

Caricom and implementation of anti-terrorism measures

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An open debate on terrorism in the UN Security Council on 26 October 2005 presented an opportunity for Caricom member states, collectively or individually, to inform the global community of efforts being taken in the region to implement regional security measures, including those measures required by the anti-terrorism resolutions adopted in the post-September 11, 2001 period.

As has become the practice now for almost three years, Caricom states passed on this opportunity. Other regional and sub-regional groups in the UN often participate in these open debates on terrorism, which take place every three months for the Security Council to receive briefings by the Chairs of the three anti-terrorism committees.

Some regional groups take advantage of these opportunities to raise the concerns of their members in implementing the resolutions, and to inform the Council of the security measures, including anti-terrorism measures, implemented or being implemented by their members and in their regions.

Most importantly, regional groups highlight the difficulties, or successes, they have in implementing anti-terrorism security measures, and use the occasion to press the Security Council's Counter-Terrorism Committee (CTC) to provide or facilitate assistance to help those states lacking resources and expertise to comply with the relevant resolutions.

They seek to have the CTC and its Counter-Terrorism Executive Directorate become more proactive in facilitating assistance to states pursuant to the provisions of resolution 1377, which, not coincidentally, was adopted by the Security Council during Jamaica's presidency in November 2001.

The Chairs of the CTC (established by resolution 1373 (2001)), the al-Qaeda and Taliban Sanctions Committee (established by resolution 1267 (1999)) and the 1540 Committee (established by resolution 1540 (2004) on measures to prevent terrorists from obtaining weapons of mass destruction and their precursors), use these open debates to inform the Security Council and the wider UN community of the efforts of their committees in carrying out their mandates to monitor implementation of the resolutions, and highlight whatever difficulties they encounter, as well as the proposed future activities of the respective committees.

In the October debate, the Pacific Islands Forum, represented by Samoa, used the opportunity to push for accommodation of regional reporting to ease the reporting burden on small states. Many states have complained about the "reporting fatigue" from having to make reports to so many different Security Council committees and other bodies of the United Nations. The high number of required reports strains the limited resources of small states.

A number of Caricom states could benefit from a decision of the Security Council to accept regional reporting to fulfill the requirements of the three anti-terrorism committees, on those measures which are implemented on a region- or sub-region-wide basis.

This might be possible where the region or sub-region has agreed on the implementation of international anti-terrorism standards, and the regional authority has the competence to monitor implementation of these standards across the region. A system of peer evaluation among Caricom members may be an approach that could help ensure compliance with regional and international security measures.

Another issue, which was raised by the Permanent Representative of Liechtenstein during the debate, highlighted the lack of transparency in the processes followed by the al-Qaida and Taliban sanctions committee in the listing and delisting of persons and entities. Persons and entities listed by the committee are subject to assets freeze and travel ban. This is an important issue for all countries, as they are required to apply the sanctions measures on all persons and entities on the list.

The lack of transparency in the listing activities of the al-Qaeda and Taliban sanctions committee has caused concerns about the lack of due process. There have been a number of judicial challenges.

Notably, depriving any one of property without due process of law violates the constitutions of all Caricom member states hence Caricom has a significant interest in the outcome of this discussion.

Only five Caricom states have ratified 10 or more of the current 13 international anti-terrorism conventions and protocols.

Most Caricom states have not enacted anti-terrorism legislation to include provisions implementing the measures that are required in their domestic laws, in order to provide mutual legal assistance in the investigation and prosecution of the terrorist acts defined by these conventions. Neither do most Caricom states have appropriate laws to extradite or prosecute perpetrators of such acts.

This lack of action on the anti-terrorism conventions raises doubt as to whether some Caricom member states appreciate the seriousness of the terrorist threat, including to the security and development of their countries and to the region. It is long past the time for the region to deal seriously with regional security, including by implementing security standards in compliance with international requirements.

Should there be a serious terrorist incident in any Caricom state, all states in the region would be adversely affected; particularly with regards to tourism and trade. A discussion at the highest appropriate level of Caricom is needed to address outstanding anti-terrorism issues, particularly the seemingly lack of commitment by some in the region to their UN Security Council obligations.

It should be noted, that this seemingly lack of cooperation at the international level in implementing anti-terrorism measures is contrary to the "Nassau Declaration on Terrorism: the

Caricom Response", which was made by CARICOM Heads of State and Government at the Bahamas summit in October 2001.

In that declaration, the members of Caricom committed to the widest possible adherence to relevant regional and international conventions by all Caricom governments, including the highest priority to the enhancement of existing national legislation relating to security, and the enactment of new laws as required.

More than four years hence most Caricom members are way behind in the implementation of the required international legal measures, and in fulfilling their obligation to report the actions taken by them to the anti-terrorism committees of the Security Council.

Notably, Caricom has launched a regional security initiative, which includes a counter-terrorism element. The Chair of the CTC, the Permanent Representative of Denmark, Ambassador Ellen Margrethe Løj, in her presentation to the Security Council, acknowledged the Caricom regional security initiative and indicated that in the months ahead the CTC would engage Caricom on this matter.

When such consultation takes place, Caricom should be ready to offer to the CTC a comprehensive analysis of the stage reached in the region in implementing anti-terrorism security measures - legislatively and operationally.

Such analysis should include the level of implementation achieved by each member state, as well as the regional initiatives being undertaken. Most importantly, Caricom must identify specifically the technical assistance and other resources needed by the region in order to achieve full implementation.

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