

THE ROLE OF THE CARIBBEAN COMMUNITY (CARICOM) SECRETARIAT IN STRENGTHENING PRACTICAL COOPERATION BETWEEN REGIONAL AND INSTITUTIONAL ORGANISATIONS IN THE COMMON EFFORT AGAINST GLOBAL TERRORISM

Recognising that terrorism is a threat to international peace and security, the fifteen Member States of the Caribbean Community (CARICOM) remain firmly committed to the common effort against global terrorism.

In response to the heinous terrorist attacks on New York and Washington, D.C on September 11, 2001, the CARICOM Secretariat coordinated a Special Emergency Meeting of the Conference of Heads of Government of the Community in Nassau, The Bahamas, on October 11, 2001, to determine the Community's response to this new and shocking era of international terrorism.

CARICOM Heads of Government issued, separately and jointly, statements of condemnation of the attacks and committed themselves to join in the strengthened war against terrorism. CARICOM Foreign Ministers participated in the emergency session at the OAS which determined the hemispheric response to the attack. The Inter-American Treaty of Reciprocity, the collective security arrangement, was activated on 15 September 2001, for the first time since the Treaty was signed in 1947.

Creating a Legislative Framework

In compliance with the requirements of UNSC Resolution 1373, the Region undertook a detailed analysis of all the legal provisions and of the legal and institutional capacity of the Member States individually and collectively, to satisfy the obligations incurred thereunder. Legislation has been introduced, amended or repealed in several areas (see the **Attachment** which indicates the various stages of compliance in the area of legislative drafting by Member States). Since legislative drafting is a major weakness in the Region, with the assistance of USAID a Legislative Drafting Facility was established in January 2003 with a mandate to prepare draft model legislation to assist CARICOM countries in the enactment of harmonised legislation for the implementation of the Revised Treaty of Chaguaramas establishing the Caribbean Community including the Single Market and Economy and *inter alia* to draft model legislation in the justice and security area.

The Conference of Heads of Government of the Caribbean Community has:

“**Agreed** that mechanisms to fast track relevant international Conventions

and Protocols should be adopted. This would include:

- (i) the development of model legislation by the Caribbean Community (CARICOM) Secretariat where necessary, in collaboration with the United Nations Drug Control Programme (UNDCP), as a guide to the development of relevant national legislation on the UN Convention Against Transnational Organised Crime and its Protocols;
- (ii) the review by the Legal Affairs Committee (LAC) of the Caribbean Community of the pertinent International Conventions and Protocols and existing legislation with a view to recommending a strategy and updating or enacting national legislation, as appropriate;

Also agreed that Member States should complete their consideration of the draft Regional Mutual Legal Assistance Treaty, with a view to its early adoption and implementation.”

In furtherance of item (ii) above, in May 2003 the Legal Affairs Committee established a Sub-Committee on Harmonisation with a mandate to identify and prioritise areas for harmonised legislation. That body accorded high priority to drafting of the relevant legislation to implement UN Resolution 1373. The CARICOM Legislative Drafting Facility has prepared a draft model bill on terrorism for the consideration of Member States.

Ongoing Initiatives

The Community is actively encouraging its Member States to sign and ratify the Palermo Convention, the UN Convention Against Corruption and all other relevant international instruments as soon as possible.

Another initiative under active consideration is the implementation of a **Regional Justice Protection Programme**. Heads of Government have signed a Justice Protection Agreement and this initiative promises to be critical in the fight against organised crime in terms of protection of witnesses, evidence, and officials engaged in the process of interdiction and prosecution.

The Region is close to concluding the **Caribbean Treaty on Mutual Legal Assistance** in serious criminal matters. The Treaty will obligate Member States to afford, to the extent possible under their laws, the widest measure of mutual legal assistance at any stage of investigations, prosecutions, and judicial proceedings in relation to serious criminal offences.

Recent Regional Initiatives

The following list indicates the Conventions to which Member States are signatories or parties:

(1) **UN Convention Against Transnational Organized Crime (New York, 15 November 2000)**

Member State	Date of Signature	Date of Ratification/ Acceptance/ Approval/ Accession
Antigua and Barbuda	26 September 2001	24 July 2002
Bahamas	09 April 2001	
Barbados	26 September 2001	
Haiti	13 December 2000	
Jamaica	26 September 2001	
St. Kitts and Nevis	20 November 2001	
Saint Lucia	26 September 2001	
St. Vincent and the Grenadines	24 July 2002	
Trinidad and Tobago	26 September 2001	

(2) **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (New York, 15 November 2000)**

Member State	Date of Signature	Date of Ratification/ Acceptance/Approval/ Accession
Bahamas	09 April 2001	
Barbados	26 September 2001	
Haiti	13 December 2000	
Jamaica	13 February 2002	
St. Vincent and the Grenadines	20 November 2002	
Trinidad and Tobago	26 September 2001	

(3) **Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000)**

Member State	Date of Signature	Date of Ratification/ Acceptance/Approval/ Accession
Bahamas Barbados Haiti Jamaica St. Vincent and the Grenadines Trinidad and Tobago	09 April 2001 26 September 2001 13 December 2000 13 February 2002 20 November 2002 26 September 2001	

(4) **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime (New York, 31 May 2001)**

Member State	Date of Signature	Date of Ratification/ Acceptance/Approval/ Accession
Barbados	26 September 2001	

(5) **Convention on Psychotropic Substances (Vienna, 21 February 1971)**

Member State	Date of Signature	Date of Definitive Signature/Ratification/ Accession/ Succession
Antigua and Barbuda Bahamas Barbados Dominica Grenada Guyana Jamaica St. Kitts and Nevis Saint Lucia St. Vincent and the Grenadines Suriname Trinidad and Tobago	21 February 1971 21 February 1971	05 April 1993 (a) 31 August 1937 (a) 28 January 1975 (a) 24 September 1993 (a) 25 April 1980 (a) 04 May 1977 06 October 1989 (a) 09 May 1994 (a) 16 January 2003 (a) 03 December 2001 (a) 29 March 1990 (a) 14 March 1979

(6) **Single Convention on Narcotic Drugs, 1954**

**as amended by the Protocol amending the
Single Convention on Narcotic Drugs, 1961
(New York, 8 August 1975)**

Member State	Participation in the Convention by virtue of ratification, accession or succession to the Protocol of 25 March 1972 or to the 1961 Convention after the entry into force of the Protocol	Date of Ratification/ Accession/ Succession
Antigua and Barbuda Bahamas Barbados Belize Dominica Grenada Guyana Haiti Jamaica St. Kitts and Nevis Saint Lucia St. Vincent and the Grenadines Suriname Trinidad and Tobago	05 April 1993 23 November 1976 21 June 1976 24 September 1993 15 July 2002 29 January 1973 06 October 1989 09 May 1994 05 July 1991 03 December 2001 29 March 1990 23 July 1979	18 December 2001 (a) 19 August 1998 (a)

(7) **United Nations Convention against Illicit
Traffic in Narcotic Drugs and Psychotropic
Substances (Vienna, 20 December 1988)**

Member State	Date of Signature	Date of Ratification/ Accession/Acceptance/ Approval/Formal Confirmation/Succession
Antigua and Barbuda Bahamas Barbados Belize Dominica Grenada Guyana Haiti Jamaica St. Kitts and Nevis Saint Lucia St. Vincent and the Grenadines Suriname Trinidad and Tobago	20 December 1988 2 October 1989 20 December 1988 07 December 1989	05 April 1993 (a) 30 January 1989 15 October 1992 24 July 1996 (a) 30 June 1993 10 December 1990 (a) 19 March 1993 (a) 18 September 1995 (a) 29 December 1995 19 April 1995 (a) 21 August 1995 (a) 17 May 1994 (a) 28 October 1992 17 February 1995

(8) **Convention for the Suppression of the**

**Traffic in Persons and of the Exploitation
of the Prostitution of Others
(Lake Success, New York, 21 March 1950)**

Member State	Date of Signature	Date of Ratification/ Accession/Succession
Haiti		26 August 1953 (a)

(9) **Final Protocol to the Convention for the
Suppression of the Traffic in Persons
and of the Exploitation of the
Prostitution of Others
(Lake Success, New York, 21 March 1950)**

Member State	Date of Signature	Date of Ratification/ Accession/Succession
Haiti		26 August 1953 (a)

(10) **International Convention for the
Suppression of Terrorist Bombings
(New York, 15 December 1997)**

Member State	Date of Signature	Date of Ratification/ Acceptance/Approval/ Accession
Barbados Belize Grenada St. Kitts and Nevis Trinidad and Tobago		18 September 2002 (a) 14 November 2001 (a) 13 December 2001 (a) 16 November 2001 (a) 02 April 2001 (a)

(11) **International Convention for the Suppression
of the Financing of Terrorism (New York,
9 December 1999)**

Member State	Date of Signature	Date of Ratification/ Acceptance/Approval/ Accession
Antigua and Barbuda		11 March 2002 (a)
Bahamas	02 October 2001	
Barbados	13 November 2001	18 September 2002
Belize	14 November 2001	
Grenada		13 December 2001 (a)
Jamaica	10 November 2001	
St. Kitts and Nevis	12 November 2001	16 November 2001
St. Vincent and the Grenadines	03 December 2001	28 March 2002

(12) **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**
(New York, 25 May 2000)

Member State	Date of Signature	Date of Ratification/ Accession
Belize	06 September 2000	
Dominica		20 September 2002 (a)
Haiti	15 August 2002	
Jamaica	08 September 2000	09 May 2002
Suriname	10 May 2002	

(13) **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography**
(New York, 25 May 2000)

Member State	Date of Signature	Date of Ratification/ Accession
Antigua and Barbuda	18 December 2001	30 April 2002
Belize	06 September 2000	
Dominica		20 September 2002 (a)
Haiti	15 August 2002	
Jamaica	08 September 2000	
Suriname	10 May 2002	

(14) **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons,**

including Diplomatic Agents
(New York, 14 December 1973)

Member State	Date of Signature	Date of Ratification/ Accession/Succession
Antigua and Barbuda Bahamas Barbados Belize Grenada Haiti Jamaica St. Vincent and the Grenadines Trinidad and Tobago		19 July 1993 (a) 22 July 1986 (a) 26 October 1979 (a) 14 November 2001 (a) 13 December 2001 (a) 25 August 1980 (a) 21 September 1978 (a) 12 September 2000 (a) 15 June 1979 (a)

(15) **International Convention against the**
Taking of Hostages
(New York 17 December 1979)

Member State	Date of Signature	Date of Ratification/ Accession/Succession
Antigua and Barbuda Bahamas Barbados Belize Dominica Grenada Haiti Jamaica St. Kitts and Nevis St. Vincent and the Grenadines Suriname Trinidad and Tobago	21 April 1980 27 February 1980 30 July 1980	06 August 1986 (a) 04 June 1981 (a) 09 March 1981 (a) 14 November 2001 (a) 09 September 1986 (a) 10 December 1990 (a) 17 May 1989 17 January 1991 (a) 12 September 2000 (a) 05 November 1981 01 April 1981 (a)

The Region is committed to the full implementation of Resolution 1373 while cognizant of the need to respect the protection of fundamental human rights which are enshrined in the Constitutions of Member States.

Several Member States of CARICOM have participated in seminars sponsored by the Caribbean Financial Action Task Force (CFATF) and Commonwealth Secretariat. The aforementioned organisations have assisted in developing terrorism typology exercises and draft legislation.

Member States of CARICOM have been collaborating with CFATF in implementing the international instruments such as the 1999 UN Convention for the Suppression of the Financing of Terrorism.

Ongoing Assistance

The Region has been identified by the US Government and others as a 'soft' target for terrorism given its geographical proximity to the world's greatest consumers and producers of drugs and to the United States. In light of this geographical dilemma, the Region is in need of additional training, financial resources and technical assistance to address this problem.

Mechanism for Implementation

Regional Task Force on Crime and Security

A Regional Task Force on Crime and Security was established by the Conference of Heads of Government in July 2001 to examine the major causes of crime and to recommend approaches to deal with the inter-related problems of crime, illicit drugs, firearms and terrorism.

In the aftermath of the attacks of September 11, 2001, and further to the obligations imposed by United Nations Security Council Resolution 1373, much of the work of the Task Force has focused on terrorism prevention. In this regard, the Task Force has recommended several measures for dealing with terrorism, including the following:

- (i) Improvement of border control measures and port security in order to limit and monitor the movement and activities of terrorist elements within the Region. The issue of regional cooperation on travel documents is also under consideration;

- (ii) A regime of domestic security measures aimed at -
 - (a) improving security at key points and critical infrastructure;

- (b) more efficient management of intelligence;
 - (c) public education to keep the public current of the terrorist threat and reducing opportunities for corruption of youth by terrorist elements;
 - (d) contingency planning for response to terrorist incidents;
- (iii) Legislation to enable implementation of international terrorism and terrorist financing;
 - (iv) Expansion and enhancement of regional intelligence and information-exchange mechanisms for shared use, to include intelligence and information on terrorism.

More generally, the Task Force has also recommended that model regional coordination should revolve around a regional strategic plan. Thus, the Task Force recommended development of a Caribbean Drug Control and Crime Prevention Commission in order to facilitate the development of strategies and programmes to implement initiatives against crime and security threats. A Regional Rapid Response Mechanism was also recommended, which would permit the convening of major investigation teams to provide a quick specialist response to incidents of drug related and serious crimes within CARICOM Member States. A basic objective of these proposals is to ensure optimisation of expertise within the Region.

The Region has also undertaken a thorough review of its intelligence gathering, analysis and dissemination capacity, security apparatus, aviation and maritime transportation, the financial sector, trade in illicit drugs, small arms and potential terrorist threats.

Aviation Security

The mandate of a Regional Aviation Safety Oversight System has been widened to include a security component. The new organisation on aviation safety and security requirements of the various states needs additional financial support.

Measures Proposed by the Secretariat

The CARICOM Secretariat *inter alia* proposes the follow:

1. Establishment of Financial Intelligence Units (FIUs) in Member States which have not yet done so.
2. Ratification and implementation of relevant international instruments, including the 1999 UN International Convention for the Suppression of the Financing of

Terrorism.

3. Implementing the Financial Action Task Force (FATF) 40 Recommendations on Money Laundering and the 8 Special Recommendations on Terrorist Financing.
4. Increasing efforts to prevent the trafficking of small arms and ammunition through the Region.
5. Increasing efforts to prevent the trafficking of drugs through the Region.
6. Strengthening the Rule of Law.
7. Protecting human rights and fundamental freedoms.
8. Collaborating with regional and international organisations.

International Cooperation

The CARICOM Secretariat works closely with, *inter alia*, the UN Counter-Terrorism Committee, the UN Office on Drugs and Crime, the OAS, and the Commonwealth Secretariat.

The Secretariat proposes that the following provisional action points agreed to by participants at the 6 March 2003 CTA Conference in New York be implemented:

- (a) All international, regional and sub-regional organisations would communicate to each other international best practices, codes and standards relevant to the implementation of Resolution 1373, and the activities and mechanism on counter-terrorism areas. CTC will assist in co-ordinating the information.
- (b) Regional organisations would develop and maintain mechanisms to assist their members to meet their international obligations in the area of counter-terrorism.
- (c) All organisations would make an effort to reduce duplication of effort and overlapping activities, by increasing co-operation and by sharing information wherever possible (with due regard to confidentiality) and by making full use of designated contact points.
- (d) Organisations would invite each other's representatives and representatives of the CTC to attend meetings of interest.
- (e) Organisations would remain aware of the interaction between their

activities and human rights concerns and of the need for respect for human rights obligations and of the need for respect for the rule of law and human rights obligations.

The Secretariat also proposes that the CTC continue to take the following steps as agreed upon at the New York meeting:

- (a) Maintain, update and circulate a list of contact points in all international, regional and sub-regional organisations and in Member States to establish a network for the exchange of information on a global basis with the terms of reference of organisations.
- (b) Update annually its inventory of relevant activities of international, regional and sub-regional organisations of mechanisms and institutions involved in this.
- (c) Develop its website of advice and information for all concerned.
- (d) Encourage its experts to keep in constant touch with and, as agreed by the CTC, attend relevant meetings of international, regional and sub-regional organisations.
- (e) Bear in mind international best practices, codes and standards which are relevant to the implementation of Resolution 1373.
- (f) Liaise with regional organisations in developing their roles on counter-terrorism consistent with their mandates and developing programmes for encouraging or assisting Member States of their organisations to meet the requirements of Resolution 1373.
- (g) Liaise with international organisations, including the international financial institutions, on the provision of assistance to states in the areas covered by Resolution 1373.

The CARICOM Secretariat also supports the Caribbean Financial Action Task Force (CFATF) in calling for a United Nations Convention Against Money Laundering.

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