



**TWENTY-NINTH REGULAR SESSION**  
**May 29 – 1 June, 2001**  
**Washington, D.C.**

**OEA/Ser.L/XIV.2.29**  
**CICAD/doc.1112/01 rev.1**  
**1 June 2001**  
**Original: English**

## **PARTICIPATION IN ACTIVITIES OF CICAD BY THE NON-OAS TERRITORIES OF THE CARIBBEAN**

### INTRODUCTION

1. The Caribbean Basin includes a number of territories that are not members of the OAS or, by extension, of CICAD for the reason that they are not sovereign nations. In varying degrees these territories continue to be governed by other countries whether they are crown colonies, overseas departments, semi-autonomous entities, dependent colonies, unincorporated territories or commonwealths. Among them are included Aruba and the Netherlands Antilles; French Guiana, Guadeloupe (including its dependencies) and Martinique; the British Virgin Islands, Anguilla, the Cayman Islands, Montserrat and the Turks and Caicos; and, Puerto Rico and U.S. Virgin Islands.
2. Illicit drug trafficking knows no borders and respects no territorial jurisdiction. The inter-American and international fight against drugs must, therefore, attempt to build as broad and as strong an alliance as possible consistent with international law and national constitutions and prerogatives. It is estimated that between 40 and 45% of drug trafficking from South America to the US, Canada and Europe passes through the Caribbean Basin, and therefore coordination, cooperation and information exchange among all the territories, whether consisting of dependent or independent jurisdictions, would be of enormous strategic and practical value in opposing drug trafficking.
3. Representatives of some of the non-OAS territories in the Caribbean have approached CICAD about developing closer working relations. As a result, CICAD has, with the approval of the metropolitan country concerned, on occasion invited professionals from Caribbean non-OAS territories to participate in CICAD Expert Group meetings and training courses on specialized subjects such as money laundering control as well as drug abuse prevention and treatment.
4. While the OAS Charter, noting that membership in the Organization shall be comprised of the independent American states that ratify it, would preclude membership of these territories in it and by extension, CICAD, nevertheless, their participation in CICAD activities is expressly encouraged in CICAD's basic documents.

Article 19(i) of CICAD's Statute enumerates among the functions of the Commission, the establishment of cooperative relations in matters related to CICAD's mandate "with other

international organizations, with the Permanent Observer states of the Organization, and such other entities as the Commission determines.”

The Regulations of the Commission are more explicit in this regard. Article 8 reads:

### **Article 8**

The Permanent Observers to the Organization may also attend the meetings of the Commission, except for closed sessions, and may address the meeting at the invitation of the Commission.

Permanent Observer countries may be accompanied by representatives of agencies that perform functions similar to those of CICAD from their dependent territories situated in the Americas. At the request of the Permanent Observer representative, the Commission may invite the representative of the dependent territory to address the meeting.

Notwithstanding the foregoing, the representatives of the above-mentioned dependent territories may, at the invitation of the Commission and with the authorization of the Permanent Observer country, attend the other meetings of the Commission referred to in Article 4<sup>1</sup>, in accordance with its terms.

5. Recently, the Executive Secretariat has informally discussed the increased participation referred to above with representatives of the Permanent Missions to the OAS of the metropolitan governments, who have generally indicated their agreement with the greater involvement of these territories in CICAD’s anti-drug efforts.
6. More and more this participation is apparent in the efforts of other Organizations. Both CARICOM and the United Nations include Caribbean non-autonomous territories in their drug control programs (the Barbados Plan of Action). The Caribbean Action Task Force on Money Laundering (CFATF) not only includes certain dependent territories as full members (Anguilla, Aruba, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Netherlands Antilles and Turks and Caicos), but has had (BVI) and will probably have (Aruba) dependent territories as Chairs of that body.
7. Participation of dependent territories in the past has been underwritten by the metropolitan countries, the territories themselves, or some other donor. While it is anticipated and to be encouraged that the metropolitan countries would continue to do so, CICAD is not precluded by any OAS rule from providing support towards a dependent territory’s participation in a CICAD-sponsored event.
8. The benefits of a closer association between CICAD and non-OAS territories in the Caribbean would include: increased understanding of drug and related issues; improved exchange of information and face-to-face confidence-building; greater harmonization in approach and dealing with drug control and related issues; improved controls; a stronger Western Hemisphere alliance against drugs and others.

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<sup>1</sup> In the relevant part, Article 4 provides that “such meetings shall include, but not be limited to, those of any expert or working group of the Commission and such information or training seminars as the Commission may offer.”

## PROPOSAL

That CICAD at its twenty-ninth regular session invite closer cooperation in drug control efforts between the Commission and Caribbean non-OAS territories; that it welcome duly-authorized representatives of non-OAS territories in the Caribbean to attend the regular sessions of the Commission, and authorize the Executive Secretariat to continue in its conversations with the duly authorized representatives of metropolitan governments to explore means of assuring more frequent and consistent attendance by professionals from non-OAS territories in the Caribbean in technical workshops and seminars organized by CICAD on various aspects of inter-American drug control.