

THE OFFICIAL GAZETTE 9TH MARCH, 2007
LEGAL SUPPLEMENT — C

BILL No. 11 of 2007

Friday 9th March, 2007

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

9th March, 2007.

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 11 of 2007

SECURITY ASSISTANCE (CARICOM MEMBER STATES)

BILL 2007

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Acceptance of the Treaty.
4. Treaty to have force of law.
5. Implementation of amendments to the Treaty.

SCHEDULE

A BILL
Intituled

AN ACT to provide for the implementation of the Treaty on Security Assistance among Caricom Member States and for matters connected therewith.

A.D. 2007 Enacted by the Parliament of Guyana:-

Short title. 1. This Act may be cited as the Security Assistance (CARICOM Member States) Act 2007.

Interpretation. 2. In this Act.

"Contracting Parties" means the Contracting Parties to the Treaty;

"Minister" means the Minister responsible for Home Affairs;

Schedule "Treaty" means the Treaty on Security Assistance among CARICOM Member States concluded among Member States of the Caribbean Community on 6 July, 2006 at St. Kitts and Nevis as set out in the Schedule together with the Protocol to the Treaty.

Acceptance of the Treaty. 3. The Government of Guyana hereby enters into, adopts and adheres to the Treaty.

Treaty to have the force of law. 4. The Treaty shall have the force of law in Guyana.

Implementation of amendments to the Treaty. 5.(1) Where an amendment or protocol to the Treaty is accepted by the Contracting Parties, the Minister may by Order amend the Schedule for the purpose of including the amendment.

(2) Where the Schedule is amended in accordance with this section, any reference in this Act or in any other enactment or in any instrument having effect under any such enactment shall, unless the context otherwise requires be construed as a reference to the Treaty as so amended.

SCHEDULE

s.2

**TREATY
ON SECURITY ASSISTANCE
AMONG CARICOM MEMBER STATES**

THE CONTRACTING PARTIES

Reaffirming the decision of the Conference of Heads of Government of the Caribbean Community reached at its 24th Meeting held in Montego Bay, Jamaica from 2 - 5 July, 2003, where the Conference was challenged to promote a system of regional security to ensure the economic and social integrity of Member States;

Recalling further the First Meeting of the Ministerial Sub-Committee on Developing a Regional Resource Mobilisation Strategy for Crime Prevention and Security Issues which convened in Kingston, Jamaica, from 9 - 10 January, 2004;

Convinced that the stability and well - being of the Caribbean region can best be promoted by mutual cooperation;

Wishing to maximize their strength in the interest of the defence of their States and to achieve sustainable social and economic development for their people;

Striving to preserve the common heritage of their people founded on the principles of democracy, liberty of the individual and the rule of law:

HAVE AGREED as follows:

Article 1

USE OF TERMS

In this Treaty, unless the context otherwise requires:

"Community" means the Caribbean Community established by the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy (CSME) signed at Nassau, The Bahamas on 5 July, 2001;

"Contracting Parties" means Antigua and Barbuda, The Bahamas, Barbados, Belize; Dominica, Grenada, Guyana; Jamaica; St. Kitts and Nevis, Saint Lucia; St. Vincent and the Grenadines; Suriname; Trinidad and Tobago; and the Regional Security System;

"Contracting States" means Antigua and Barbuda, The Bahamas, Barbados, Belize; Dominica; Grenada; Guyana; Jamaica; St. Kitts and Nevis; Saint Lucia; St. Vincent and the Grenadines; Suriname; and Trinidad and Tobago;

"Co-ordinator" means the Co-ordinator of the RSS appointed in accordance with the Treaty;

"Forces Commanders" means the -

- (a) Commander of the Antigua and Barbuda Defence Force;
- (b) Commissioner of Police of the Royal Police Force of Antigua and Barbuda;
- (c) Chief of Staff of the Royal Bahamas Defence Force;
- (d) Commissioner of the Royal Bahamas Police Force;
- (e) Chief of Staff of the Barbados Defence Force;
- (f) Commissioner of Police of the Royal Barbados Police Force;
- (g) Commissioner of the Belize National Police;
- (h) Commandant of the Belize Defence Force;
- (i) Chief of Police of the Commonwealth of Dominica Police Force;
- (j) Commissioner of the Royal Grenada Police Force;
- (k) Chief of Staff of the Guyana Defence Force;
- (l) Commissioner of Police of the Guyana Police Force;
- (m) Chief of Staff of the Jamaica Defence Force;
- (n) Commissioner of Police of the Jamaica Constabulary Force;
- (o) Commissioner of the Royal Saint Christopher and Nevis Police Force;
- (p) Commander of the St Kitts and Nevis Defence Force;
- (q) Commissioner of the Royal Saint Lucia Police Force;
- (r) Commissioner Police of the Royal Saint Vincent and the Grenadines Police Force;
- (s) Chief of Police of the Suriname Police Force;
- (t) Commander in Charge of the Suriname Army;
- (u) Chief of Defence Staff of the Trinidad and Tobago Defence Force; and
- (v) Commissioner of Police of the Trinidad and Tobago Police Service.

"Full command" means the military authority and responsibility of a commander to issue orders to his subordinates in every aspect of military administration and operations.

"Regional Security System" or "RSS" means the Organisation established by the Treaty signed at St Georges, Grenada, on the 5th day of March 1996 between Barbados and the Member States of the Organisation of Eastern Caribbean States;

"Security Assistance Mechanism" means the arrangements and the utilization of the support facilities required to expedite the mobilization, coordination and deployment of resources to respond effectively and in a timely manner to control the threat of serious crimes, man-made or natural disasters, and national and regional crisis;

"service personnel" means personnel belonging to or connected with anyone of the Forces referred to in the definition of "Forces Commanders"; and

"Treaty" means the Treaty establishing the Regional Security System signed at St. Georges, Grenada on the 5th day of March, 1996 by Antigua and Barbuda, Barbados, The Commonwealth of Dominica, Grenada, Saint Christopher and Nevis, Saint Lucia and Saint Vincent and the Grenadines.

Article 2 **ESTABLISHMENT**

There is hereby established a Security Assistance Mechanism that is charged with the execution of the tasks and services required to be performed in accordance with this Treaty.

Article 3 **OBJECTIVES**

The objectives of the Security Assistance Mechanism are the:

- (a) efficient and timely response to and management of natural and man-made disasters in order to reduce and eliminate the harmful consequences thereof;
- (b) expeditious, efficient mobilisation and deployment of regional resources in order to manage and defuse national and regional crises and to combat serious crimes;
- (c) combating and elimination of threats to national and regional security, however arising; and
- (d) **preservation of the territorial integrity of the Contracting States.**

ARTICLE 4
EFFECTIVE IMPLEMENTATION

Each Contracting State shall take all necessary measures, including legislative and administrative measures, to ensure the effective implementation of the objectives of this Treaty within its territory.

Article 5
JOINT STRATEGIC COORDINATING
AND PLANNING COMMITTEE

1. There shall be a Joint Strategic Coordinating and Planning Committee (hereinafter called "the Committee") comprising the Co-ordinator of the RSS and the Forces Commanders.
2. The Committee shall meet in session as often as the exigencies of the circumstances require.
3. The meetings of the Committee shall be chaired by the Contracting States on a rotating basis in the English alphabetical order.
4. The Committee shall perform the following functions:
 - (a) monitor the availability and readiness of the resources for deployment by the Security Assistance Mechanism as required;
 - (b) monitor and advise on the preparedness of the Contracting Parties to accommodate material, military and service personnel in times of national crisis;
 - (c) make arrangements for the transportation of material, military and service personnel to receiving Contracting States at short notice including where necessary arrangements for mandatory requisition by the Contracting Parties of air and sea transport vessels belonging to private persons; and
 - (d) any other function mandated by the Contracting States which is within the objectives stated in Article 3.
5. Subject to Article 11, the Committee shall be responsible for mobilising, coordinating and deploying the resources of the Security Assistance Mechanism in response to a request for assistance by a Contracting State.
6. Combined operations shall be coordinated at any suitable place as may be agreed upon by the Committee.

Article 6

THE COORDINATING SECRETARIAT

1. The Central Liaison Office of the RSS shall be designated the Coordinating Secretariat of the Security Assistance Mechanism.
2. In the performance of its functions the Coordinating Secretariat shall:
 - (a) seek to ascertain the quantum and availability of the resources in the territories of the Contracting States which may be identified for use by the Security Assistance Mechanism;
 - (b) as directed by the Committee, act as the focal point for relations with governments of third States and representatives of competent international organisations on issues within the remit of the Security Assistance Mechanism;
 - (c) compile and distribute to Contracting States and the Committee statistics on the material, disciplined forces and related facilities of the Contracting Parties;
 - (d) on request prepare a draft budget for the Security Assistance Mechanism for submission to the Committee whenever the Security Assistance Mechanism is activated;
 - (e) develop and establish a database for the Security Assistance Mechanism; and
 - (f) perform any other function mandated by the Contracting States which is within the objectives stated in Article 3.
3. The Central Liaison Office of the RSS shall provide administrative and secretarial services for the purposes of the Security Assistance Mechanism.

Article 7

COORDINATOR

1. The Coordinator shall be responsible for the general administrative direction of the Security Assistance Mechanism.
2. The duties of the Coordinator shall include -
 - (a) advising the Contracting States on request on the issues of serious crimes, man-made and natural disasters and matters of regional security;

- (b) arranging and servicing meetings of the Security Assistance Mechanism;
 - (c) coordinating the operations of the Security Assistance Mechanism;
 - (d) submitting annually and at the request of the Contracting States reports on the administrative and operational activities of the Security Assistance Mechanism; and
 - (e) taking appropriate action in respect of any decision taken or directive received from the Contracting States.
3. The Coordinator shall submit any information and prepare any document sending by the Contracting States and submit any information which in his opinion the Contracting States ought to be informed.

Article 8

THE BUDGET

1. The Contracting States may, where the exigencies of the Security Assistance Mechanism so require, agree to the preparation of a budget in which the quantum or proportion of each Contracting State contribution is determined.
2. Whenever a request is made for assistance or cooperation from the Security Assistance Mechanism, the receiving Contracting State shall meet the financial obligations arising from the rendering of such assistance or cooperation.
3. Budget estimates shall on request be prepared by the Coordinating Secretariat with, where necessary, the assistance of a technical committee, for submission to the Committee which shall consider and transmit it to the relevant Contracting States for their approval.
4. Supplementary estimates may be prepared and submitted to the Contracting Parties as the exigencies of the Security Assistance Mechanism may require.
5. Annual financial statements shall, where appropriate, be submitted by the Coordinating Secretariat to the relevant Contracting States.

Article 9

AREAS OF COOPERATION

1. The Contracting Parties agree to cooperate in the areas and in the manner set out hereunder -

- (a) combating threats to national and regional security;
- (b) minimizing the incidence of serious crimes;
- (c) preserving the territorial integrity of the Contracting States;
- (d) conducting search and rescue missions as a consequence of natural and man-made disasters; and
- (e) in any other area mandated by the Contracting States which is within the objectives stated in Article 3.

2. Any one or more of the Contracting Parties may request in writing the assistance of one or more of the other Contracting Parties in the areas of cooperation set out in paragraph 1 of this Article.

3. Assistance provided by any one or more of the Contracting Parties to one or more of the other Contracting Parties may be coordinated through the Coordinating Secretariat.

4. The Contracting Parties shall consult together whenever in the opinion of any of them, the national security of any Contracting State is threatened.

5. Where, having so consulted, the Contracting Parties or any number of them consider that they should take action to combat the threat to the security of any Contracting State upon the written request of the Contracting Party, they may individually or collectively take such action as may be requested in writing by that Contracting State.

6. The service personnel of a sending Contracting State may, with the written consent of the receiving Contracting State, use reasonable force as and when necessary during operations in the receiving Contracting State.

Article 10

COMMAND, CONTROL AND DISCIPLINE

1. Subject to the laws of the requested Contracting State -

- (a) the requesting Contracting State shall have responsibility for the operational direction, administration and logistics requirements of all

service personnel operating in that Contracting State for the purposes agreed by the States; and

- (b) the senior officer of a requested State shall exercise full command over his service personnel.

2. The responsibilities referred to in paragraph 1 (a) may vest in the requested Contracting State based on a request in writing of the requesting Contracting State for such period as is specifically stated by the requesting Contracting State.

3. Service personnel shall be subject to the applicable code of discipline in accordance with the law of his State and the regulations of the Force to which he belongs.

Article 11

**COOPERATION BETWEEN
TWO OR MORE CONTRACTING STATES**

1. Notwithstanding the provisions of any other article, within the spirit and in accordance with the objectives of this Treaty, any two or more Contracting States may -

- (a) activate the Security Assistance Mechanism; and
- (b) cooperate with each other;

without the RSS being an active participant.

2. Notwithstanding paragraph 1 the Coordinating Secretariat and the Coordinator may be required to give relevant support and cooperate with the respective Contracting States to the extent and for the purposes required.

Article 12

OTHER ARRANGEMENTS

Contracting States may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Treaty for the purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

Article 13

JURISDICTION

1. When service personnel of a sending Contracting State are within the jurisdiction of another Contracting State, they shall respect the laws, customs and traditions of that other Contracting State.

2. The relevant authorities of one Contracting State shall have, within another Contracting State or on board any vessel or aircraft of that other Contracting State, the right to exercise all such criminal and disciplinary jurisdiction over the service personnel of the first-mentioned Contracting State as are conferred on the relevant authorities of that Contracting State by the laws of that Contracting State, including the right to repatriate personnel to their own State for trial and sentencing.

3. The courts of a Contracting State shall have jurisdiction over service personnel of another Contracting State with respect to offences that are committed by such personnel within the first-mentioned Contracting State which are punishable under the law of the first-mentioned Contracting State.

4. Where the courts of one Contracting State and the relevant authorities of another Contracting State have the right to exercise jurisdiction in respect of an offence, the relevant authorities of the other Contracting State shall have the primary right to exercise jurisdiction where the offence arises out of an act or omission occurring in the course of official duties by a member of the service personnel of that other Contracting State.

Article 14

CLAIMS

Except as otherwise agreed, the receiving Contracting Party shall:

- (a) not institute any legal proceedings against a sending Contracting Party or its service personnel or other legal entities acting on its behalf;
- (b) deal with legal proceedings and claims brought by third Parties against a sending Contracting Party or against service personnel or other legal entities acting on its behalf;
- (c) preserve, save and keep free from harm service personnel of the sending Contracting Party or persons or other legal entities acting on its behalf; and
- (d) compensate a sending Contracting State or its service personnel or other legal entities acting on its behalf,

in respect of death or injury to such service personnel, damage to or loss of equipment or property, or damage to the environment arising within the territory or other area under the jurisdiction or control of the sending Contracting State in the course of providing assistance.

Article 15

OPERATIONAL AND MEDICAL EXPENSES

1. The receiving Contracting State shall pay the expenses incurred in accommodating and victualling the service personnel of the sending Contracting Party.
2. The medical expenses of any service personnel of the sending Contracting State who needs medical attention -
 - (a) in the receiving Contracting State as a result of injuries received, or illness occurring during operations or training in that Contracting State shall be borne by the receiving Contracting State;
 - (b) after having been repatriated to the sending Contracting State as a result of injuries or illness referred to in subparagraph (a) shall be borne by the receiving Contracting State; and
 - (c) as a result of injuries or illness referred to in paragraph (a) which cannot be obtained in either the receiving Contracting State or the sending Contracting State shall be borne by both Contracting States in such proportion as may be agreed upon.
3. The receiving Contracting Party shall pay the operational expenses incurred in respect of the transportation and use of the resources necessary to mobilize and execute any request made on its behalf.

Article 16

TRAINING

1. The Contracting Parties may make arrangements for the training of service personnel.
2. Training may be conducted on a collective or individual basis.
3. The Committee shall be responsible for all training initiatives undertaken by virtue of this Treaty.

Article 17

SETTLEMENT OF DISPUTES

In the case of a dispute between two or more Contracting Parties relating to the interpretation or application of this Treaty, the Contracting Parties shall consult together with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration or other peaceful means of their own choice prior to the initiation of any judicial process.

Article 18

COMMENCEMENT AND TERMINATION

1. This Treaty shall enter into force on the day that it is signed by two Member States of the RSS, the RSS and two other Contracting Parties.
2. This Treaty shall cease to be in force in respect of a Contracting Party on the day specified by notice in writing to the other Contracting Parties; such notice to be given at least six months before the date specified in the notice.
3. In the event of the termination of this Treaty, any provision relating to a matter of criminal jurisdiction or to any other obligation arising from or under this Treaty while in force, shall remain in force until the matter is settled or otherwise finally resolved.

Article 19

ACCESSION

1. After its entry into force any Member State of the Community may accede to this Treaty.
2. Instruments of accession shall be deposited with the Depository who shall forward certified true copies to all Contracting Parties notifying them of the dates of deposit of the instruments of accession.

Article 20

DEPOSITORY

This Treaty shall be deposited with the Secretary General of the Community (herein referred to as the Depository) who shall forward certified true copies to all Contracting Parties, notifying them of the dates of signature and shall be registered with the Secretary General of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective governments, hereby sign the present Treaty.

DONE at
on the day of

for the Government of the Co-operative Republic of Guyana on the

Signed by
for the Government of Antigua and Barbuda on the day of
at

Signed by
for the Government of the Bahamas on the day of
at

Signed by
for the Government of Barbados on the day of
at

Signed by
for the Government of Belize on the day of
at

Signed by
for the Government of the Commonwealth of Dominica on the day
of
at

Signed by
for the Government of Grenada on the day of
at

Signed by
for the Government of the Co-operative Republic of Guyana on the day
of
at

Signed by _____
for the Government of Jamaica on the _____ day of _____
at _____

Signed by _____
for the Government of Saint Lucia on the _____ day of _____
at _____

Signed by _____
for the Government of the Federation of St. Kitts and Nevis on the _____ day
of _____
at _____

Signed by _____
for the Government of St. Vincent and the Grenadines on the _____ day
of _____
at _____

Signed by _____
for the Government of the Republic of Suriname on the _____ day of
at _____

Signed by _____
for the Government of the Republic of Trinidad and Tobago on the _____ day
of _____
at _____

AND IN WITNESS WHEREOF the undersigned being duly authorized thereto
has signed the present Treaty

_____ for the Regional Security System on the _____ day of _____ at _____

**PROTOCOL TO THE TREATY ON SECURITY ASSISTANCE
AMONG CARICOM MEMBER STATES
RELATING TO THE ESTABLISHMENT OF THE CARICOM
OPERATIONS, PLANNING AND COORDINATING STAFF (COPACS)**

Contracting Parties to the Treaty on Security Assistance Among CARICOM Member States,

Recalling Article 2 of the Treaty which established the Security Assistance Mechanism and Article 3 which set out the objectives of the Mechanism including the "expeditious, efficient mobilisation and deployment of regional resources in order to manage and defuse national and regional crises and to combat serious crimes";

Recalling further Articles 5 and 6; and

Recognizing that the Community may have the need on occasion to mobilize forces under a single command in relation to the management of a single incident or event;

Agree as follows:

**Article 1
Interpretation**

In this Protocol, unless the context otherwise requires:

"Conference" means the Conference of Heads of Government of the Caribbean Community established by Article of the Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy;

"Contracting State" shall have the meaning ascribed to it in the Treaty;

"COPACS" means the CARICOM Operations, Planning and Coordinating Staff established by Article 2;

"Regional Operations Commander" means the Regional Operations Commander appointed in accordance with Article 3;

"Security Assistance Mechanism" shall have the meaning ascribed to it in the Treaty;

"Treaty" means the Treaty on Security Assistance Among CARICOM Member States concluded among Member States of the Caribbean Community on 6 July, 2006 at St. Kitts and Nevis.

Article 2

Establishment of COPACS

1. Notwithstanding Articles 5 and 6 of the Treaty, the Contracting States hereby establish the CARICOM Operations, Planning and Coordinating Staff, which shall have the functions specified in Article 3.
2. COPACS shall be temporary in nature and shall be convened by the Conference as and when required and for such period as determined by the Conference.
3. The Conference may assign any function or responsibility under the Treaty to the Regional Operations Commander during the period that COPACS is convened.

Article 3

Regional Operations Commander

1. The Regional Operations Commander shall be appointed by the Conference of Heads of Government of the Caribbean Community on the recommendation of the Council of Ministers of National Security and Law Enforcement for such period as COPACS is convened.
2. The Regional Operations Commander shall be responsible for managing COPACS and shall have the overall command of the forces of the Security Assistance Mechanism during such period as COPACS is convened.

Article 4

Functions of COPACS

1. COPACS shall have the following functions during such period as it is convened:
 - (a) mobilising, coordinating and deploying the resources of the Security Assistance Mechanism during the period and in respect of the incident or event for which it is convened.

- (b) seeking to ascertain the quantum and availability of the resources in the territories of the Contracting States which may be identified for use by the Security Assistance Mechanism;
- (c) preparing and implementing a Resource Mobilisation Plan for the approval of the Conference;
- (d) preparing and implementing a Plan in relation to all security related aspects of the event or incident for which it was convened;
- (e) as directed by the Conference, acting as the focal point for relations with governments of third States and representatives of competent international organisations on issues relating to its establishment;
- (f) preparing a draft budget for its activities in relation to the incident or event for which it was convened;
- (g) performing any other function mandated by the Conference within the scope of its establishment pursuant to paragraph 2 of Article 2.

2. COPACS shall establish a Regional Operations Coordinating Centre as required to be the Operational Headquarters under the command of the Regional Operations Commander, in order to execute the Plan specified in subsection (c) of paragraph 1 and related matters.

Article 5 **Security Assistance Mechanism**

Nothing in this Protocol shall prevent any Contracting Party to the Treaty from activating the Security Assistance Mechanism as provided in the Treaty in relation to any incident or event for which COPACS does not have authority.

Article 6 **Entry Into Force and Termination**

1. This Protocol shall be open for signature by any of the Contracting Parties and shall enter into force upon signature by three such Contracting Parties.

2. This Protocol may be terminated by the agreement of all parties hereto and in any event shall be terminated immediately upon the termination of the Treaty, but termination of the Protocol alone shall not otherwise affect the operation of the Treaty.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective governments, hereby sign the present Protocol.

Signed by
for the Government of Antigua and Barbuda on the day of
at

Signed by
for the Government of The Bahamas on the day of
at

Signed by
for the Government of Barbados on the day of
at

Signed by
for the Government of Belize on the day of
at

Signed by
for the Government of the Commonwealth of Dominica on the day
of
at

Signed by
for the Government of Grenada on the day of
at

Signed by
for the Government of the Co-operative Republic of Guyana on the day
of
at

Signed by
for the Government of Jamaica on the day of
at



Signed by
for the Government of Saint Lucia on the day of
at

Signed by
for the Government of the Federation of St. Kitts and Nevis on the day
of
at

Signed by
for the Government of St. Vincent and the Grenadines on the day
of
at

Signed by
for the Government of the Republic of Suriname on the day of
at

Signed by _____
for the Government of the Republic of Trinidad and Tobago on the _____ day
of _____
at _____

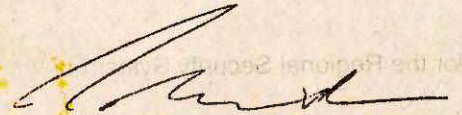
AND IN WITNESS WHEREOF the undersigned being duly authorized thereto
has signed the present Treaty

_____ for the Regional Security System on the _____ day of _____ at _____

EXPLANATORY MEMORANDUM

This Bill seeks to give the force of law in Guyana to the Treaty on Security Assistance among Caricom Member States concluded among Member States of the Caribbean Community on 6th July, 2006 at St. Kitts and Nevis. The Treaty together with the Protocol is set out in the Schedule.

This is one of the measures that seeks to give effect to the decisions of the conference of the Heads of Government in relation to the implementation of the regional security plan during the hosting of Cricket World Cup 2007.



Minister of Home Affairs.