shared final court — is common to the region's constitutions, which is why the argument generalises beyond Guyana.⁵³

Three things follow for automated decision-making, and none requires a statute. The first is that the "protection of the law" is not confined to the enumerated fair-trial guarantees. In *Attorney General v Joseph and Boyce* the joint judgment held that "the right to the protection of the law is so broad and pervasive that it would be well nigh impossible to encapsulate in a section of the constitution all the ways in which it may be invoked or can be infringed";⁵⁴ and Wit JCCJ explained that the rule of law "imbues the Constitution with other fundamental requirements such as rationality, reasonableness, fundamental fairness and the duty and ability to refrain from and effectively protect against abuse and arbitrary exercise of power", so that the right requires "law of sufficient quality, affording adequate safeguards against irrationality, unreasonableness, fundamental unfairness or arbitrary exercise of power".⁵⁵ In *Maya Leaders Alliance v Attorney General of Belize* the Court described the right as "a multi-dimensional, broad and pervasive constitutional precept grounded in fundamental notions of justice and the rule of law", which "prohibits acts by the Government which arbitrarily or unfairly deprive individuals of their basic constitutional rights" and "goes beyond ... questions of access" to the courts;⁵⁶ it held that the right "encompasses the international obligations of the State", that "[a] recognized sub-set of the rule of law is the obligation of the State to honour its international commitments", and that the

⁴⁸ *ibid* art 144(1).

⁴⁹ *ibid* arts 149(1)–(2) and 149D(1).

⁵⁰ *ibid* art 153(1)–(2).

⁵¹ *ibid* art 154A(1) and Fourth Schedule.

⁵² *ibid* art 122A(1); Caribbean Court of Justice Act 2004 (Guyana), Act No 16 of 2004; the Court was inaugurated at Port of Spain on 16 April 2005.

⁵³ Tracy Robinson, Arif Bulkan and Adrian Saunders, *Fundamentals of Caribbean Constitutional Law* (2nd edn, Sweet & Maxwell 2021).

⁵⁴ *Attorney General v Joseph and Boyce* [2006] CCJ 3 (AJ), (2006) 69 WIR 104, para 60 (de la Bastide P and Saunders J), as quoted in *McEwan v Attorney General of Guyana* [2018] CCJ 30 (AJ), para 118.

⁵⁵ *Joseph and Boyce* (n 54) para 20 (Wit JCCJ).

⁵⁶ *Maya Leaders Alliance v Attorney General of Belize* [2015] CCJ 15 (AJ), para 47.

State was "under a duty to take positive steps" to establish "the legal mechanisms necessary to clarify and protect" the rights in question.⁵⁷ A public authority that takes a decision materially affecting a person by means of a system whose logic it cannot state, and which the person cannot contest, is not affording "adequate safeguards against irrationality ... or arbitrary exercise of power". The constitutional home for transparency and contestability in automated public decision-making already exists.

Nor is the vice that an opaque system reproduces a new one to the Court. In *McEwan v Attorney General of Guyana* it struck down a colonial offence for vagueness, holding that a penal law "must define the criminal offence with sufficient clarity that ordinary people can understand what conduct is prohibited" and "should not encourage arbitrary and discriminatory enforcement", that a provision which "gives law enforcement officials almost unlimited discretion in their application of the law" offends the rule of law, and that "legislation which is hopelessly vague must be struck down as unconstitutional".⁵⁸ Rajnauth-Lee JCCJ drew the protection-of-the-law jurisprudence together with article 144 and the general guarantee in article 40.⁵⁹ A decision rule that no official can state, applied by a system no affected person can interrogate, is the algorithmic form of the "almost unlimited discretion" the Court condemned.

And a court in the region has already struck down a state technology programme in its entirety, before it was commenced. In *Julian Robinson v Attorney General of Jamaica* the Full Court declared the National Identification and Registration Act "unconstitutional null, void and of no legal effect".⁶⁰ Sykes CJ, proceeding expressly "on the basis of likely violations since the statute has not yet come into force", held that "a person's biometric information is theirs and that they retain control over that information by virtue of their inherent dignity as free autonomous beings", that the compulsory taking of biometric data violates the right to privacy, and that "privacy rights cannot be evaded by using non-intrusive methods such as facial recognition software and other applications to collect biometric information and use without the permission of the person".⁶¹ No regulator in Europe holds a power of that magnitude; every Commonwealth Caribbean state has a court that does.

Persuasive authority from elsewhere in the common-law world runs the same way. In *R (Bridges) v Chief Constable of South Wales Police* the Court of Appeal held that a police force's use of live automated facial recognition was not "in accordance with the law" because "too much discretion is currently left to individual police officers" — it was "not clear who can be placed on the watchlist nor is it clear that there are any criteria for determining where AFR can be deployed";⁶² that the data protection impact assessment was consequently deficient; and that the force had breached the public sector equality duty because it had "never sought to satisfy themselves, either directly or by way of independent verification, that the software program in this case does not have an unacceptable bias on grounds of race or sex".⁶³ Each holding translates

⁵⁷ *ibid* paras 52 and 58–59.

⁵⁸ *McEwan* (n 54) paras 80–81 and 84–85 (Saunders PCCJ, Wit and Barrow JJCCJ).

⁵⁹ *ibid* paras 117–120 (Rajnauth-Lee JCCJ).

⁶⁰ *Julian Robinson v Attorney General of Jamaica* [2019] JMFC Full 04 (Sykes CJ, Batts J and Palmer-Hamilton J (Ag)), Order of the Court.

⁶¹ *ibid* para 247 (Sykes CJ), including numbered sub-paragraph (10).

⁶² *R (Bridges) v Chief Constable of South Wales Police* [2020] EWCA Civ 1058, para 91.

⁶³ *ibid* paras 152–153, 199 and 201; declaration at para 210.

into the vocabulary of a Caribbean constitution: the quality-of-law requirement into the "prescribed by law" formulae of the limitation clauses; the bias point into article 149's prohibition of discrimination "in its effect"; the impact-assessment point into the duty that section 67 of Guyana's Data Protection Act will impose once it is in force.

B. Administrative law

Where the State deploys an automated system, the Judicial Review Act 2010 already imposes the constraints most draft AI statutes are trying to codify. An "act" includes "any decision, determination, advice or recommendation" made under a power or duty conferred by the Constitution or any written law, and an "administrative act or omission" is one of "a Minister, public body, public authority, tribunal, board, committee, or any person or body, exercising, purporting to exercise or failing to exercise any public power or duty".⁶⁴ The grounds of relief include that the act was "unauthorised or contrary to law", "breach of the principles of natural justice", "unreasonable, irregular or improper exercise of discretion", "abuse of power", "bad faith, improper purposes or irrelevant consideration", and "absence of evidence on which a finding or inference of fact could reasonably be based".⁶⁵ Any person adversely affected may, within fourteen days, require "a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision", which is "deemed to be part of the decision and to be incorporated in the record".⁶⁶ Every administrative act must be performed "in accordance with the principles of natural justice or fairness"; the Court may remit; and the Act binds the State.⁶⁷ It is difficult to think of a duty that a bespoke AI statute would impose on a public authority which is not already, in substance, in this Act — save one.

Two doctrinal problems are genuine, and neither has been decided by a Commonwealth Caribbean court. One is whether an output produced without any human deliberation is a "decision" at all. The Full Court of the Federal Court of Australia has held, in a case concerning a computer-generated letter that no delegate had reviewed, that a decision requires both a mental process of reaching a conclusion and an objective manifestation of that conclusion, so that the automated output bound no one.⁶⁸ A determination that is not a decision may also not be reviewable. The Act's inclusion of "advice or recommendation" within "act" mitigates the difficulty; I do not think it removes it. The other is whether a statutory power conferred on a named officer may lawfully be exercised by a system at all, and what record must be kept when it is. No Caribbean legislature has, so far as I can establish, enacted a general authority for administrative decisions to be made by automated means. That is the largest lacuna in the field and the cheapest to close. It is also a point at which the Ombudsman, who "may investigate any action taken by any department of Government" in the exercise of administrative functions, already has jurisdiction.⁶⁹

⁶⁴ JRA 2010 (n 22) s 2.

⁶⁵ *ibid* s 5(1)(a), (d)–(f), (h) and (l).

⁶⁶ *ibid* ss 15(1)–(2) and 16(1)(c).

⁶⁷ *ibid* ss 19, 20 and 23.

⁶⁸ *Pintarich v Deputy Commissioner of Taxation* [2018] FCAFC 79 [VERIFY: paragraph pinpoint for the majority's formulation; the judgment text could not be retrieved on 4 September 2026].

⁶⁹ Constitution (n 36) art 192(1).

C. Data protection, and the shape of the region's provisions

Guyana's Act, when commenced, will require personal data to be "processed lawfully, fairly and in a transparent manner", collected for "specified, explicit and legitimate purposes", and "adequate, relevant and limited to what is necessary".⁷⁰ Its section 19 confers "the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her", subject to exceptions for contract, for authorisation by a law "which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests", and for consent, with "suitable measures" required in the contract and consent cases.⁷¹ That is the prohibition-with-exceptions model of Article 22 of the European General Data Protection Regulation, which in the same cases requires "at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision", and it is the model Barbados adopted in 2019.⁷² Jamaica did not. Section 12 of its Act entitles an individual, "by notice in writing to the data controller, to require the data controller to ensure that no decision to which this section applies is based solely on the processing, by automatic means, of personal data"; where no notice has been given and a qualifying decision is taken, the controller must inform the individual, who has thirty days to require reconsideration, and the controller thirty days to state the steps it will take.⁷³ That is the opt-out architecture of section 12 of the United Kingdom's Data Protection Act 1998, with the twenty-one-day periods extended to thirty.⁷⁴ It places the burden on the data subject, who must know that a decision was automated and serve a notice within a window, and it was built for credit scoring and employment screening rather than for systems whose logic the controller cannot itself recite. Jamaica is the jurisdiction that actually commenced its statute, and the repair is small and exact: amend the automated-decision section, not the statute book.

Guyana's Act also requires an impact assessment before any processing "likely to result in a high risk to the rights and freedoms of a person", and specifically for "a systematic and extensive evaluation of personal aspects relating to persons that is based on automated processing, including profiling, and on which decisions" are based.⁷⁵ It charges the Commissioner to "monitor and enforce the application of this Act"; arms the Office with enforcement and information notices backed by criminal sanction; routes any person aggrieved by the Commissioner's decision to the High Court "for judicial review in accordance with the Judicial Review Act"; and gives a private right to compensation and an administrative penalty of up to ten million dollars.⁷⁶ Every one of these provisions is a provision about automated systems. None is in force.

⁷⁰ DPA 2023 (n 21) s 4(1)(a)–(c).

⁷¹ *ibid* s 19(1)–(3).

⁷² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation) [2016] OJ L119/1, art 22(1)–(3); Data Protection Act 2019 (Barbados) (n 23), s 18.

⁷³ Data Protection Act 2020 (Jamaica) (n 23), s 12(1)–(4).

⁷⁴ Data Protection Act 1998 (UK), c 29, s 12(1)–(3), as enacted.

⁷⁵ DPA 2023 (n 21) s 67(1) and (4)(a).

⁷⁶ *ibid* ss 72–73, 78, 81, 85, 92, 97 and 99.

D. Criminal law, evidence and the courts

The Cybercrime Act 2018, which contains no commencement clause and therefore took effect on publication, criminalises computer-related forgery, computer-related fraud, identity-related offences and offences affecting critical infrastructure, and extends liability to a director or officer who consented or connived in an offence or failed to exercise due diligence to prevent it.⁷⁷ Section 19 reaches the use of a computer system to publish material with intent to humiliate, harass or cause substantial emotional distress, and is the provision under which a synthetic-media harm would today be prosecuted.⁷⁸ Section 43 provides that "any electronic data or traffic data, generated, retrieved or reproduced from a computer system" shall be admissible "[i]n any criminal proceeding under this Act or any other law".⁷⁹ That is a provision of admissibility, not of reliability: it says nothing about proving that the system which generated the data was operating properly, and the silence now sits alongside the fact that the record of proceedings itself is becoming a machine output.

And the courts have already regulated artificial intelligence without waiting for legislation. On 14 February 2025 the President of the Caribbean Court of Justice issued Practice Direction No 1 of 2025 under the Court's own rules, prohibiting the use of generative AI "in the generation of the content of affidavits, witness statements, or any other material intended to reflect the evidence or opinion of a deponent or witness", requiring outputs to be "checked against authoritative legal texts, case law, or statutes", permitting the Court to require disclosure of whether a tool was used, and sanctioning non-compliance with costs and diminished evidentiary weight.⁸⁰ In Belize the Rules Committee, under section 101 of the Senior Courts Act 2022, made Practice Direction No 18 of 2025 on 11 August 2025, effective the following day, which binds "all legal professionals, judges, court personnel, attorneys, parties, witnesses, self-represented persons, and other court users", contains the same evidential prohibition, and provides that "AI shall not replace human judgment in judicial decision-making" while permitting its use "as a tool for case management, legal research, and administrative efficiency".⁸¹ The Supreme Court of Jamaica issued its own direction in September 2025.⁸² So binding and enforceable rules were made across the region within months of the technology becoming salient, by institutions that already existed, under powers that already existed, at no supervisory cost, with the sanction applied by the body that made the rule. That they came from the judiciary is no accident. The judiciary is the one regional institution that already holds both the rule-making power and the enforcement mechanism.

⁷⁷ Cybercrime Act 2018 (Guyana), Act No 16 of 2018, Official Gazette (Legal Supplement A), 13 August 2018, ss 1, 10, 11, 12, 13 and 21(2); on commencement in the absence of a commencement clause, Interpretation and General Clauses Act (n 20) s 15.

⁷⁸ Cybercrime Act 2018 (n 77) s 19(2).

⁷⁹ *ibid* s 43.

⁸⁰ Caribbean Court of Justice, Practice Direction No 1 of 2025, The Use of Generative Artificial Intelligence Tools in Court Proceedings (14 February 2025), Parts II.1, IV.2–3 and V, issued by the President under Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024.

⁸¹ Senior Courts of Belize, Practice Direction No 18 of 2025, Ethical Use of Generative Artificial Intelligence in Court Proceedings (made by the Rules Committee 11 August 2025, effective 12 August 2025), preamble and paras 2(4), 3(1), 4(2), 5 and 7.

⁸² Supreme Court of Jamaica, Practice Direction No 1 of 2025, Use of Generative Artificial Intelligence in Court Proceedings (September 2025).

E. The residue

Strip out everything above and what remains is short. A general statutory rule on automated administrative decision-making: whether and when a power conferred on an officer may be exercised by a system, what record must be kept, and a right to reconsideration by a human being. An evidential rule for software-generated evidence, converting section 43's admissibility into a reliability standard with disclosure. Standard contractual terms for public procurement, which need no statute. Some rule for decision-support tools inside the justice system, beyond the generative-AI questions the practice directions have addressed. And the commencement of the data-protection statute, without which the first two are built on sand. That is the legislative agenda: a short Act and a commencement order. It is exactly the shape of obligation the Framework Convention imposes.

V. The Framework Convention read closely

A. Object, definition and scope

The Convention's provisions "aim to ensure that activities within the lifecycle of artificial intelligence systems are fully consistent with human rights, democracy and the rule of law". The operative verb throughout is "adopt or maintain": each Party "shall adopt or maintain appropriate legislative, administrative or other measures to give effect to the provisions", and those measures "shall be graduated and differentiated as may be necessary in view of the severity and probability of the occurrence of adverse impacts".⁸³ The word "maintain" is the first signal of the instrument's character. A Party whose existing law already secures the result is not required to legislate at all.

An artificial intelligence system is "a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments", systems varying "in their levels of autonomy and adaptiveness after deployment".⁸⁴ The European Act's definition is, in substance, identical,⁸⁵ so that a state which adopts the Convention's definition domestically is interoperable with the Union's regime without being bound to its machinery.

The scope provision is the instrument's most consequential design choice. Each Party "shall apply this Convention to the activities within the lifecycle of artificial intelligence systems undertaken by public authorities, or private actors acting on their behalf"; and each "shall address risks and impacts arising from activities ... by private actors to the extent not covered" by that obligation, specifying by declaration at signature or accession "how it intends to implement this obligation, either by applying the principles and obligations set forth in Chapters II to VI of

⁸³ Framework Convention (n 17) art 1(1)–(2).

⁸⁴ *ibid* art 2.

⁸⁵ AI Act (n 6) art 3(1): "a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments".

this Convention to activities of private actors or by taking other appropriate measures".⁸⁶ Activities "related to the protection of [a Party's] national security interests" are excluded provided they are conducted consistently with international law including human rights law; so is research and development not yet made available for use, unless testing has the potential to interfere with rights; and national defence is outside the Convention altogether.⁸⁷ The dual pathway for private actors has been described neutrally by the instrument's first commentators as a choice of compliance method.⁸⁸ It is the feature most likely to be criticised by those who wanted a single horizontal regime. For a small state I think it is the most valuable feature in the text: it permits a Party to assume a binding commitment on public-sector artificial intelligence, where the state controls the deployment and the courts already supervise it, while calibrating private-sector obligations to the supervisory capacity it actually has, through the regulators that already examine banks, insurers and telecommunications licensees.

B. Obligations and principles

Chapter II requires each Party to "adopt or maintain measures to ensure that the activities within the lifecycle of artificial intelligence systems are consistent with obligations to protect human rights, as enshrined in applicable international law and in its domestic law", and measures "that seek to ensure that artificial intelligence systems are not used to undermine the integrity, independence and effectiveness of democratic institutions and processes, including the principle of the separation of powers, respect for judicial independence and access to justice".⁸⁹ The express reference to judicial independence and access to justice is, for the justice-sector question, the treaty's anchor. Chapter III sets out "general common principles that each Party shall implement in regard to artificial intelligence systems in a manner appropriate to its domestic legal system": human dignity and autonomy; "adequate transparency and oversight requirements tailored to the specific contexts and risks", including "the identification of content generated by artificial intelligence systems"; accountability; equality and non-discrimination, with a positive undertaking to adopt measures "aimed at overcoming inequalities"; privacy and personal data protection; reliability; and safe innovation through controlled environments "under the supervision of its competent authorities".⁹⁰ Each is drafted as a result to be secured, not a procedure to be followed, and each already has a domestic counterpart in the inventory of Section IV.

C. Remedies and safeguards

Chapter IV is where the Convention does its most specific work, and it is the chapter a small state with a strong constitution can satisfy most easily. Each Party must ensure "the availability of accessible and effective remedies for violations of human rights resulting from the activities within the lifecycle of artificial intelligence systems", and to that end must ensure that "relevant information regarding artificial intelligence systems which have the potential to significantly affect human rights and their relevant usage is documented, provided to bodies authorised to

⁸⁶ Framework Convention (n 17) art 3(1)(a)–(b).

⁸⁷ *ibid* art 3(2)–(4).

⁸⁸ Marc Rotenberg, 'Introductory Note to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law' (2025) 64 ILM 859.

⁸⁹ Framework Convention (n 17) arts 4 and 5(1)–(2).

⁹⁰ *ibid* arts 6–13.

access that information and, where appropriate and applicable, made available or communicated to affected persons"; that the information "is sufficient for the affected persons to contest the decision(s) made or substantially informed by the use of the system"; and that there is "an effective possibility for persons concerned to lodge a complaint to competent authorities".⁹¹ Where a system "significantly impacts upon the enjoyment of human rights", "effective procedural guarantees, safeguards and rights" must be available, and persons interacting with a system must, "as appropriate for the context", be notified "that they are interacting with such systems rather than with a human".⁹² Documentation, information sufficient to contest, a complaint route and procedural guarantees: these are, respectively, the record the Judicial Review Act already incorporates into the decision, the statement of reasons it already requires, the application to the High Court that article 153 already confers, and the protection of the law that the CCJ has held to require "adequate safeguards against ... arbitrary exercise of power". The Convention describes, in treaty language, what the constitutional order of a Commonwealth Caribbean state already is; what it adds is the obligation to make that order reach the machine.

D. Risk management and implementation

Chapter V requires measures "for the identification, assessment, prevention and mitigation of risks posed by artificial intelligence systems", graduated and differentiated, taking account of context, severity and probability and the perspectives of affected persons, applied iteratively, including monitoring, documentation and, "where appropriate, testing of artificial intelligence systems before making them available for first use"; that adverse impacts be "adequately addressed"; and that each Party "assess the need for a moratorium or ban or other appropriate measures in respect of certain uses" it considers incompatible with human rights, democracy or the rule of law.⁹³ Chapter VI adds non-discrimination in implementation, due account of persons with disabilities and children, public consultation, digital literacy "including specific expert skills for those responsible for the identification, assessment, prevention and mitigation of risks", a safeguard for existing rights and a wider-protection clause.⁹⁴ A Party may go further than the Convention; it may not use the Convention to go less far than its own law.

E. The follow-up mechanism

The Convention creates no court. A Conference of the Parties consults periodically to facilitate application, to identify problems and the effects of declarations, to consider supplementation or amendment, to make recommendations on interpretation and to facilitate "the friendly settlement of disputes"; a Party which is not a member of the Council of Europe "shall contribute to the funding of the activities of the Conference of the Parties", in an amount "established jointly by the Committee of Ministers and that non-member".⁹⁵ Each Party must report within two years of becoming a Party, "and then periodically thereafter with details of the activities undertaken to give effect to" the scope obligations; Parties are "encouraged, as appropriate, to assist States that are not Parties to this Convention in acting consistently with the terms of this Convention and

⁹¹ *ibid* art 14(1)–(2).

⁹² *ibid* art 15(1)–(2).

⁹³ *ibid* art 16(1)–(4).

⁹⁴ *ibid* arts 17–22.

⁹⁵ *ibid* art 23(1)–(2) and (7).

becoming a Party to it"; and disputes are settled by negotiation or other peaceful means of the Parties' choice.⁹⁶

The provision a small state must read most carefully is article 26. Each Party "shall establish or designate one or more effective mechanisms to oversee compliance with the obligations in this Convention"; they must "exercise their duties independently and impartially" and have "the necessary powers, expertise and resources"; where there is more than one, the Party must facilitate co-operation among them; and where they differ from "existing human rights structures", it must promote co-operation between the two.⁹⁷ This is the place where the proclamation problem could re-enter the Convention, and the text has anticipated it. The obligation is to establish or designate. A Party may designate the courts, the Ombudsman, the Data Protection Commissioner and the sectoral regulators, and satisfy the article with institutions that already exist and are already funded — provided they are actually in operation. And the reporting obligation, which asks not what has been enacted but what "activities [have been] undertaken to give effect to" the Convention, is exactly the managerial instrument the record in Section III shows this region needs: an external, periodic question about operation rather than enactment.

F. The final clauses, and the honest limits

The Convention is open for signature "by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union", and enters into force three months after five signatories, including three member States, have consented to be bound.⁹⁸ Eleven non-member states — Argentina, Australia, Canada, Costa Rica, the Holy See, Israel, Japan, Mexico, Peru, the United States and Uruguay — took part in the elaboration, and the instrument was signed on its first day by ten states, including the United Kingdom, Israel and the United States, and by the European Union.⁹⁹ It entered into force on 1 November 2025, and the European Union ratified it on 15 May 2026; so far as I have been able to establish, no CARICOM Member State has signed or acceded.¹⁰⁰

For a Caribbean state the operative provision is article 31, which must be quoted in full:

After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consulting the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe which has not participated in the elaboration of this Convention to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.¹⁰¹

⁹⁶ *ibid* arts 24(1), 25(1) and 29.

⁹⁷ *ibid* art 26(1)–(4).

⁹⁸ *ibid* art 30(1) and (3).

⁹⁹ 'Council of Europe Convention on Artificial Intelligence' *eucri*m (26 September 2024) <<https://eucri.m.eu/news/council-of-europe-convention-on-artificial-intelligence/>>; Rotenberg (n 88).

¹⁰⁰ Entry into force and the European Union's ratification are recorded from Council of Europe announcements as reported on 4 September 2026. [VERIFY: entry into force (1 November 2025), the European Union's ratification (15 May 2026) and the absence of any CARICOM signatory against the Treaty Office's chart of signatures and ratifications for CETS No 225 before print.]

¹⁰¹ Framework Convention (n 17) art 31(1).

The Convention then enters into force for the acceding State "on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession".¹⁰²

Three things have to be said plainly. The Convention is open to a CARICOM state, but open by invitation: accession requires the unanimous consent of the existing Parties and a decision of the Committee of Ministers. The first step is therefore diplomatic, not legislative — a request, supported by the Parties with which the region has the closest relations, and assisted, as article 25 contemplates, by Parties encouraged to help non-Parties become Parties. Next, the instrument admits no reservation save the federal clause; a Party takes it whole, though it may denounce on three months' notice.¹⁰³ And a non-member Party pays a contribution and owes a report within two years. None of these is trivial. Each is smaller by an order of magnitude than the institutional price of the European Act, and the last two are, on the argument of Section III, features rather than costs. A treaty that cannot be reserved against, and that asks periodically what has been done, is the treaty this region's legislative economy needs.

G. Obligation of result

The International Law Commission's commentary on the Articles on State Responsibility notes that "a distinction is commonly drawn between obligations of conduct and obligations of result", and illustrates the latter from the European Court of Human Rights' treatment of the fair-hearing guarantee: the Contracting States "enjoy a wide discretion as regards the choice of the means", and the Court's task "is not to indicate those means to the States, but to determine whether the result called for by the Convention has been achieved".¹⁰⁴ That is the form the Framework Convention takes. Its obligations are to "adopt or maintain measures to ensure" a result, implemented "in a manner appropriate to its domestic legal system". Nothing in it requires a notified body, a conformity mark, a database or a market-surveillance authority. It requires that persons affected by public-sector systems be able to know, contest and complain, and that some existing body oversee that they can. A state whose constitution already secures those things has, in the language of article 1, measures to "maintain".

VI. Why not the European Act

A. A fair account

The Artificial Intelligence Act deserves a fair account, because much in it is admirable and some of it is directly useful. Its rights-facing provisions are a model of specification. High-risk systems must be designed so that "they can be effectively overseen by natural persons"; deployers "shall assign human oversight to natural persons who have the necessary competence, training and authority"; public bodies and private entities providing public services must, before deploying a high-risk system, perform "an assessment of the impact on fundamental rights that the use of

¹⁰² *ibid* art 31(2).

¹⁰³ *ibid* arts 34(1)–(2) and 35.

¹⁰⁴ International Law Commission, 'Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries' (2001) *Yearbook of the International Law Commission* vol II, Part Two, 31, commentary to art 12, para (11), quoting *Colozza v Italy* (1985) Series A no 89.

such system may produce"; and any person subject to a decision taken on the basis of a high-risk system's output has "the right to obtain from the deployer clear and meaningful explanations of the role of the AI system in the decision-making procedure and the main elements of the decision taken".¹⁰⁵ The Act classifies as high-risk "AI systems intended to be used by a judicial authority or on their behalf to assist a judicial authority in researching and interpreting facts and the law and in applying the law to a concrete set of facts", and systems intended to influence elections.¹⁰⁶ Any drafter of a short Caribbean statute should read those provisions, and Section VII borrows from them. The objection to the Act is not to its substance. It is to its shape.

B. The supervisory machine

The Act is not principally a set of duties. It is principally a supervisory machine, and the machine is the part a transplant would have to build. Each Member State "shall designate or establish at least one notifying authority responsible for setting up and carrying out the necessary procedures for the assessment, designation and notification of conformity assessment bodies and for their monitoring", and a notified body must be "established under the national law of a Member State", have legal personality, satisfy "organisational, quality management, resources and process requirements", and be "independent of the provider" it assesses.¹⁰⁷ Providers of most high-risk systems must undergo conformity assessment, by internal control where harmonised standards exist or otherwise by a notified body; high-risk systems must be registered in a Union database before being placed on the market; and the Commission develops "Union expertise and capabilities" through an AI Office.¹⁰⁸ Each Member State "shall establish or designate as national competent authorities at least one notifying authority and at least one market surveillance authority", and market surveillance is conducted under the Union's general market-surveillance regulation, applied to AI systems in its entirety.¹⁰⁹ Administrative fines rise to thirty-five million euro or seven per cent of worldwide annual turnover for prohibited practices, fifteen million or three per cent for breach of the core obligations, and seven and a half million or one per cent for supplying misleading information to notified bodies or competent authorities; each Member State must lay down rules on the extent to which fines may be imposed on public authorities.¹¹⁰ The Regulation entered into force in August 2024, applies in general from 2 August 2026, and applies to certain product-embedded high-risk systems from 2 August 2027.¹¹¹ Early commentators identified the enforcement regime as one of the Act's central uncertainties even within the Union.¹¹²

Read that architecture against a state of under a million people, and the questions answer themselves. There is no notifying authority because there is no accreditation infrastructure to designate; there is no notified body because there is no one to establish it and no market to sustain it; there is no market-surveillance authority for products in general, let alone for

¹⁰⁵ AI Act (n 6) arts 14(1), 26(2), 27(1) and 86(1).

¹⁰⁶ *ibid* Annex III, point 8(a)–(b).

¹⁰⁷ *ibid* arts 28(1) and 31(1)–(4).

¹⁰⁸ *ibid* arts 43(1), 49(1) and 64(1).

¹⁰⁹ *ibid* arts 70(1) and 74(1), applying Regulation (EU) 2019/1020.

¹¹⁰ *ibid* art 99(3)–(5) and (8).

¹¹¹ *ibid* art 113.

¹¹² Michael Veale and Frederik Zuiderveen Borgesius, 'Demystifying the Draft EU Artificial Intelligence Act' (2021) 22 *Computer Law Review International* 97.

machine-learning systems; and the skills the regime presupposes are internationally tradeable at salaries the public payroll cannot match. A statute copying the Act would create all of these on paper, provide that it come into operation on a day appointed by the Minister, and wait.

C. Compliance economics and ossification

Two further objections go to structure, and the first is arithmetic. Conformity-assessment costs are broadly fixed; they are absorbed easily across a market of four hundred and fifty million consumers and ruinously across one of eight hundred thousand. A vendor asked to bear those costs for a small market will not, as a rule, comply. It withdraws, and the public sector is left with fewer tools rather than safer ones. The Act's own drafters recognised the point for their smallest firms by capping fines for small and medium-sized enterprises at the lower of the percentage and the amount;¹¹³ a state that is itself smaller than many such enterprises has no equivalent relief.

The second objection is worse, because it does not go away with money. The Act is a living instrument within the Union: the Commission must assess annually the need to amend the high-risk list and the list of prohibited practices, and the Regulation confers a delegated power to do so.¹¹⁴ A transplant statute has no such mechanism. It copies the lists as they stood on the day of enactment and then ossifies, so that the small state is bound to yesterday's European machinery with none of Europe's means of updating it. The comparative-law literature has long warned against exactly this. Kahn-Freund argued that the transferability of a rule depends on its relation to the political and institutional structure of the society that made it, and that rules tied closely to that structure travel badly;¹¹⁵ Watson's contrary emphasis on the ubiquity of borrowing does not deny that a borrowed rule takes its meaning from the receiving system, and Legrand's stronger claim that transplants are impossible is, whatever one makes of it generally, at its most plausible for rules constituted by institutions.¹¹⁶ The European Act is such a rule. Its duties are not separable from the bodies that assess, notify, register and surveil; transplant the duties without the bodies and one has transplanted nothing. The Framework Convention, by contrast, was drafted to be implemented "in a manner appropriate to [each Party's] domestic legal system", which is to say drafted to be received. None of this is a criticism of the Act on its own ground. It is a statement of fit. Legislation, like clothing, is sized.

VII. The recommended architecture

A. The design principle

The design principle follows from Section III: impose duties only on actors who are already supervised and on supervisors who already exist, and draft so that nothing has to be stood up before the first duty bites. A duty on a public authority costs nothing to supervise, because the courts already review it; a duty on a licensed bank costs nothing, because the central bank already examines it; a duty on an attorney costs nothing, because the disciplinary machinery exists. A

¹¹³ AI Act (n 6) art 99(6).

¹¹⁴ *ibid* arts 112(1) and 97.

¹¹⁵ Otto Kahn-Freund, 'On Uses and Misuses of Comparative Law' (1974) 37 MLR 1.

¹¹⁶ Alan Watson, *Legal Transplants: An Approach to Comparative Law* (2nd edn, University of Georgia Press 1993); Pierre Legrand, 'The Impossibility of "Legal Transplants"' (1997) 4 Maastricht Journal of European and Comparative Law 111.

duty on "any provider of a high-risk AI system" requires an institution nobody in the region has, and it is the duty that will not be enforced. The Task Force's final report reaches the same conclusion at the regional level when it recommends designating or strengthening an existing body "rather than necessarily creating a new one", on the principle that "policy survives longest when anchored in institutions that already outlast political cycles".¹¹⁷

B. Phase 0: commence what exists

The first item in any national AI implementation plan is a commencement order. For Guyana that means an order under section 1 of the Data Protection Act 2023, the appointment of the Commissioner under section 72, regulations under section 105 and the funding of the Office. Until then the automated-decision right in section 19, the impact-assessment duty in section 67 and the enforcement Part have no existence, the identity-card register operates without the safeguards its own statute presupposes, and any AI statute would be an unproclaimed Act sitting on an unproclaimed Act. The same is true of each regional state whose statute is partly proclaimed. This is not a preliminary to the AI agenda; it is its first and cheapest instrument.

C. Phase 1: practice directions

The justice sector can move now. The CCJ and the Senior Courts of Belize have shown that binding rules can be made under existing rule-making powers within months, and the next directions should address what those did not. The administrative layer — transcription, translation, e-filing intake, listing analytics — may be permitted with published evaluation criteria. Decision-support tools that touch outcomes should be permitted only on named conditions: that a judicial officer personally considers and remains responsible for every decision; that the parties are told whenever such a tool has been consulted; that any party may contest its output and obtain a decision reasoned without it; that the tool has been validated against local rather than a vendor's foreign data; and that the tools in use are published in an annual register of the judiciary. Three uses should be prohibited outright: the delegation of any adjudicative function to a system; remote biometric identification in and about court precincts save under judicial warrant; and emotion-inference tools in the assessment of testimony, a use with no scientific floor beneath it. The first prohibition is required by the Constitution, since "a fair hearing ... by an independent and impartial court" is a guarantee personal to the human judge, and by article 5(1) of the Convention.¹¹⁸

D. Phase 2: accession

Accession is an executive act preceded by a diplomatic one: a Cabinet decision; a request for invitation under article 31, supported by Parties with which the state has standing relations and assisted as article 25(1) contemplates; the declaration under article 3(1)(b), which for a small state should state that private-actor risks will be addressed by "other appropriate measures", namely the data-protection statute and the sectoral regulators' existing powers over their licensees; the designation under article 26 of the oversight mechanisms — the Data Protection Commissioner once in office, the Ombudsman and, when it is finally operationalised, the Human

¹¹⁷ CAITF Final Report (n 1) 32, recommendation 2(c).

¹¹⁸ Constitution (n 36) art 144(1); Framework Convention (n 17) art 5(1).

Rights Commission, with the courts as the remedial backstop under article 153 of the Constitution and the Judicial Review Act; the agreement of the contribution under article 23(7); and a calendar for the first report under article 24.¹¹⁹ A CARICOM state that accedes becomes the region's first party to the first binding international instrument on the subject and acquires a vote in the Conference of the Parties and the capacity to propose amendments. On the Task Force's own framing, that is the difference between shaping the standard and receiving it. Better still would be a co-ordinated request by several CARICOM states through COTED, which has already endorsed a roadmap grounded in the same values; but one state can go first, and the argument does not depend on unanimity.

E. Phase 3: a short Act

The domestic statute should be short — twenty sections, not two hundred — and drafted to come into operation on publication under the default rule of the Interpretation and General Clauses Act, with no ministerial commencement clause, because it creates no new institution.¹²⁰ Its heads are these. An interpretation section adopting the Convention's definition of an artificial intelligence system verbatim, but defining the regulated conduct rather than the technology: a decision or recommendation materially affecting a person's rights, entitlements or legal position, produced wholly or substantially by automated processing. An application section confined to public authorities and private actors acting on their behalf, tracking article 3(1)(a). The non-delegable human decision: no decision materially affecting a person may be taken solely by automated means unless expressly authorised by statute, and no judicial or adjudicative function may be so exercised at all. Transparency: a register of systems in use by public authorities, and notice to affected persons that a system has been used, tracking article 15(2). Reasons and records: where a system has been used, the statement of reasons under sections 15 and 16 of the Judicial Review Act must identify the system and the material on which it acted, so that the record the Act already incorporates into the decision includes the machine. Contestability: a right, on request within a stated period, to reconsideration by a human decision-maker, converting the data-protection right in section 19 into a public-law duty. Impact assessment before deployment, dovetailing with section 67 of the Data Protection Act and article 16 of the Convention. An evidential provision: where the State relies on evidence generated by software, disclosure of known defects, error logs and material incidents, without which the presumption of proper operation does not apply. Oversight: designation of the existing bodies and a duty of co-operation among them, tracking article 26. Remedies: an express saving of judicial review and of the application under article 153, and a complaint route to the designated bodies, tracking article 14(2)(c). A rule-making power, so that growth happens in rules rather than amendments. And a duty on the Minister to lay before the National Assembly, annually, the report made under article 24.¹²¹

The table maps the Convention's principal obligations onto the instruments that already exist in Guyana and the provision proposed to close each gap.

¹¹⁹ Framework Convention (n 17) arts 3(1)(b), 23(7), 24(1), 25(1), 26 and 31.

¹²⁰ Interpretation and General Clauses Act (n 20) s 15.

¹²¹ Framework Convention (n 17) arts 2, 3(1)(a), 14(2)(c), 15(2), 16, 24 and 26; JRA 2010 (n 22) ss 15–16; DPA 2023 (n 21) ss 19 and 67.

Convention	Existing Guyanese instrument	Gap	Proposed provision
Art 4 (human rights)	Constitution, arts 8, 40, 138–154A	None	Saving clause
Art 5(1) (judicial independence, access to justice)	Constitution, arts 122A, 144(1), 153	Delegation of adjudicative functions unaddressed	Non-delegable judicial function; practice directions
Art 8 (transparency and oversight)	JRA 2010, ss 15–16 (reasons on request)	No duty to disclose that a system was used	Register; notice; reasons to identify the system
Art 10 (equality)	Constitution, arts 149, 149D	No pre-deployment bias testing	Impact assessment
Art 11 (privacy, data)	DPA 2023, ss 4, 19, 67	Not in force	Commencement order
Art 14 (remedies)	Constitution, art 153; JRA 2010, ss 5, 8, 20	An output of a system may not be a "decision"	Statutory authority; reconsideration right
Art 15 (procedural safeguards)	JRA 2010, s 19; Constitution, art 144	No notice of interaction with a system	Notice provision
Art 16 (risk management)	DPA 2023, s 67 (impact assessment)	Not in force; confined to personal data	Impact assessment for public-sector systems
Art 26 (oversight)	DPA 2023, s 73; Constitution, arts 192, 212G	Commissioner not appointed; Commission not operational	Designation; co-operation duty

F. The regional layer

CARICOM's contribution should be model provisions rather than a model code, and a regional body should hold what no single state can: a roster of technical assessors that states may call on, a shared assurance register, maintained model procurement terms and a common training pipeline. It should not hold jurisdiction over persons in member states, because jurisdiction it cannot exercise is worse than none. On that footing the Task Force's "shared compliance and enforcement unit" is best read as a service to national oversight bodies rather than a regulator, and the regional framework as a set of drafting standards against which each state's short Act is tested — including, above all, the test this paper proposes: what must be stood up before the first duty bites.

VIII. Conclusion

The Commonwealth Caribbean is being told that it must adopt a framework for artificial intelligence, and it has begun, seriously and in good faith, to do so. The risk is not that it will do nothing. It is that it will do the most legible thing — enact a comprehensive statute modelled on an instrument built for a union with notified bodies and market-surveillance authorities already in being — and thereby convert a governance problem into a proclamation problem.

I have argued that the region's binding constraint is commencement, not enactment, and that this is not a matter of impression. The record of Guyana's Data Protection Act, its Judicial Review Act and its Human Rights Commission, and of the partly proclaimed statutes of its neighbours, establishes it on verified facts, and a constraint established on facts should govern the choice of instrument. Measured against it, the Framework Convention fits. It is an instrument of results

rather than procedures. Its remedies chapter describes what a Commonwealth Caribbean constitution and a common-law judiciary already provide. It attaches its oversight obligation to bodies a Party may designate rather than must create. And it makes a small state a party with a vote rather than a taker of a standard. The European Act does not fit, and not because it is a bad law. Its duties are inseparable from its institutions, and a small state that copies the duties without the institutions has copied nothing that will come into force.

What the borrowed frame returns is a refinement of Koh's typology. In this region the international norm is regularly internalised in the legislative sense and regularly stalls before it is internalised in the operational sense, and the legal marker of the stall is a commencement clause exercised, or not exercised, by a minister. An instrument that asks periodically what has been done to give effect to it, rather than what has been enacted, is built for that failure; an instrument satisfied by a copied text is not. That, more than any provision of either treaty, is why a Caribbean state should accede rather than replicate.

The programme is deliberately modest. Commence the data-protection statute. Let the courts make their rules. Seek the invitation and accede. Enact a short Act that creates no institution and comes into force on the day it is published. Only the first of those asks the executive to stand anything up, and what it asks for is an office Parliament provided for in 2023. A small state legislates well when it legislates to its own measure. Whether this measure is right will be known in the ordinary way: a neighbour will borrow it, or not.

Table of Cases

Caribbean Court of Justice (Appellate Jurisdiction)

- *Attorney General v Joseph and Boyce* [2006] CCJ 3 (AJ), (2006) 69 WIR 104
- *Maya Leaders Alliance v Attorney General of Belize* [2015] CCJ 15 (AJ)
- *McEwan v Attorney General of Guyana* [2018] CCJ 30 (AJ)

Jamaica

- *Julian Robinson v Attorney General of Jamaica* [2019] JMFC Full 04 (Full Court, Supreme Court of Judicature)

England and Wales

- *R (Bridges) v Chief Constable of South Wales Police* [2020] EWCA Civ 1058

Australia

- *Pintarich v Deputy Commissioner of Taxation* [2018] FCAFC 79

Table of Legislation and Instruments

Statutes — Guyana

- Constitution of the Co-operative Republic of Guyana, Cap 1:01
- Caribbean Court of Justice Act 2004, Act No 16 of 2004
- Cybercrime Act 2018, Act No 16 of 2018
- Data Protection Act 2023, Act No 18 of 2023

- Digital Identity Card Act 2023
- Interpretation and General Clauses Act, Cap 2:01
- Judicial Review Act 2010, Act No 23 of 2010

Statutes — other Commonwealth Caribbean jurisdictions

- Data Protection Act 2019 (Barbados), Act 2019-29
- Data Protection Act 2021 (Belize), Act No 45 of 2021
- Data Protection Act 2020 (Jamaica), Act 7 of 2020
- Data Protection Act 2011 (Trinidad and Tobago), Chap 22:04, Act 13 of 2011
- Privacy Act 2003 (Saint Vincent and the Grenadines)
- Senior Courts Act 2022 (Belize), Act No 27 of 2022

Statutes — United Kingdom

- Data Protection Act 1998, c 29

Treaties and international instruments

- Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (opened for signature 5 September 2024, entered into force 1 November 2025) CETS No 225
- International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171
- Statute of the Council of Europe (signed 5 May 1949) ETS No 1
- UNESCO, Recommendation on the Ethics of Artificial Intelligence (adopted 23 November 2021)

European Union

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation) [2016] OJ L119/1
- Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L, 2024/1689

Other

- Caribbean Court of Justice, Practice Direction No 1 of 2025, The Use of Generative Artificial Intelligence Tools in Court Proceedings (14 February 2025)
- Senior Courts of Belize, Practice Direction No 18 of 2025, Ethical Use of Generative Artificial Intelligence in Court Proceedings (11 August 2025)
- Supreme Court of Jamaica, Practice Direction No 1 of 2025, Use of Generative Artificial Intelligence in Court Proceedings (September 2025)
- Judicial Review (Commencement) Order 2018 (Guyana)

Bibliography

Primary sources

- Caribbean AI Task Force, *Interim Report: Toward Harmonized AI Policies and Recommendations for the Caribbean* (Caribbean Telecommunications Union, Port of Spain, December 2025)
- Caribbean AI Task Force, *Final Report: Toward Harmonized AI Policies and Recommendations for the Caribbean* (Caribbean Telecommunications Union, Port of Spain, July 2026)

- CARICOM Secretariat, 'Caribbean Charts a United Course for Artificial Intelligence at Inaugural AI Forum' (Georgetown, 24 July 2026)
- International Law Commission, 'Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries' (2001) *Yearbook of the International Law Commission* vol II, Part Two, 31
- UN Human Rights Council, 'Compilation of Information Prepared by the Office of the United Nations High Commissioner for Human Rights: Guyana' (2025) UN Doc A/HRC/WG.6/49/GUY/2
- UNESCO, 'UNESCO's Caribbean AI Roadmap Wins Regional Backing' (7 July 2026)
- The University of the West Indies, 'The UWI & Caribbean Partners Launch Landmark AI Framework to Help Shape the Region's Digital Future' (Press Release, St Augustine, 28 July 2026)

Secondary sources

- Alvarez JE, *International Organizations as Law-Makers* (OUP 2005)
- Bradford A, *The Brussels Effect: How the European Union Rules the World* (OUP 2020)
- Chayes A and Chayes AH, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1995)
- Christie NE, 'Compliance as Legislation: Domesticating the FATF Standards in Guyana's Anti-Money Laundering and Countering the Financing of Terrorism Act' (Christie Justus Law Research Paper CJL-WP 2026/01, September 2026)
- Kahn-Freund O, 'On Uses and Misuses of Comparative Law' (1974) 37 MLR 1
- Koh HH, 'Why Do Nations Obey International Law?' (1997) 106 Yale LJ 2599
- Legrand P, 'The Impossibility of "Legal Transplants"' (1997) 4 Maastricht Journal of European and Comparative Law 111
- Robinson T, Bulkan A and Saunders A, *Fundamentals of Caribbean Constitutional Law* (2nd edn, Sweet & Maxwell 2021)
- Rotenberg M, 'Introductory Note to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law' (2025) 64 ILM 859
- Veale M and Zuiderveen Borgesius F, 'Demystifying the Draft EU Artificial Intelligence Act' (2021) 22 Computer Law Review International 97
- Watson A, *Legal Transplants: An Approach to Comparative Law* (2nd edn, University of Georgia Press 1993)