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CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES  
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EXERCISE/EXERCICE

MASTER IN DEFENCE STUDIES

**TRANSNATIONAL CRIMES:  
TOWARDS ENHANCING REGIONAL SECURITY EFFECTIVENESS IN THE  
CARIBBEAN COMMUNITY**

By/par  
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## ABSTRACT

The CARICOM is strategically located between drug producing countries in South America and drug consuming countries in North America, especially the USA. The region's proximity and vulnerabilities are major concerns for the USA, primarily as a consequence of the threats posed by terrorism. But the security initiatives adopted by the USA to ensure safety and security have meant significant adjustments in the CARICOM states' own security agenda.

CARICOM states, though recognising the threat posed by transnational crimes to its jurisdictions, have generally adopted their respective national strategies to deal with increasing crime and violence in the region. These states have benefitted USA's military assistance but the latter's preference for bilateral relations have undermined efforts at developing a security architecture for the region. Notwithstanding the security posture of the USA, resource constraints and a seeming lack of political will on the part of its leaders, CARICOM states need to demonstrate greater regional cooperation in order to address transnational crimes affecting the region.

The mutual importance of the region to both the USA and the CARICOM presents a unique opportunity for greater cooperation and collaboration on security issues. But the benefits of such a relationship can only be optimised through the establishment of a regional security architecture and a common strategy. These conditions were evident during 2007 with the successful staging of Cricket World Cup in the Caribbean. Recent disclosures by new USA President Barrack Obama suggest that a favourable environment can be created for CARICOM states to engage its northern neighbour in a cooperative and collaborative way.

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## ABBREVIATIONS

Association of Caribbean Commissioners of Police	ACCP
Caribbean Community	CARICOM
Caribbean Court of Justice	CCJ
Caribbean Customs Law Enforcement Council	CCLEC
Caribbean Financial Action Task Force	CFATF
Counter Anti Narcotics Unit	CANU
Cricket World Cup	CWC
Drug Enforcement Agency	DEA
Financial Action Task Force	FATF
Gross Domestic Product	GDP
Guyana Defence Force	GDF
Guyana Defence Force Coast Guard	GDFCG
Guyana Police Force	GPF
Implementation Agency for Crime and Security	IMPACS
International Organisation of Migration	IOM
International Monetary Fund	IMF
International Narcotics Control Strategy Report	INCSR
Joint Regional Communications Centre	JRCC
Liquefied natural gas	LNG
National Security Strategy	NSS
Offshore Financial Centres	OFCs
Organisation for Economic Co-operation and Development	OECD
Organisation of American States	OAS
Regional Drug Law Enforcement Training Centre	RDLETC
Regional Security System	RSS
Regional Task Force on Crime and Security	RTFCS
Small arms and light weapons	SALW
United Kingdom	UK
United Nations	UN
United States Agency of International Development	USAID
United States of America	USA
Weapons of Mass Destruction	WMD
Tax Information Exchange	TIE
Trafficking in persons	TIPs
Transnational criminal networks	TCNs
Transnational criminal organisations	TCOs
Transnational organised crimes	TOCs
Trinidad and Tobago	TT

## CHAPTER ONE

... drug trafficking, links between drug traffickers and terrorists, smuggling of illegal aliens, massive financial and bank fraud, arms smuggling, potential involvement in the theft and sale of nuclear material, political intimidation, and corruption all constitute a poisonous brew – a mixture potentially as deadly as what we faced during the cold war.<sup>1</sup>

Clifford E. Griffin

### INTRODUCTION

The post Cold War era has witnessed dramatic changes in the global socio-economic and political environment. These changes are characterised by greater freedom of movement and a relatively seamless electronic environment. The global environment has provided greater opportunities for economic development while, at the same time, facilitated an expansion of transnational organised crimes. The inherent threat has intensified since the end of the Cold War and is a major consideration in foreign policy decision-making. Frank Cilluffo contends that,

The rise of transnational organized crime is an unfortunate by-product of increasing globalization, through which technological advances and lower barriers to trade have empowered new classes of actors that operate 'above' states. Like legitimate business, transnational criminal enterprises are embracing globalization by adopting new communications and transportation technologies that allow them to pursue global markets.<sup>2</sup>

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<sup>1</sup>Clifford E. Griffin, "Regional Law Enforcement Strategies in the Caribbean," in *Caribbean Security in the Age of Terror: Challenge and Change* (United States: Ian Randle Publishers Inc., 2004), 485-507.

<sup>2</sup>Frank Cilluffo, "Dealing with Transnational Threats: Terrorism, Crime, Narcotics, and Information Warfare," [http://www.ndu.edu/inss/Books/Books\\_1999/US%20Russian%20Partnership%20July%2009/usrp18.html](http://www.ndu.edu/inss/Books/Books_1999/US%20Russian%20Partnership%20July%2009/usrp18.html): Internet; 24 January 2009.

Organised crime in Europe, Asia, North America, South America and Africa is primarily a consequence of globalisation. The scope and range of such crimes vary across the global environment since relatively weak states are targeted by criminal syndicates seeking to pursue their respective agendas. This phenomenon effectively means that instability cannot be contained within increasingly porous and blurred borders.<sup>3</sup>

The threats associated with the Caribbean Community (CARICOM), comprising relatively weak states, are drug trafficking, illegal arms trafficking, human trafficking/smuggling, and money laundering.<sup>4</sup> The region is not seen as a host for transnational crimes but rather member states are regarded as transit points for the conduct of these illegal activities. For instance, Jamaica's Ambassador to the United States of America (USA), Dr. Richard Bernal, before the *Subcommittee on the Western Hemisphere and House Committee on International Relations on 17 May 2000* stated that,

The geographic location of Caribbean states between the main sources of supply and the US has placed a significant burden on them to continue to undertake aggressive interdiction efforts to curtail the movement of drugs through the region. ... As the US commits itself to more robust anti-narcotics efforts in source nations, due attention must be paid to ensuring that a compatible strategy ... is developed with respect to transit countries in the Caribbean.<sup>5</sup>

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<sup>3</sup>Richard Jackson, "Regional Security," in *Transnational Crime in Contemporary Security Studies* (New York: Oxford University Press Ins., 2007), 147.

<sup>4</sup>A regional integration arrangement established in 1975 and whose member states are: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts & Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad & Tobago.

The region's viability as a geographical space for the conduct of illegal transnational activities is strengthened, in large measure, by weak national and regional institutions, easily exploited by organised criminal gangs. The CARICOM member states have been plagued by a relatively high degree of crime and violence, which in some instances have been likened to acts of terrorism. These crimes, invariably, are related to drug trafficking which is facilitated by the open borders which characterise the countries across the region.

Cross border movement of drugs and the conduct of other illegal activities have been a major source of concern throughout the region, but especially for law enforcement officials. These concerns have intensified as a consequence of an apparent increasing willingness on the part of drug traffickers to associate with terrorists in mutually beneficial collaborations. Alan Dupont states that, "virtually all terrorists (insurgent groups) rely on drug traffickers for criminal activities to obtain guns and raise funds for their cause."<sup>6</sup> Again, this has not been the reality of CARICOM but the threat posed by such a link can potentially serve to further undermine the stability of the region.

The creation of a stable security environment within CARICOM is essential for growth and development, as well as for a reduction of the threat posed to the USA. The achievement of a stable environment will, therefore, necessitate a concerted effort by CARICOM member states to address the challenges posed by money laundering and the

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<sup>5</sup>Dr. Richard L. Bernal, "Caribbean US Relations, Address to the Sub Committee on Western Hemisphere," <http://www.tc.columbia.edu/centers/cifas/drugsandsociety/resources/ambassadorwashington.html>; Internet; accessed 14 February 2009.

<sup>6</sup>Alan Dupont, *East Asia Imperiled: Transnational Challenges to Security* (London: Cambridge University Press, 1998), 31.



illegal trafficking of drugs, people and arms. Previously, member states have united to confront security issues, such as the forced removal of the Grenadian government (1983), the attempted coup in Trinidad and Tobago (1990), and also the removal of Aristide as President of Haiti (1994). The upsurge in transnational crimes, however, has exposed the inadequacy of current security arrangements in the region, and the need to address this shortcoming from a regional perspective.

The current manifestations of transnational crimes are clear indications of the need for CARICOM to demonstrate a much greater commitment in dealing with non-traditional threats. This paper will address the transnational security challenges faced by CARICOM nations and articulate the need for the development of a regional security strategy. The following primary research question will therefore be considered: How can CARICOM mitigate the burgeoning rise in transnational crimes occurring in the region?

In order to address the foregoing issue, the following secondary questions must also be answered:

1. What are the challenges facing the CARICOM region in dealing with transnational organised crimes?
2. What are the common regional and significant country-specific problems, which have mitigated efforts to adequately address transnational crimes within CARICOM?
3. What is the rationale for extra-regional engagement by the USA, recognising the current limitations that characterise the CARICOM states, collectively and individually?

## **Conceptual Framework**

The conceptual framework demonstrates that TOC in the Caribbean occurs in the context of an international criminal environment. The security strategies must, therefore, reflect theories and models of security cooperation, which recognise the region's changing realities, particularly the role of USA. An equally significant component in the equation is the institutional weaknesses and lack of resources, which created a capability gap in the region's fight against TOCs. The recommended strategic outcome is enhanced support from external sources to facilitate ongoing regional cooperation in the fight against TOCs. The foregoing conceptual framework is developed by the author. The thesis analyses several stated variables in order to make recommendations for the improvement of intra-regional security cooperation.

This paper demonstrates the notion that the CARICOM is extremely vulnerable to transnational crimes and that external assistance is critical in order to mitigate the threat posed by drug trafficking and related crimes. The paper will begin by exploring in broad terms, TOCs at the global level and their impact on the regional economies. The initial discussions will provide a context for addressing the concerns of the Caribbean Community in its fight against TOCs.

Chapter two will address the specific but common challenges that face member states of the region. Drug trafficking is the principal transnational crime occurring in the region while the other related challenges are illegal trafficking of small arms and light weapons (SALW), human trafficking, and money laundering. This chapter will also

highlight the implications of these challenges for member states, as well for the region, and the global community.

Chapter 3 will address common problems experienced by the CARICOM states in their efforts to address transnational crimes. References will also be made to country-specific issues which have the potential of impacting on the region. This chapter will take into consideration the limitations of the regional community in an effort to accurately assess the nature of interventions which will be required from extra regional sources, in order to effectively mitigate illegal transnational concerns.

Chapter four will examine the rationale for extra-regional engagement by the USA, while recognising the current limitations. The USA is extremely concerned about the level of TOCs in the CARICOM states and the potential impact on the stability of member states. This concern is due understandably to the relative proximity of the Caribbean to the USA. Equally significant is the region's economic development which will serve to minimise the threat posed to the USA.

Chapter five will examine what needs to be done for an effective extra-regional engagement. Member states have time and again demonstrated a great deal of strength in dealing with the USA, sometimes much to the frustration of the latter. Invariably, CARICOM's response has often been guided by issues of sovereignty. Acceptance of the "bullish" attitude of the USA by some member states has in some instances resulted in a divided community. Some member states have also been unnecessarily tardy in their implementation of important measures adopted at the international level, which

understandably have attracted criticisms from developed countries, particularly the USA. These obvious gaps in the relationship between the USA and CARICOM states will have to be seriously addressed in order to achieve an effective extra-regional engagement.

Finally, the author will close with a look towards the future re-emphasising the major challenges in the region's fight against TOCs and the measures which must be taken in order to mitigate the threats to stability in the region.

### **Assumptions, Scope and Methodology**

The recent change in the presidency of the USA has been accompanied by strong expectations that the new thrust in international relations will serve to create an environment, which will eventually lead to a reduction in global security threats. While the world has already begun to note initiatives suggesting new approaches in the USA's foreign policy, the outcome is not a foregone conclusion. It is against this background that the following assumptions are being made and will guide this research effort:

1. The countries of CARICOM will continue to be characterised by weak economies and will attract non-state actors whose focus will be on expanding transnational crimes.
2. The proximity of the USA to the Caribbean will continue to be a major security concern to the former.
3. The USA will continue to play a significant security role in the region.
4. The Caribbean Community will continue to be used as transshipment points for illegal drugs destined for the USA, Canada and Europe.
5. The burgeoning rise in criminal activities will lead to greater involvement of military forces in combating transnational crimes because of weaknesses in other institutions.
6. The above assumptions reflect common concerns among the nations of CARICOM, and will necessarily cause them to continue their policy of collaboration and cooperation on important security issues. Recent overtures spearheaded by Brazil, on behalf of South America, to the English-speaking Caribbean states are intended to address, among other issues, concerns associated

with transnational crimes. It is, therefore, likely that in the foreseeable future Brazil, Venezuela, Colombia and other countries in South America will be part of the Caribbean security equation.

The scope of this paper is largely limited to the impact of TOCs on states within the CARICOM region, but the nature of these crimes necessarily requires that linkages, to countries in Latin America, and particularly the USA, are also explored.<sup>7</sup> The core transnational issue, however, is drug trafficking with the spin-off effects being trafficking in illegal arms, people and money laundering. These criminal activities have, collectively and individually, impacted significantly on countries in the region and therefore will be addressed separately.

### **Definition**

The United Nations Convention against Transnational Organised Crime defines a transnational criminal network (organised criminal group) as “a structured group of three or more persons that exists over a period of time, the members of which act in concert aiming at the commission of serious crimes in order to obtain a direct or indirect financial or other material benefit.”<sup>8</sup> This definition is widely accepted and quite aptly does not set time limits to the existence of groups. For example, in the CARICOM there are instances when criminal minded individuals come together only for a particular drug

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<sup>7</sup>Majority of illegal drugs passing through the Caribbean originate from Latin American countries. The Caribbean is the link between South and North America, with the USA being largest user of illegal drugs in the world.

<sup>8</sup>United Nations, “United Nations Convention against Transnational Organised Crime,” [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf); Internet; accessed on 22 March 2009.

related illegal activity. The definition broadly illustrates the essential elements of transnational criminal networks that distinguish it from terrorist organisations or criminal gangs. The reference to “financial or other material benefit” is intended to exclude groups with purely political or social motives.<sup>9</sup> This is also necessary in the context of a post 9/11 resolution, which noted “with concern the close connection between international terrorism and transnational organised crime, illicit drugs, money laundering, illegal-arms trafficking.”<sup>10</sup>

Transnational crime, therefore, differs from terrorism in that its goal is the pursuit of profit as opposed to an ideological or political objective aimed at reforming society. Transnational criminal networks (TCNs) generally favour the status quo and seek to incapacitate only those aspects of the political system that pose obstacles to their economic agendas while preserving those mechanisms they deem useful.<sup>11</sup> This ought not to suggest that TCNs have in the past refrained from utilising terrorist tactics. For example, in Trinidad and Tobago, the Abu Bakr led Jammāt Al-Muslimeen stormed that country’s parliament in July 1990 and held its Prime Minister and Cabinet Ministers hostage. Notwithstanding the obvious difference between terrorism and TOCs, the USA’s emphasis on the former provides a clear indication of the role it will play in the

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<sup>9</sup>United Nations Office on Drugs and Crime, “Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocol Thereto,” [http://www.unodc.org/pdf/crime/legislative\\_guides/Legislative%20guides\\_Full%20version.pdf](http://www.unodc.org/pdf/crime/legislative_guides/Legislative%20guides_Full%20version.pdf); Internet; accessed on 22 March 2009.

<sup>10</sup>United Nations Security Council, “Security Council unanimously adopts wide-ranging Anti-terrorism Resolution: Calls for Suppressing Financing, improving International Cooperation,” <http://www.un.org/News/Press/docs/2001/sc7158.doc.htm>; Internet; 22 March 2009.

<sup>11</sup>One such example is political elections, in which it is customary for transnational criminal networks to support a range of candidates for public office in order to guarantee a support base in incoming administrations.

development of security strategies for the region. This concern has not been lost on the region in the context of its link to drug trafficking and potential for escalating the threat.

### **Limitations of the Research**

The research was limited by two major constraints. First, it was found that information on TOCs in the CARICOM region was lacking and in instances where these were found, there was a heavy focus on drug trafficking. This problem was evident in the broader research on the conceptual notions of TOCs. However, as it pertains to the CARICOM, a heavy reliance was placed on newspaper, web and internet articles from various sources across the region. Information which would have added greater depth to the research could not have been used as a consequence of the absence of an authority. Second, the time factor was a significant constraint which affected this study. In hind sight, greater focus should have been placed on this research towards the end of the first term. Consequently, the identification of topics and the academic supervisor would have made a considerable difference since the project would have been focused at an earlier stage. Notwithstanding these limitations, it is the considered view of the researcher that the available literature was qualitatively sufficient to make the study meaningful.

## CHAPTER 2

### TRANSNATIONAL CRIMES AND CHALLENGES TO REGIONAL SECURITY

Trafficking in narcotics constitutes the core threat to every state in the CARICOM and is understandably the primary regional security challenge. The prominence of the narcotics threat is exponential with its focus not only restricted to ‘source’ and ‘consumer’ countries but including ‘transit’ countries as well. Joshua S. Krasna contends that,

This threat is more substantial for ‘source’ (or producer) states, and for countries through which narcotics pass on their way from producers to consumers (‘transit’ countries), than for consumer countries, but it exists to some degree for all three.<sup>12</sup>

The regional drug trade has a local-global nexus, which extends primarily to North America and Europe. This form of transnational crime is invariably initiated by organised criminal groups based overseas. These criminal groups comprise overseas based CARICOM nationals who have maintained criminal relationships with their regional counterparts, establishing in the process TCNs. The overriding concerns for CARICOM states have largely been associated with an increasing risk to economic and political stability at the national, regional and international levels and obviously, the undermining of human security.

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<sup>12</sup>Joshua S. Krasna, “Narcotics and the National Security of Producer States,” *The Gregg Centre for the Study of War and Society*, Vol. XVI No. 1, (Spring 1996); available from <http://www.lib.unb.ca/Texts/JCS/bin/get.cgi?directory=S96/articles/&filename=krasna.html>; Internet; accessed on 26 March 2009.



Transnational crimes are multi-dimensional and their impact on the CARICOM states has implications for societal development. The scope and severity of these crimes have concerned CARICOM ever since the early 1990s. For example, the West Indian Commission in 1992 stated that, “nothing poses greater threat to civil society in CARICOM countries than the drug problem, and nothing emphasises the powerlessness of regional governments more.”<sup>13</sup> The foregoing declaration, made in Trinidad and Tobago at a multinational high level meeting on criminal justice, not only recognised the scope of the problem but also the challenges that confront CARICOM states as they seek to have them resolved.

The multi-faceted nature of drug trafficking is reflected in an increasing use of SALW, as a means of sustaining the activities of organised criminal gangs. CARICOM states have been adversely affected by the growing levels of illegal SALWs in the region and their increasing employment by transnational organised criminal gangs. The USA is a source for weapons smuggled into CARICOM but so too are weapon-producing countries in South America, particularly Brazil. The smuggling of these SALWs has followed the same routes used by organised criminal syndicates for drug trafficking. The consequences for CARICOM member states have been significant since criminal activities have increased and consequently the potential for socio-economic and political development has been adversely affected.

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<sup>13</sup>West Indian Commission, *A Time for Action*, (Bridgetown: West Indian Commission, 1992), 343.

The economic vulnerability of most CARICOM states makes them prime targets to be used as transit points for trafficking in persons (TIPs) by organised criminal gangs. The reality is that organised criminal syndicates have exploited the conditions in weak states by trafficking, mostly women and children, to relatively strong states where they are used for prostitution and other criminal activities. Evidence related to human trafficking is largely anecdotal but there are strong indications of its prevalence throughout the region. The relatively stronger regional states are also used as transit points for this illegal activity.<sup>14</sup>

TOC is a trillion dollar industry and organised criminal syndicates are continuously seeking new methodologies of incorporating these illegal gains into the formal economy.<sup>15</sup> The concealment of “dirty money” is the primary objective of TCNs and is done primarily through money laundering. The proceeds acquired through drug trafficking and/or related crimes are laundered in, for example, financial institutions and casinos. This form of crime is a global phenomenon and increasingly tighter regulations are being implemented in the more developed countries. The consequences of anti-money laundering initiatives have witnessed a shift in focus by organised criminal syndicates to weak regulatory environments such as those in the CARICOM.<sup>16</sup> Though the threat of sanctions has contributed to the implementation of anti-money laundering legislations in the majority of these states, the lack of requisite and robust enforcement

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<sup>14</sup>US Department of State, “Trafficking in Persons Report: June 2008,” <http://www.state.gov/documents/organization/105501.pdf>; Internet; 14 April 2009.

<sup>15</sup>International Federation of Accountants, “Anti-Laundering Legislation,” [http://www.apgml.org/issues/docs/23/Int'l%20Federation%20of%20Accountants\\_AML%202nd%20Ed.pdf](http://www.apgml.org/issues/docs/23/Int'l%20Federation%20of%20Accountants_AML%202nd%20Ed.pdf); Internet; accessed 10 April 2009.

<sup>16</sup>*Ibid*, 4.

measures have led to the financial services' sector in these states being perceived as "Tax Havens".

This chapter will now seek to elaborate on specific areas of transnational crimes which have posed serious threats to the region and further afield, especially the USA. There are several aspects of transnational crimes but the ensuing focus will be on drug trafficking, SALW trafficking, TIPs and money laundering.

### **Illegal Drugs**

The USA Interagency Assessment of Cocaine Movement estimates that in 2005 and 2006, approximately 620 tons of cocaine departed South America for the USA. During each of these years, the Eastern Pacific and Western Caribbean corridors accounted for trafficking approximately 90 percent of the amount. The amounts trafficked through the Western Caribbean corridors in 2005 and 2006 were 35 and 24 percent, respectively.<sup>17</sup> The decline noted in 2006 was attributed to law enforcement action in the Western Caribbean corridor.<sup>18</sup> While the data may be reflective of heightened situational awareness than actual changes in trafficking routes, the unique characteristics of the Caribbean are unlikely to diminish its importance as a drug trafficking route.<sup>19</sup>

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<sup>17</sup>US Department of Justice, "National Drug Threat Assessment 2008: Cocaine," *National Drug Intelligence Center*, (2008), available from <http://www.usdoj.gov/ndic/pubs25/25921/cocaine.htm>; Internet; accessed on 7 April 2009.

<sup>18</sup>*Ibid.*

<sup>19</sup>*Ibid*

The attractiveness of the Caribbean corridor is influenced by a variety of factors. Apart from its historical links, the CARICOM states continue to enjoy strong social and economic relationships with the USA. The role of the diaspora in the sale of cocaine, coupled with the large financial services' sector in some member states, has served to promote the Caribbean-controlled trafficking routes.<sup>20</sup> The increased trafficking through the Eastern Pacific in 2006 is therefore, unlikely to seriously undermine the viability of the Western Caribbean corridor in the trafficking of large quantities of drugs to North America and Europe.

The region has a unique geographical configuration which makes it exponentially more difficult for law enforcement agencies to effectively address TOCs within the CARICOM. The obvious example is the Bahamas, which comprises 700 islands and 200 cays. Though made up of fewer islands and cays, Saint Vincent and the Grenadines is similarly configured. The geography of these countries, as well as that of other member states, is an important factor which makes the region an attractive area for the conduct of transnational crimes. Moreover, as a consequence of their long coastlines and extended maritime spaces, which are beyond the limited surveillance capacities of national and regional authorities, drug transshipments through the region have been extremely difficult to detect.

CARICOM states are not producers of narcotics but, generally, serve as transit points for narcotics and other related transnational crimes. The Bahamas, Jamaica, Antigua & Barbuda, Grenada, St. Lucia, Trinidad and Tobago and Haiti located along the

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<sup>20</sup>*Ibid.*

Caribbean drug trafficking corridor are regarded as the principal transit countries within CARICOM.<sup>21</sup> The major concern for law enforcement officials has been, and continues to be, the relative ease with which illegal narcotics enter transit countries. The borders of mainland territories Guyana and Suriname are similarly porous and allow for cross border trafficking of narcotics from Colombia via Venezuela and the Atlantic Ocean. These mainland territories, especially Guyana, are characterised by vast expanse of lands and waterways giving rise to numerous illegal airstrips and unmonitored waterways which facilitate the smuggling of illegal items.<sup>22</sup> Leonel Fernandez, President of Santo Domingo, addressing a Summit on Drugs Security and Cooperation in March 2007 said that,

The entire Caribbean region has become the latest conduit through which illegal drugs coming from South America (principally Colombia) are trafficked by Colombian and Mexican Cartels and their local affiliates to their final destination.<sup>23</sup>

The 2007 International Narcotics Control Strategy Report (INCSR) on the Caribbean lamented the growing narcotics trade in the CARICOM states, and the inadequacy of the responses by some governments to narcotics activities within the region. The Bahamas, Barbados, Grenada, Haiti, St Vincent and the Grenadines, Jamaica and Guyana were cited as states in the region where the proceeds of the illegal drugs

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<sup>21</sup>US Department of State, "The Caribbean: International Narcotics Control Strategy Report," *Bureau for Narcotics and Law Enforcement Affairs* Volume 1 (2006) available from <http://www.state.gov/p/inl/rls/nrcrpt/2006/vol1/html/62108.htm>; Internet; accessed on 24 March 2009.

<sup>22</sup>*Ibid.*

<sup>23</sup>Council on Hemispheric Affairs, "Hispaniola: The Caribbean's New Big Leaguers in the Drug Trafficking Trade," <http://www.coha.org/2007/07/hispaniola-the-caribbeans-new-big-leaguers-in-the-drug-trafficking-trade/>; Internet; accessed on 24 March, 2009.

trade are laundered.<sup>24</sup> Moreover, Guyana was deemed as a country with freedom of movement for drug traffickers and a government that talks a lot about anti narcotics measures but does very little. The 2007 INCSR on the Caribbean states that,

The Government of Guyana has yet to implement the substantive initiatives of its National Drug Strategy Master Plan (NDSMP) for 2005-2009. Guyana is a party to the 1988 UN Convention against Illicit Traffic in Narcotic Drug and Psychotropic Substances (the 1988 UN Drug Convention) but still needs to pass and implement additional legislation to meet its obligation under the convention.<sup>25</sup>

Guyana has cited resource constraints as the primary reason for the stalled NDSMP. Ironically, the non-implementation of the proposed strategy has effectively prevented Guyana from directly accessing key Drug Enforcement Agency (DEA) support for its fight against drug trafficking. Guyana's resource constraints are mirrored in several other CARICOM states but even as these countries attempt to address transnational crimes, their successes have been relatively minimal.

The modus operandi of organised criminal syndicates, in their movement of drugs, is ever evolving. Officials at ports of entry across the region have been compromised, as people seek more ingenious ways of conducting transnational crimes, especially illegal drugs. Ivelaw Griffith states that,

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<sup>24</sup>Caribbean 360, "Cuba gets clean Bill of Health on Drugs Trafficking and Money Laundering from US but not CARICOM," <http://www.caribbean360.com/News/Caribbean/Stories/2007/03/02/NEWS0000004050.html>; Internet; accessed 14 February 2009.

<sup>25</sup>*Ibid.*

Drug trafficking brings out the creativity and ingenuity of drug operators and the people who collude with them. People have used every orifice of the human anatomy, every possible piece of clothing, all manner of fruits and vegetables, and a variety of craft, furniture and other things for the conveyance of drugs.<sup>26</sup>

These illegal activities are well organised, equipped and financed, and consequently detection and apprehension have proven to be extremely difficult. For example, Trinidad and Tobago Customs and Excise officers in March 2008 found marijuana worth TT\$1.8 million in a canister attached to the hull of a ship which had earlier arrived from Jamaica. During April 2008, the body of a marine diver was recovered in the vicinity of the main harbour in Kingston, Jamaica. The police believed that the diver attempted to affix a canister with more than 45 kilograms of compressed marijuana to the hull of a ship. Significantly, in July 2008, the Mexican navy intercepted a Colombian surfboard-shaped submersible vessel in the Pacific Ocean containing six tons of cocaine. The ingenuity demonstrated by drug traffickers begs the questions as to the real impact of law enforcement's seizures on the drug trade in the CARICOM.

Organised criminal networks in the CARICOM are closely associated with the international transnational networks in the USA, Central America and Europe, and these represent a significant part of the global narcotics trade. There are several gangs throughout the CARICOM, but most prominent have been the approximately 125 Jamaica Posses/gangs which are loose groupings operating out of Jamaica.<sup>27</sup> These

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<sup>26</sup>Griffith, Ivelaw Lloyd. *Caribbean Security on the Eve of the 21<sup>st</sup> Century* (Honolulu: University Press of the Pacific, 1996), 43.

gangs, also referred to as “Jamaica Drug Trafficking Organisations”, include the well known “Shower Posse” and “Spangler Posse”, which network with ally gangs in the USA and Canada, in the conduct of transnational crimes.<sup>28</sup> These criminal activities include murders, shooting, extortion, contract killings, inter alia, and these are mirrored in the other states in the region.<sup>29</sup>

The UN Drug Control Programme estimates regional earnings of the drug industry at US\$3.3 billion, or nearly half the GDP of Jamaica or Trinidad.<sup>30</sup> Of this, 85 percent is generated from the cocaine trade in the Caribbean and 15 percent from the sale of marijuana.<sup>31</sup> The efforts of regional states to address this issue have been inadequate, and so too have been attempts at articulating effective security mechanisms to deal with crime and violence. These inadequacies have allowed relatively free reign to TCNs whose activities continue to pose serious threats to the stability of CARICOM states and to the region generally.

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<sup>27</sup>Ross Sheil, “Criminalise gang membership: Police seek law to deal with group crimes,” [http://www.jamaicaobserver.com/news/html/20080627T000000-0500\\_137189\\_OBS\\_CRIMINALISE\\_GANG\\_MEMBERSHIP\\_.asp](http://www.jamaicaobserver.com/news/html/20080627T000000-0500_137189_OBS_CRIMINALISE_GANG_MEMBERSHIP_.asp); Internet; accessed 24 April 2009.

<sup>28</sup>Ron Walker, “Gang or Us: Jamaica Posse,” [http://www.gangsorus.com/jamaican\\_posses.htm](http://www.gangsorus.com/jamaican_posses.htm); Internet; accessed on 24 April 2009.

<sup>29</sup>Caribbean writer, “That nagging criminal gang challenge,” <http://baiganchoka.com/blog/2009/02/22/that-nagging-criminal-gang-challenge-by-caribbean-writer/>; Internet; accessed 24 April 2009.

<sup>30</sup>Department for International Development, “Regional Assistance Plan for the Caribbean,” <http://www.dfid.gov.uk/pubs/files/rapcaribbean.pdf>; Internet; accessed on 9 April 2009.

<sup>31</sup>Luis Ritto, “The European Union and the Caribbean: Analysis and Challenges,” Working Paper Series Vol. 2 No. 5, (May 2002); available from <http://aei.pitt.edu/8083/01/rittoworkingpaper.pdf>; Interest; 3 April 2009.



The operations of TCNs across the CARICOM region has witnessed a sharp increase in violent crimes over the last decade and this is representative of growing inequality and a mounting feeling of alienation amongst young men in particular. An explanation for this escalation is difficult to contextualise in areas other than illegal drugs, but homicides in Trinidad and Tobago between 1999 to 2005 have quadrupled from 7 to 30 per 100 000.<sup>32</sup> Moreover, the murder rate in Jamaica is the second highest in the world and represents a continuation of a high level of violence, which has deep roots and multiple causes. Jose Perales, referring to Jamaica, states that,

Governmental incapacity to provide security and other types of services has led to a genuine policy and physical vacuum in which the state is perceived as not functioning for important segments of the population. Criminal barons have steeped in to provide a variety of services the state has not provided, in particular, welfare and paradoxically, security.<sup>33</sup>

The resource base required by organised criminal gangs to provide support and security to people and areas, where the government has failed, is garnered through the conduct of a range of transnational crimes. The successes achieved by gangs in Trinidad and Tobago, Guyana, Saint Kitts and especially Jamaica, have been as a result of their ability to sustain their activities through easy acquisition of SALW.

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<sup>32</sup>United Nations Office on Drugs and Crime, "Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean," (March 2007); <http://siteresources.worldbank.org/INTHAITI/Resources/CaribbeanC&VChapter1.pdf>; Internet; accessed on 9 April 2009.

<sup>33</sup>José Raul Perales, "Crime, Violence, and Security in the Caribbean," *Woodrow Wilson International Center for Scholars*, No. 29 (June 2008); available from in the Caribbean <http://www.wilsoncenter.org/topics/pubs/lap.cc.29.pdf>; Internet; accessed on 24 April 2009.

## **Illegal Arms Trafficking**

The illicit flow of SALW occurs throughout the hemisphere and has contributed to the spread of violence, corruption, and instability in the region. The trafficking in small arms is closely associated with the cocaine trade, especially in the context of the same routes being used. This interdependence has been deepened as a result of arms being used as payments for drugs and vice versa.<sup>34</sup>

There is an estimated half a billion SALW in use around the world today, and many of these weapons have been used in the killings of nearly half a million people annually.<sup>35</sup> Several of these weapons have been smuggled to various countries around the world, including the CARICOM. This was evident in mid 2000 when 10 000 AK-47 rifles from Russia and Ukraine were shipped via Suriname and Trinidad & Tobago to the FARC rebels in Colombia.<sup>36</sup> SALWs have been used in the conduct of serious crimes in CARICOM states region but tracing their origins has been a challenge for law enforcement agencies. The major problem appears to be weak port and border security which have failed to impede the flow of SALW from extra regional countries.

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<sup>34</sup>*Ibid*, 133.

<sup>35</sup>Jamaican Observer, "Illicit Trade in Arms Worrying for the Caribbean," <http://www.jamaicaobserver.com/news/html>; Internet; accessed 4 February 2009.

<sup>36</sup>Arlene B. Tickner, "Latin America and the Caribbean: Domestic and Transnational Insecurity," *International Peace Academy* (February 2007); available from [http://www.ipinst.org/asset/file/125/CWC\\_Working\\_Paper\\_Latin\\_America\\_AT3.pdf](http://www.ipinst.org/asset/file/125/CWC_Working_Paper_Latin_America_AT3.pdf); Internet; accessed on 24 March 2009

There are several South and Central American countries which are producers of SALW smuggled to countries in the region and beyond.<sup>37</sup> These weapons are smuggled through Venezuela, Suriname and Guyana to Trinidad and Tobago via fishing vessels and private pleasure boats. Some follow drug routes to the USA and Europe, but ironically, SALW are also sourced from North America using the proceeds from the sale of illegal drugs.

The USA is the major supplier of illicit small arms to CARICOM member states. These weapons, in many instances, are superior to those used by law enforcement officials. The underlying reason for the spread of firearms has been weak laws and regulations, which have allowed organised criminal syndicates easy access to SALW from the USA.<sup>38</sup> Moreover, the enforcement of existing procedural measures has also been a major source of weakness within the USA. Even though information related to the quantity of guns smuggled into the region is not available, Latin American governments report that more than half of all unlawfully acquired firearms were of USA origin.<sup>39</sup> A World Bank report, quoting Klare and Anderson, on Guns and Crime states that,

These laws and regulations pose few or no obstacles to those wanting to buy a handgun, and unevenly enforced export regulations have made the U.S. a major supplier of illicit arms to Latin America and the Caribbean.

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<sup>37</sup>Michael Klare and David Andersen, "A Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America," <http://www.fas.org/asmp/library/scourge/Appendx.pdf>; Internet; accessed on 24 April 2009.

<sup>38</sup>United Nations Office on Drugs and Crime, *Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean ....*

<sup>39</sup>Klare and Andersen, *A Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America ....*

Latin American governments report that more than half of all unlawfully acquired firearms were of U.S. origin.<sup>40</sup>

Even though most of the SALW used in the CARICOM are of USA origin, these are complemented by SALW acquired within the region. Some countries would have received SALWs over two decades ago by Cold War powers to friendly insurgents in the region such as those used during the Grenadian invasion.<sup>41</sup> The Regional Task Force report on Crime and Security also made reference to weapons which are sometimes obtained illegally from security agencies. For instance, in February 2002, the Guyana Defence Force suffered the loss of twenty-six AK assault rifles from its main storage bond.<sup>42</sup> Less than fifty percent of these weapons have been recovered and there is a wide body of opinion which suggests that the remainder were smuggled out of the country. In short, the ready availability of SALWs is a major underlying factor contributing to a surge of criminal activities in the Caribbean.<sup>43</sup>

This essay has already alluded to the symbiotic relationship between drugs and SALW and the increasing violence observed in CARICOM member states. This unholy alliance was first evident in the late 1990s, but since then has been of increasing concern to CARICOM states. The easy access of SALWs have led to serious clashes between law

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<sup>40</sup>The World Bank, "Guns and Crime: A case study of Trinidad and Tobago," available from <http://siteresources.worldbank.org/INTHAITI/Resources/CaribbeanC&VChapter9.pdf>; Internet; accessed on 16 April 2009.

<sup>41</sup>*Ibid.*

<sup>42</sup>Mark Ramoutar, "CWC will be 'free from fear' -- Army Chief pledges," <http://www.landofsixpeoples.com/news701/nc0703093.html>; Internet; accessed on 9 April 2009.

<sup>43</sup>Department of International Law, "Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials," <http://www.oas.org/Juridico/english/Treaties/a-63.html>; Internet; accessed on 14 April 2009.

enforcement agencies and organised criminal groups in Jamaica, Guyana and in other states in the region.<sup>44</sup> Clashes in Guyana have resulted in twenty-two policemen being killed by criminals between the period January 2002 and February 2003, compared to seven over the previous twenty years.<sup>45</sup> In June 2002, Trinidad and Tobago Attorney General Ramesh L. Maharaj noted at a multinational meeting that, “there is a direct nexus between illegal drugs and crimes of violence, sex crimes ... The drug lords have become a law unto themselves ...”<sup>46</sup>

Criminality in the region has continued unabatedly and these are reflected in the aforementioned homicide trends in Jamaica, and more recently observed in Guyana and Trinidad and Tobago.<sup>47</sup> The concerns associated with SALW were underscored by Association of Caribbean Police Commissioners (ACCP) which acknowledged the lack of resources, but agreed in February 2009 that firearms-enabled crime was an intractable problem.<sup>48</sup> This trend has been noted in most member states and highlights the potential for TOCs to be expanded. Moreover, it demonstrates a significant gap in law

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<sup>44</sup>Amnesty International, “Jamaica: “...Until Their Voices Are Heard...,” <http://www.amnesty.org/en/library/asset/AMR38/010/2003/en/dom-AMR380102003en.html>; Internet; accessed on 9 April 2009.

<sup>45</sup>Research Directorate Immigration and Refugee Board, “Guyana: Criminal Violence and Police Response: February 2002-June 2003,” <http://www.guyanaundersiege.com/Security/CrimePoliceReponseCanadian.pdf>. Internet; accessed on 16 April 2009.

<sup>46</sup>Ivelaw Griffith, “Security, Sovereignty, and Public Order in the Caribbean,” *Security and Defense Studies Review* Vol. 2 (Summer 2002); available from <http://www.ndu.edu/chds/journal/PDF/Griffith-Ivelaw.pdf>; Internet; accessed on 20 April 2009.

<sup>47</sup>CARICOM, “Report on Crime and Security,” [http://www.caricom.org/jsp/community/regional\\_issues/crime\\_and\\_security\\_task\\_force\\_report\\_2002.pdf](http://www.caricom.org/jsp/community/regional_issues/crime_and_security_task_force_report_2002.pdf); Internet; accessed on 9 April 2009

<sup>48</sup>Stabroek News, “Illegal Guns Tied to Fuel, Drug Smuggling,” <http://www.stabroeknews.com/2008/news/local/06/08/illegal-guns-tied-to-fuel-drug-smuggling>; Internet; accessed 4 March 2009.

enforcement's ability to deal with this growing problem. The increasing use of SALWs is a major concern for international organisations such as the UN which have developed measures to guide the legislative process in countries around the world. These initiatives leave much to be desired since transnational crimes have increased globally but more specifically in the Caribbean.

### **Human Trafficking**

Statistics, provided by the OAS, suggest that 600,000 – 800,000 persons, mainly women and children, are trafficked across national borders annually.<sup>49</sup> This activity is a global phenomenon which nets approximately US\$32 billion annually, and traffickers have made anywhere between US \$4,000 and US \$50,000 per person trafficked, depending on the victim's place of origin and destination.<sup>50</sup>

TIPs is one of the fastest growing TOCs globally and this assessment does not exclude a similar trend in the Caribbean. A study conducted by the International Organisation of Migration (IOM) concluded that criminal gangs in several CARICOM countries such as Barbados, Guyana, Bahamas, St. Lucia and Suriname are strongly associated with the transborder movement of people.<sup>51</sup> The 2008 Trafficking in Persons Report indicated that Belize, Suriname and Jamaica, situated at Tier 2, are making

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<sup>49</sup>Congressional Research Service, "International Violence against Women: U.S. Response and Policy Issues," <http://www.fas.org/sgp/crs/misc/RL34438.pdf>; Internet; accessed on 9 April 2009.

<sup>50</sup>Inter-American Development Bank, "Human Trafficking, Dirty Profits and Huge Costs," <http://www.iadb.org/news/detail.cfm?language=English&ARTID=3357&id=3357&CFID=17457122&CFTOKEN=91139136>, Internet; accessed on 5 March 2009.

<sup>51</sup>Caribbean Net News, "Human trafficking in Barbados and six other Caribbean countries," <http://www.caribbeannetnews.com/2005/03/18/trafficking.shtml>; internet; accessed on 7 March 2009.

significant efforts to meet the minimum standards to address TIPs while Guyana, on the Tier 2 Watch List, is deemed a country requiring special scrutiny.<sup>52</sup> Guyana's President has protested vehemently but that country faces the possibility of sanctions for not doing enough to address the issue of TIPs.<sup>53</sup> The report further suggests that these countries, along with others in the region, have not complied with the minimum standards for the elimination of TIPs.

Trinidad and Tobago is a favoured destination for organised criminal gangs involved in human trafficking because one of its major attractions is a thriving sex industry.<sup>54</sup> A joint July 2007 operation, involving law enforcement and military officials, resulted in the arrest of 74 illegal immigrants in at a hotel in Port of Spain. The illegal immigrants arrested included 71 women who were prostitutes and originated from various countries in South America (Colombia, Venezuela and Guyana), Africa (Nigeria, Ghana and Senegal), and Asia (China). The foregoing countries are regarded as primary sources of persons who are trafficked to/through states within the region.<sup>55</sup>

Like Trinidad and Tobago, the evidence suggests the existence of human trafficking in Barbados.<sup>56</sup> This CARICOM state is a destination for men, women and

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<sup>52</sup>Jamaica Gleaner, "CARICOM countries on trafficking watch list," <http://www.jamaica-gleaner.com/gleaner/20070615/carib/carib3.html>; Internet; accessed on 14 April 2009.

<sup>53</sup>Bharrat Jagdeo, "Address to the Third Regional Meeting of the ACP-EU Joint Parliamentary Assembly (Caribbean)," [http://www.europarl.europa.eu/intcoop/acp/03\\_regional/pdf/jagdeo\\_en.pdf](http://www.europarl.europa.eu/intcoop/acp/03_regional/pdf/jagdeo_en.pdf); Internet; accessed on 16 April 2009.

<sup>54</sup>Suzanne Sheppard, "Sex Tourism Drives Illicit Trade," Trinidad and Tobago's Newsday Newsday\_co\_tt.mht; Internet; accessed on 3 March 2009.

<sup>55</sup>*Ibid.*

children who are used for the purposes of commercial sexual exploitation and forced labour.<sup>57</sup> The anecdotal information is consistent with the findings of an exploratory study released in 2005 by the IOM. The Government of Barbados has adopted a position that the trafficking in women and children – especially for sexual purposes – is not even a minor problem in Barbados.<sup>58</sup> This defensive posture is perhaps a consequence of poor information systems, but it does reflect the general attitude of CARICOM member states. There are clear international guidelines associated with trafficking in persons (TIPs) and states are subjected to the threat of sanctions by the USA if adequate counter measures are not implemented.

Indeed the international laws related to TIPs have not in all instances been ratified by member states in the region and therefore are at various stages of development.<sup>59</sup> These inadequacies have led to offences skewed towards human trafficking being prosecuted, in some instances, under other laws such prostitution or aiding and abetting. The weakness of these laws (TIPS) was noted in March 2007 when regional security forces and the Royal Canadian Mounted Police dismantled a human trafficking ring located in Barbados. The principal organisers were from Barbados and Guyana and the victims, destined for Barbados, were predominantly females were from China, Russia, and CARICOM states. Despite the efforts of law enforcement officials, the organisers

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<sup>56</sup>*Ibid*

<sup>57</sup>Caribbean Net News, *Human Trafficking in Barbados and six other Caribbean countries ...*

<sup>58</sup>*Ibid.*

<sup>59</sup>United Nations, “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,” <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=376&chapter=18&lang=en>; Internet; accessed on 10 April 2009.



were never prosecuted. In another instance, an India-based construction company was fined US \$1 000 for trafficking fourteen Indian nationals into Barbados in 2005.<sup>60</sup> The penalty awarded in the foregoing case was not commensurate with the gravity of the offence. The country's Minister of Family, Youth, Sports and the Environment, Dr Esther Byer-Suckoo acknowledged the inadequacy of the Barbadian legislation and noted that,

... government will be moving in the direction of establishing the appropriate laws and will be complementing these with appropriate penalties to send a clear and distinct message that human trafficking, modern day slavery or any of its manifestations will not be tolerated on these shores.<sup>61</sup>

Apart from the legislative limitations, transnational criminal networks have also used CARICOM states in close proximity to the USA as the primary regional transit points for entry into the latter.<sup>62</sup> The Bahamian archipelago is critical in this regard, though smaller amounts of Haitians and Cubans travel by sea to Jamaica and attempt to move on later to the USA. Haitians, for example, pay as much as US \$600 to be smuggled into Miami but, in some instances, are instead taken to Jamaica where they provide cheap labour for that country's construction industry. The IOM in its 2003 report states that,

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<sup>60</sup>US Department of State, "Barbados: Country Reports on Human Rights Practices," <http://www.state.gov/g/drl/rls/hrrpt/2007/100627.htm>; Internet; accessed on 7 March 2009.

<sup>61</sup>Caribbean 360, "Research on Human Trafficking in Barbados," <http://www.caribbean360.com/News/Caribbean/Stories/2008/06/11/NEWS0000005936.html>; Internet; accessed 7 March 2009.

<sup>62</sup>Elizabeth Thomas-Hope, "Human Trafficking in the Caribbean and Human Rights of Migrants," *University of the West Indies, Mona, Jamaica*, available from <http://www.eclac.cl/celade/noticias/paginas/2/11302/Thomas-Hope.pdf>; Internet; accessed on 3 March 2009.

The Bahamas reports that arrivals are currently increasing by 30 to 40 per cent. Reports of Haitians intercepted in Cuban waters on their way north to Florida or the Bahamas have risen from 389 in 1999 and 648 in 2000, to 1,021 in 2001. In January and February 2002 alone, over 600 Haitians were rescued by the Cuban Navy. The US Coast Guard intercepted 973 Haitians in 1999, 1,131 in 2000, and 1,856 in 2001.<sup>63</sup>

Notwithstanding the extraordinary illegal financial gains made by TCNs, this activity has served as a potent reminder of the social implications for countries which receive victims of trafficking. Elizabeth Thomas-Hope contends that,

Within this general context, and especially in those Caribbean countries which continue to experience high levels of poverty, many sectors of the population have remained available or ready to seek out migration opportunities, whether these occur within or outside the legal immigration framework. This renders them highly vulnerable to the risk of being misled by false information regarding the means of migrating, as well as the nature and conditions of work abroad.<sup>64</sup>

One of the consequences of persons being trafficked to CARICOM states such as Barbados and Trinidad and Tobago include the importation of “social ills” from the source countries, and which can create even greater challenge for existing social services’ institutions. The concerns which affect comparatively strong states within the regional context include the HIV/AIDS infected, refugee seekers, and criminals.

Trafficking/smuggling of persons is a problem which transcends borders. But it is an under reported crime and the majority of cases remain undiscovered. Its complexities and vast geographical extent have made the issue of TIPs extremely difficult to control.

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<sup>63</sup>International Organisation for Migration, “Mutually Agreed Migration Policies in Latin America,” [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/wmr2003/chap10p173\\_194.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/wmr2003/chap10p173_194.pdf); Internet; accessed on 21 April 2003.

<sup>64</sup>Thomas-Hope, *Human Trafficking in the Caribbean and Human Rights of Migrants ....*

This may explain the apparent low priority given to the problem of human trafficking by authorities in many CARICOM states. Meanwhile traffickers continue to gain enormous gains from this phenomenon which is growing in the region.

### **Money Laundering**

The International Monetary Fund (IMF) estimates that Money Laundering accounts for 3.5 percent of the global Gross Domestic Product (GDP) which is equivalent to between \$US2.17 and \$US3.61 trillion.<sup>65</sup> An estimate done by the said institution in 2002 indicated that illicit funds amounting to US\$1.3 trillion was laundered through the world's financial systems. Considering that money laundering was estimated at US\$600 billion in 1999 (IMF), it is reasonable to assume that money laundering is one of the fastest growing global crimes.<sup>66</sup>

The extent of illicit funds laundered at financial institutions within CARICOM's jurisdiction, in recent years, is not known, but in 1999 an estimated US\$50 billion passed through Caribbean financial institutions. This is approximately two times the GDP of all the CARICOM countries combined.<sup>67</sup> Although this was an issue of great concern to the FATF, the offending countries were not prepared to cooperate on what was perceived as a growing industry regionally and extra regionally. But the importance attached to the issue of money laundering by the FATF is noted in the subsequent blacklisting of St.

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<sup>65</sup>US Department of State, "Money Laundering and Financial Crimes: International Narcotics Control Strategy Report," *Bureau of International Narcotics Control Volume II*, (2008) available from [http://barbados.usembassy.gov/incsr-2008\\_vol-2.html](http://barbados.usembassy.gov/incsr-2008_vol-2.html); Internet; accessed on 14 March 2009.

<sup>66</sup>*Ibid.*

<sup>67</sup>Jamaican Gleaner, "Facing the Perils of Drug Trafficking," <http://www.jamaica-gleaner.com/gleaner/20020623/focus1.html>; Internet; accessed 14 February 2009.

Vincent and the Grenadines, St. Kitts and Nevis, Dominica, Grenada and Bahamas.<sup>68</sup> These countries were removed from the FATF list in 2003, based on their enactment of, and on-going efforts to implement the reforms to their counter-money laundering regimes. The latter included the provision of adequate resources and training for new anti-money laundering entities, enhancement of mechanisms to cooperate with foreign bank regulators, increasing capabilities of the Financial Intelligence Unit and cooperation with international judicial, administrative and regulatory investigations. Notwithstanding the efforts of these CARICOM states, the FAFT and, especially the USA, have suggested that monitoring will be done on a continuous basis.

Indeed, money laundering remains a serious threat to the global financial system and in this regard the 2008 INCSR identified 15 major jurisdictions of “concern,” including Suriname, Antigua and Barbuda, Bahamas, Belize and Haiti.<sup>69</sup> The report identifies as a major problem the poorly regulated private sector and suggests that casinos, cambios and Offshore Financial Centres (OFC) are among the primary sources for money laundering.<sup>70</sup> While many jurisdictions within the region have large legitimate banking services, arguably the most flagrant violators of financial institutions have been the OFCs due to their limited oversight and regulatory structures.<sup>71</sup>

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<sup>68</sup>Gillian Gunn Clissold, Jerome Lebleu and Louise Shelley, “Survival at What Cost? The Impact of Financial Services on Small Caribbean States,” <http://www.trinitydc.edu/academics/depts/Interdisc/International/caribbean%20briefings/bp6.pdf>; Internet; accessed on 15 February 2009.

<sup>69</sup>US Department of State, “Major Money Laundering Countries: International Narcotics Control Strategy Report,” Bureau of International Narcotics and Law Enforcement Affairs, Volume 2 (2008) <http://www.state.gov/p/inl/rls/nrcrpt/2008/vol2/html/100804.htm>; Internet; accessed on 10 April 2009.

<sup>70</sup>*Ibid.*

The flow of laundered money through the region places OFC in a precarious position. Spanish law enforcement officials, for example, announced in March 2005 that they had dismantled a group which had laundered over US\$130M in four Caribbean countries including The Bahamas and Belize.<sup>72</sup> Not surprisingly, the affected countries have been regarded as “Tax Haven” jurisdictions and concerted efforts are being made by developed countries, led by the USA, to remove the perceived threat posed by terrorism through money laundering. For example, the 2001 USA Patriot Act allows for foreign branches of USA banks to fall under that country’s money laundering legislations.<sup>73</sup> Consequently, offshore banks in the region are consistently under pressure to conform to USA’s requirements. The CARICOM’s dilemma is the need to safeguard the region’s financial sector, while maintaining their attractiveness to legitimate international financiers.

Barack Obama’s accession to the Presidency of the United States has increased the concerns of states in the region and other similarly targeted countries. The “Stop the Tax Haven Abuse Act”, initially associated with then Senator Obama, was recently re-introduced in the USA’ Senate and has since gained traction with support from British Prime Minister Gordon Brown. The proposed “ACT”, intended to significantly overhaul

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<sup>71</sup>Daniel W. Drezner, “Clubs, Neighborhoods and Universes: The Governance of Global Finance,” <http://www.danieldrezner.com/research/clubs.pdf>; Internet; accessed on 10 April 2009.

<sup>72</sup>Caribbean News, “Spain Dismantles Money Laundering Group involving four Caribbean Countries,” <http://www.caribbeannetnews.com/2005/06/06/money.shtml>; Internet; accessed on 8 March 2009.

<sup>73</sup>Norman Girvan, “Agenda Setting and Regionalism in the Greater Caribbean: responses to 9/11,” in *Caribbean Security in the Age of Terror: Challenge and Change* (Ian Randle Inc., 2004), 310-333.

the operations of OFCs, represents a major threat to Caribbean economies including Guyana, Trinidad and Tobago and Barbados, which are on the verge of commencing international financial services.

Barbados Prime Minister David Thompson at the 32<sup>nd</sup> Miami Conference on the Caribbean and Central America held on 2 December 2008 noted the efforts being made by the USA, through President Obama, to protect its security interests without any consideration for those of the CARICOM region. He contends,

... it is most distressing ...to see the spectre of protectionism raise its ugly head once more in this area, and I urge the President elect and the Democratic Congress to take another look at the reactionary proposals being made against the use of offshore financial services, and recognise that the pursuit of financial services business in the Caribbean is a legitimate activity.<sup>74</sup>

The plea by the Prime Minister, however, is unlikely to hold sway as the USA continues to lament the poor regulatory framework and the lack of enforcement in some jurisdictions. For example, Barbados in the 2008 INCSR was cited for deficiencies in the banking sector and was advised to effect greater oversight of its financial sector, including offshore banking facilities.<sup>75</sup> The Barbadian initiative is unlikely to influence a change in the USA's posture on money laundering in the region, especially since the recently concluded G-20 Summit endorsed the notion of restructuring the operations of OFCs. Moreover, some states are still to ratify the United Nations' conventions on TOCs

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<sup>74</sup>David Thompson, "The 32nd Miami Conference on the Caribbean and Central America," <http://www.foreign.gov.bb/Userfiles/File/PM%20at%20Miami%20Conf.pdf>; Internet; accessed on 10 April 2009.

<sup>75</sup>US Department of State, *Major Money Laundering Countries: International Narcotics Control Strategy Report* ...

and corruption and, certainly, this would not help in securing changes to the USA's proposed regulatory agenda. Notwithstanding these failures, CARICOM governments' posture is also rooted in the USA's initial support for its financial services' sector in the Caribbean.

The Caribbean's development of a financial services' sector represented a deliberate expansion of its economic base. This plan was encouraged by the OECD countries, especially UK and USA, and was intended to remove the region's dependence on its narrow traditional base. One of its features was 'Tax Information Exchange' (TIE) Agreement between CARICOM states (Barbados and Antigua and Barbuda) and several countries including the USA.<sup>76</sup> The recent anti-laundering initiatives by the USA, therefore, not only demonstrate a disregard of existing measures but will also empower that country's Treasury Secretary to act against jurisdictions deemed to be in violation of anti-money laundering regulations. Ronald Sanders states that, "it is a curious kind of international democracy that allows rules and punishment to be created by a few – and imposed on the many – simply because the few have the power to do so."<sup>77</sup> The unilateral posturing of the USA on proposed plans to regulate the financial services' sector in the region has serious implications for its economies.

Though the region has consistently made efforts to strengthen its counter money laundering laws, several gaps still remain. These initiatives have included the passage of

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<sup>76</sup>Tax Information Exchange Agreement will provide the USA, and other signatories, with access to information it needs to enforce USA tax laws, for example, including information related to bank accounts in regional states.

<sup>77</sup>Ronald Sanders, "Tax Have Jurisdictions – Sitting Ducks and Scapegoats," [http://www.caribbeannetnews.com/article.php?news\\_id=14737](http://www.caribbeannetnews.com/article.php?news_id=14737); Internet; accessed on 14 March 2009.

anti-terrorism legislations during 2005 in Trinidad and Tobago, Guyana and Jamaica. The Central Bank in Trinidad and Tobago, for example, has also issued guidelines for the regulation of its financial institutions, but these are not applicable to non-banks and insurance companies. Several gaps in the money laundering legislation are structural. For example, the Trinidad and Tobago parliament passed the 'Proceeds of Crime Act 2000', but this legislation remains inadequate. The current provision for asset seizure and forfeiture do not extended to the proceeds of all serious crimes, as recommended by the Barbados Plan, but rather are restricted to assets derived from drug crimes.<sup>78</sup> This shortcoming is also evident in Barbados, Guyana, inter alia, and has led to persons involved in money laundering not being appropriately charged. The deficiencies in the money laundering legislation in most Caribbean countries do not only transcend drug trafficking and other related illegal activities, but also potential acts of terrorism, which has been the focus since 9/11.

The post 9/11 period witnessed a shift from drugs as the focus in money laundering to terrorism financing. The latter threat cannot be ignored by regional states, especially in the context of acknowledged shortcomings in money laundering legislations. Money laundering and the financing of terrorism can have grave consequences, especially for Caribbean countries in the process of strengthening their fragile financial systems.<sup>79</sup>

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<sup>78</sup>The Barbados Plan is a regional initiative aimed at developing a standardised methodology for drug abuse epidemiology surveillance data that would facilitate comparison among the countries.



The USA Federal Agency's recent focus on financial institutions owned by Texan billionaire Allen Stanford, and by extension the Stanford Bank in Antigua and Barbuda, can serve to illustrate the potential consequences for some economies in the region. USA money laundering legislations and cooperation among regulators allow for breaches in host country to be similarly prosecuted in home country (USA). Allan Stanford's alleged financial irregularities are therefore likely to affect the social and economic sectors of Antigua, since it (Stanford's financial institutions) employs approximately 2500 persons and contributes 20 percent of GDP. The Antiguan and Barbudan Prime Minister Baldwin Spencer while, alluding to the dire effects of the scandal, did note that the Stanford Bank has adequate reserves and that his government has a plan of action to deal with the issue.<sup>80</sup> But even as the USA's authorities continue with their investigations into the financial dealings of Allen Stanford, some member states have continued to express concerns over the proposed action by the USA.

### **Concluding Remarks**

This chapter was aimed at highlighting the major security challenges facing CARICOM states. Drug trafficking remains the principal threat to the region and is also a source of concern to the USA. The other TOCs are all directly or indirectly related to drug trafficking, but individually these have also contributed enormously to the high

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<sup>79</sup>The World Bank, "Anti-Money Laundering," <http://web.worldbank.org/WBSITE/EXTERNAL/WBI/WBIPROGRAMS/PSGLP/0,,contentMDK:20292990~menuPK:461615~pagePK:64156158~piPK:64152884~theSitePK:461606,00.html>; Internet; 17 March 2009.

<sup>80</sup> BBC, "The Allen Stanford saga," [http://www.bbc.co.uk/caribbean/news/story/2009/02/090219\\_stanfordgate.shtml](http://www.bbc.co.uk/caribbean/news/story/2009/02/090219_stanfordgate.shtml); Internet; accessed on 19 April 2009.

levels of crime and violence in the society. The trafficking of SALW especially has continued unabatedly and is critical to the sustainability of drugs transiting the region.

The issues raised in this chapter suggest a number of possible explanations for increasing transnational crime in the region. These are clearly associated to fundamental weaknesses in national and regional law enforcement strategies. The weak economies of CARICOM states, limited resource capabilities and inadequate extra-regional support have all combined to create an enormous gap between the rapid growth of transnational organised crimes and the relatively ineffective responses by law enforcement agencies.

Chapter 3 will address some of the major problems which have characterised CARICOM societies. These concerns are complex and have mitigated prior efforts at developing a common strategy to deal with transnational crimes. The understanding of these issues can impact positively on initiatives aimed at addressing TOCs occurring in, and affecting, the region.

## CHAPTER THREE

### PROBLEMS EXPERIENCED BY THE CARICOM REGION IN ITS EFFORTS TO ADDRESS TRANSNATIONAL CRIMES

The post 9/11 era has witnessed a deepening of national and regional threats among member states of CARICOM. These threats have impacted significantly on their respective strategies for social, economic and political general development. Moreover, the USA's implementation of measures, primarily aimed at addressing security threats to its homeland, has led to inordinate resource demands on the weak economies of the CARICOM region. Curtis A. Ward, in referring to the post 9/11 era, states,

That the United States, particularly in this period, has focused overwhelmingly on security and has required other countries to pay greater attention to US security concerns is not surprising. That developing countries, in this case the countries of the Caribbean, experience difficulties in prioritising certain new security measures over more urgent development concerns, is equally not surprising.<sup>81</sup>

Comparatively, the security focus of CARICOM and its powerful northern neighbour varies appreciably, especially since 9/11. On the other hand, the USA's security engagement with Caribbean states is aimed at strengthening its defensive posture against acts of terrorism. The security agenda of CARICOM, on the other hand, is multi-dimensional and focuses more often on economic and institutional issues. This is a fundamental problem which has affected the region's development of a common strategy, and its ability to optimise on extra-regional support. CARICOM states' dilemma,

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<sup>81</sup>Curtis A. Ward, "The Security-Development Nexus in the United States-Caribbean Relations," *The conference on the Caribbean Export Forum*, (June 2007), available from <http://siteresources.worldbank.org/INTOECs/Resources/WardPaper.pdf>; Internet; accessed on 10 March 2009.

therefore, is based on contrasting perceptions of the threat and its efforts at balancing security obligations and development.

This assertion by Bartmann is inconsistent with the CARICOM's reality, since several member states have been unable to cope with the demands being imposed by the USA. Moreover, the level of support expected from international organisations such as the UN and more importantly the USA has not materialised, resulting in even greater difficulties in addressing regional security concerns. The security predicament confronting the region is epitomised by Haiti. It is the poorest country in the hemisphere which, over the past fifteen years, has been plagued by political instability, dysfunctional institutions, state collapse, corruption, violence and rising crime rates.<sup>82</sup> The capacities of several other countries in the region are also weak (Guyana/Haiti/Suriname) and collectively have been an impediment to development within the region.

The impact of resource constraints on the ability of some states to adequately meet security challenges is reflected in their respective levels of technical capacity. For example, the Bahamian criminal justice system is complete while comparatively, Guyana lags behind. Even though USA's support is directed at areas of relatively greater concern to its own security, such unevenness has been unhelpful in efforts to work together on issues of TOCs.

The existing legal regimes in the region have proven to be extremely problematic in addressing transnational issues such as extraditions. This concern is not only related

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<sup>82</sup>Tickner, *Domestic and Transnational Insecurity: Coping with the Crisis* ....

to individual CARICOM states' failure to sign/ratify existing international regimes, but also bilateral agreements. The USA has extradition treaties with every country in the region but legal technical inadequacies have affected their operationalisation in many instances. The disparities in member states' responses to international legal regimes, and extradition treaties with the USA, have been unhelpful in achieving sustained coordination across the region. While there is evidence of a willingness to work together, as demonstrated in fashioning a legal regime for Cricket World Cup (CWC) 2007, the question of trust is one of the many issues which can undermine attempts at achieving regional security coordination.

### **Structural Weakness and Extra-regional Influences**

A major feature of the CARICOM economies is structural weakness which has made them vulnerable to external shocks. For example, regional tourism, especially in the Eastern Caribbean and Jamaica, was significantly affected in the immediate aftermath of 9/11. The loss in tourists' demand was estimated at 9.3 percent, while approximately 365 000 jobs were assessed to have been lost in the Caribbean region.<sup>83</sup> These losses demonstrate that the regional tourism sector is a soft target and therefore, the creation of a safe and secure environment is a strategic priority for the regional governments.

The USA's articulation of threat is a function of its security priorities and does not consider the relative weaknesses of national economies, including those of CARICOM

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<sup>83</sup>Jean-Claude Baumgarten, "The Global Tourism Outlook One Year Later," *ICCL's Annual Leadership Forum*, (November 5-8 2002) available from [http://www.wttc.org/bin/doc/original\\_doc\\_file/jcbicclspeech.doc](http://www.wttc.org/bin/doc/original_doc_file/jcbicclspeech.doc); Internet; accessed on 10 April 2009.

states. Apart from its current engagement in Iraq and Afghanistan, the USA's primary focus has shifted from one of supporting democracy in the region to facilitating a more robust response to drug trafficking along the Eastern Pacific corridor, from Colombia<sup>84</sup> (See Appendix 1). Even though the USA has continued to provide support aimed at enhancing the security capacities of CARICOM member states, this has been inadequate and filling the gap is a burden on already weak states.

The demands by the USA for internationally standardised technical equipment at sea and at airports have increased the obligation of regional states to meet these requirements. This assessment is also made in the context of the USA's characterisation of CARICOM ports as vulnerable to attacks due to corruption, lax security and limited resources.<sup>85</sup> Notwithstanding the low capacity levels, these small states will only be certified by the International Maritime Organization (IMO) based on their acquisition of the prescribed port security equipment, and in keeping with international standards. Many of these states have since been compliant but demands are consistently being made by the USA for upgrades at ports which send ships to that country. For example, the estimated costs of US \$1 billion to upgrade the two international airports in Jamaica, is indicative of the pressure to which small states in the region have been exposed.<sup>86</sup> CARICOM ports are extremely vital to trade with the USA and any sanctions imposed on governments will severely undermine the economies of the region.

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<sup>84</sup> United States Embassy, Mexico, "Borders and Law Enforcement: Merida Initiative," [http://mexico.usembassy.gov/eng/eborders\\_Merida\\_Initiative.html](http://mexico.usembassy.gov/eng/eborders_Merida_Initiative.html); Internet; 24 March 2009.

<sup>85</sup>The Associated Press, Terrorism allegations raise concerns for Caribbean port security <http://www.iht.com/articles/ap/2007/07/05/news/CB-GEN-Caribbean-Port-Security.php>; Internet; accessed on 20 March 2009.

<sup>86</sup>Clifford E. Griffin, *Regional Law Enforcement Strategies in the Caribbean* ....

The lack of economic resources and the need to achieve USA's security demands have necessitated CARICOM's continuing engagement with its powerful northern neighbour. But this strategy has an even greater significance in so far as it favours bilateralism over multilateralism. The relevance of such a strategy has been a source of concern among CARICOM states since it reflects agreements which are inconsistent across the region. The bilateral arrangements, associated with the USA Maritime and Overflight Agreement, also known as the Shiprider Agreement, allow for USA law enforcement authorities to pursue suspects within the domestic space of CARICOM territories.<sup>87</sup> Edmund Dillon states that,

While most countries have signed amended versions of the Shiprider Agreement, and while most countries cooperate with the United States, the agreement generated both government and public hostility. It has been seen in some quarters to interfere with the national security and, in particular the sovereignty of islands.<sup>88</sup>

Barbados and Jamaica have retained the authority to deny or grant permission to USA law enforcement personnel involved in counter-drug efforts, and this represents a significant departure from other CARICOM states which have given the USA standing authority to operate unilaterally in their waters.<sup>89</sup>

### **Sovereignty and Bureaucratic Politics**

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<sup>87</sup>Edmund Dillon, "Regional Security Cooperation: Traditional and Non-traditional Areas," in *Caribbean Security in the Age of Terror: Challenge and Change*, (United States: Ian Randle Publishers Inc., 2004), 462-484.

<sup>88</sup>*Ibid*, 462-484.

<sup>89</sup>*Ibid*, 117.

Achieving regional cooperation in the battle against drug trafficking is a necessity in the Caribbean where such trade is transnational and the affected countries face serious capability gaps in areas of finance, technical expertise, manpower availability, and training. The quest for cooperation, however, could lead to controversy in relations between “small” and “large” states. These sources of conflict are varied, but in the context of the CARICOM, the issues of sovereignty and bureaucratic politics have the potential of undermining anti-drug efforts.

The peoples of the Caribbean, despite the relative sizes, vulnerabilities and weaknesses of their respective states, are extremely protective of their sovereignty and independence. There is a belief in some quarters that the USA’s engagement with the CARICOM states has been characterised as one of benign neglect, but at the same time, it has sought to impose its will on member states. The USA’s lack of sensitivity has affected relations among states in the region even though at times the issue of sovereignty is used to mask the lack of political will, or changes in domestic politics. This issue of sensitivity was the source of soured relations between the USA and CARICOM states, Jamaica and Barbados, in the early 1990s over the Shiprider’s agreement. CARICOM’s concerns over this matter were addressed in the Bridgetown Accord in 1997, and were also reflected in the 1997 USA NSS which states that, “while seeking to reduce drug availability, we must respect the rule of law and sovereignty of our partners.”<sup>90</sup>

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<sup>90</sup>Ivelaw L. Griffith, “Caribbean Geopolitics and Geonarcotics: New Dynamics, Same Old Dilemma,” <http://www.geocities.com/CollegePark/Library/3954/griffi.htm>; Internet; accessed on 10 April 2009.



The second area of concern is related to bureaucratic politics which are facilitated by political appointments in several instances. For example, Guyana is a multi racial society and its politics are based on whether an ‘Afro or ‘Indo Guyanese’ political party is in the seat of government. Appointments to sensitive positions in law enforcement and oversight bodies for money laundering have been consistent with political trends. This is exacerbated by the interagency approach adopted by regional governments in fighting transnational crimes. The overlapping of responsibilities and jurisdictions are real concerns since in Guyana, for example, the Guyana Police Force (GPF), the Guyana Defence Force Coast Guard GDFCG and Counter Anti Narcotics Unit (CANU) all have enforcement and prosecutorial responsibilities. The effectiveness of these agencies is fuelled by several factors including budgetary constraints and the political context within which these are forged.<sup>91</sup> These issues are not only restricted to individual states but can potentially impact on efforts aimed at effective regional engagements.

### **Regional Law Enforcement Coordination**

The absence of effective mechanisms to facilitate security coordination at the regional level has been a major law enforcement weakness in the CARICOM. Successes have been achieved in the conduct of some operations, but these were based on threat-specific missions.<sup>92</sup> While the region has always had security mechanisms such as the Regional Security System (RSS) and Association of Caribbean Commissioners of Police

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<sup>91</sup>The political context referred to speak situations where individuals have been appointed due to political affiliations or nepotism.

<sup>92</sup>Term used to explain the assembling of a regional or sub-regional force for the conduct of a specific mission, for example, Trinidad and Tobago (1990) and Haiti (1994).

(ACCP), these are ad hoc and often have not lent to effective regional coordination. For example, the primary law enforcement mechanism in the region is the ACCP, which was an independent organisation until it gained recognition from CARICOM in 2006. This initiative is yet to result in the development and implementation of a more integrated regional approach to dealing with transnational crimes. Because of the political structure of CARICOM, atomised by geography and autonomy, there is a tendency for member states to pursue their own national law enforcement strategy.<sup>93</sup> Clifford Griffin rationalises the formation of ACCP, CFATF, RDLETC, inter alia, in the context of addressing law enforcement issues and offers an explanation for their failure by arguing that,

... these initiatives have all been created on an ad hoc basis, usually with extra regional funding, and insufficient legal and institutional structure. ... Once the external funding ends, the region often experiences difficulty in sustaining the initiative. In fact, it becomes even more difficult to undertake the initiative within the broad framework of home and justice affairs.<sup>94</sup>

While law enforcement has generally remained within the purview of individual member states, the recent creation of IMPACS provides a potentially more effective mechanism for intelligence sharing. The foregoing is a positive development but will only be effective with the development of complimentary and relevant supporting mechanisms to comprehensively deal with TOCs.

### **Harmonisation of Instruments**

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<sup>93</sup> Clifford E. Griffin, *Regional Law Enforcement Strategies in the Caribbean* ....., 485-507.

<sup>94</sup> *Ibid*, 485-507.

Legislations across the CARICOM vary considerably and have led to tensions among member states, as a consequence of delays in resolving related issues. The operationalisation of the Caribbean Court of Justice (CCJ) in 2005 was a significant development in the region's criminal justice system, but the reach of this institution is severely constrained.

This court has the jurisdictional capability to dispense with matters directly related to TOCs, but its ability to do so has been adversely affected by the absence of relevant structures/instruments for its operationalisation. These instruments are necessary for ensuring that the law enforcement architecture is common throughout the region, especially in weak and vulnerable states.<sup>95</sup>

The issue of extradition is one of the more sensitive areas in law enforcement which lacks relevant instruments, and has been a source of much tension among CARICOM member states. Suriname, Trinidad and Tobago, and USA's handling of Guyanese drug baron Roger Khan's extradition to the USA underscores the importance of such coherence. Rather than administering justice to Khan for a drug offence committed in Suriname, Khan was deported to Guyana but while transiting Trinidad and Tobago he was held by USA law enforcement officials. These actions by neighbouring Suriname, along with Trinidad and Tobago, were seemingly initiated unknown to the Guyana government and illustrate the lack of uniformity of laws in the CARICOM states. Additionally, it seems to speak to the USA's distrust for Guyana's judicial competence.

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<sup>95</sup>Clifford E. Griffin, *Regional Law Enforcement Strategies in the Caribbean* ....., 484-507.

The transnational nature of crime necessitates that security related national legislation is consistent with other regional and international jurisdictions in order to ensure compatibility throughout the region. Several of these legislations, including those related to money laundering, have been influenced by the USA and have as their primary focus the reduction of the threat to global terrorism. Some CARICOM states' recalcitrance and in many instances seeming reluctance to enforce these regulations have led to their categorisation as "jurisdictions of money laundering concern and as transshipment points for narcotics trafficking," as previously mentioned. The failure of some states to fully implement money laundering and drug related legislations question the integrity of these financial systems and exposes them to the possibility of sanctions.

The archaic legislations used in some CARICOM states, as well as their failure to sign/ratify international agreements, are symbolic of the functional deficiencies across the region. This is evident in every area associated with transnational crimes. For example, weapons' legislations across the region cater primarily to legally acquired firearms, even though these are seemingly not often used in the commission of crimes. It is important to note, however, that it has recently signed an agreement with 10 countries in the region which will assist in tracing weapons used in the commission of transnational crimes. However, Guyana and Suriname which are major players in transnational crimes, along with three other CARICOM states, have not signed the foregoing agreement.

### **Technical Capacity**

The variations in levels of development among CARICOM states imply that the provision of essential services within individual states is also at different stages. The

region's lack of technical capacity has been one of the major reasons for its inability to effectively address transnational crimes and other acts of violence. Security concerns at the domestic level and transnational problems are highly interrelated and, therefore, the development of national capacities is a critical factor in creating effective intra-regional mechanisms to address regional security problems. This is a major problem across the region and attempts at addressing it in a comprehensive manner will come at an extremely high costs and extra-regional assistance. Ironically, the current level of technological development is lagging way behind the more developed countries, and this has created even greater opportunities for transnational crimes to flourish.

The degree to which non-state actors have exploited advances in electronic banking, encryption, and telecommunications technologies is perhaps one of the more widely discussed phenomenon behind the growth of transnational organised crime.<sup>96</sup> TCOs have used encrypted messages to direct their operations while terrorists have used the anonymizer feature of computers to coordinate their activities across countries.<sup>97</sup> But a fundamental issue associated with TOCs' use of technology, which has significantly hampered the ability of law enforcement to address transnational crimes, has been the ongoing debate in USA over the export of encryption software. This apparent concern of the USA is an indication of its seeming reluctance to share certain technologies with enforcement agencies in other jurisdictions. Without such tools, the regional financial

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<sup>96</sup>Robert J. Johnson, "Barriers to transnational policing," *Jane's Law Enforcement* (December 1998) available from [http://www.janes.com/security/law\\_enforcement/news/ipi/ipi0261.shtml](http://www.janes.com/security/law_enforcement/news/ipi/ipi0261.shtml); Internet; accessed on 21 April 2009.

<sup>97</sup>Alan Bryden and Philipp Fluri, "Security Sector Reform: Institutions, Society and Good Governance," [http://www.crime-research.org/library/Terrorism\\_Cybercrime.pdf](http://www.crime-research.org/library/Terrorism_Cybercrime.pdf); Internet; accessed on 21 April 2009.

institutions will be ill-equipped to counter the sophistication of TCOs. The current capacity gaps associated with states in the region have been exploited by TCOs at both domestic and regional levels. As a consequence, institutional weaknesses continue to exist and in some instances have worsened.

### **Governments and Transnational Crimes**

Another barrier to effective law enforcement in dealing with TOCs is the seeming disingenuous nature of some CARICOM states. Some states seemingly benefit, in one way or another, from TOCs or related activities which undermine the growth of transnational co-operation. The Guyana government, for example, has publicly acknowledged doing business with internationally known Guyanese drug kingpin Roger Shaheed Khan who is currently in a USA penitentiary. Khan publically indicated that his group was helping to fight crime in 2002–2004 by mounting anti-crime operations against criminals groups in Guyana. Even though the Guyana government has denied its support for Khan's crime fighting activities, already there are allegations that senior government officials were linked to transnational illegal activities conducted by Roger Khan. Additionally, Surinamese ministers of government Siegfried Gilds, Alice Amafo resigned in 2006 and 2007 respectively, over money laundering allegations.<sup>98</sup> These incidents have seemingly had transnational implications and are indicative of problems impeding the effectiveness of law enforcement procedures.

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<sup>98</sup>Arny Belfor, "Suriname Official Quits over Scandal," <http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2007/03/13/international/i205048D42.DTL&type=printable>; Internet; accessed 22 April 2009.

Moreover, the failure of several countries in the Caribbean to implement a national strategic plan as recommended by the Regional Task Force does suggest a laissez-faire attitude towards policies associated with respect to law enforcement and financial regulations. Such attitudes can oftentimes be explained in the context of a lack of political will and corruption, as highlighted in the previous paragraph. There is also little incentive for other states to forfeit some of their sovereign law enforcement or intelligence powers to a transnational institution, when they know that certain states will “cheat” or “free ride”.<sup>99</sup> This becomes even more problematic and could derail attempts at achieving a common security agenda, especially when relatively strong states are expected to provide greater support.

The solution to the security problems affecting the region and impacting further afield can only be resolved with greater commitment at achieving regional cooperation and extra regional assistance. Ironically, several CARICOM states continue to establish bilateral relations such as the adhoc arrangements, especially with the USA. There is scope for greater support from international organisations and countries such as the UK and Canada but assistance thus far has been comparatively far less than the USA. But the USA’s policy for support has occasionally led to tensions among member states and may have contributed to the non-achievement of a common regional security agenda. Despite the current state of regional cooperation, the USA remains a key component in the region’s efforts at addressing TOCs. However, real progress will only be made when

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<sup>99</sup>Johnston, *Barriers to Transnational policing* ....

conditions are created within the regional environment that will influence a response from the USA, which is consistent with region's agenda.



## CHAPTER FOUR

### RATIONALE FOR EXTRA-REGIONAL ENGAGEMENT BY THE USA

The security of the USA has always been a top priority for its government, whether led by a democrat or republican. Former President George W. Bush described the threat of terrorism as a “grave challenge” and observed that the USA has a “solemn obligation” to “protect the security of the American people”<sup>100</sup> The 2006 USA National Security Strategy (NSS) states that,

It is an enduring American principle that this duty obligates the government to anticipate and counter threats, using all elements of national power, before the threats can do grave damage.<sup>101</sup>

This is a fundamental principle in the NSS and it speaks primarily to countries or regions which pose a threat to the USA. But the strategy also reflects a degree of flexibility which caters to the circumstances of regions such as the Caribbean. The USA recognises that strategies which ignore the realities of the region are likely to be unsuccessful, even as it also suggests the need to ‘hedge’ appropriately in order to influence a desired outcome.<sup>102</sup>

Although the major security concerns to the Caribbean are TOCs - drug trafficking, illicit trade in SALW, TIPs and money laundering - the USA’s security and

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<sup>100</sup>The White House, “National Security Strategy of the United States of America: March 2006,” <http://www.comw.org/qdr/fulltext/nss2006.pdf>; Internet; accessed on 19 April 2009.

<sup>101</sup>*Ibid.*

<sup>102</sup>The White House, National Security Strategy of the United States of America: March 2006 ....

defence policy has been framed in the context of terrorism and its enhanced potential for greater damage. This represents a shift from the TBI agreement broached at the 2001 Summit of the Americas, but prior to 9/11. The governments of USA, CARICOM member states and the Dominican Republic, in a joint statement at the January 2004 Summit of the Americas held in Monterey, Mexico noted that,

We are further bound by a determination to protect our region from terrorists and criminals who would destroy our way of life and by a belief that terrorist acts ... represent a serious threat to international peace and hemispheric security. ... Caribbean States are particularly vulnerable and susceptible to these risks and threats, especially those posed by illicit trafficking in persons, drugs, and firearms, terrorism and other transnational crimes.<sup>103</sup>

The underlying theme associated with the foregoing statement is security but there is also a recognition of the diverse nature of the threat. Moreover, the agreement speaks to the importance of cooperation in advancing hemispheric security and in this regard underscores the NSS principle, which suggests the need to understand the realities of the region. The importance of USA-Caribbean cooperation as a vital element on the security front is noted by Thomas Shannon, assistant secretary of state for Western Hemisphere Affairs, who further states that,

While lacking sufficient resources and training to eliminate these threats, the Caribbean nations have scored some victories in the fight against terrorism, drug trafficking, organized crime, the movement of illegal weapons and trafficking in people.<sup>104</sup>

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<sup>103</sup>U.S. Department of State, "U.S./CARICOM/Dominican Republic Statement on Third Border Initiative" <http://www.america.gov/st/washfile-english/2004/January/20040114144116nesnom0.569256.html>; Internet; accessed on 19 April/ 2009.

Despite the security successes in the context of limited resources, CARICOM states are increasingly being called upon to implement UN security standards, and the obligations associated with maintaining an effective relationship with the USA.<sup>105</sup> Even though CARICOM states have vociferously articulated a broad security agenda, the demands of the USA in many instances must be met, in order to avoid sanctions by the latter. In this regard, the USA focuses intensely on port security which can result in restricted access to USA markets if security measures demanded are not implemented by CARICOM nations.

The security initiatives being adopted in the region by the USA is consistent with its defence strategy of a layered approach aimed at identifying the threat before it reaches the USA mainland. While this strategy is linked to CARICOM meeting its obligations, as already mentioned, it offers some security assurances to states plagued by a host of transnational crimes. CARICOM states Trinidad and Tobago, Jamaica and Barbados have been investing heavily in acquiring equipment required to meet international standards. These security initiatives are positive developments for the region as well as for the USA since they allow for effective examination of containers, for example, at the port of origin. Moreover, such initiatives can provide the basis for realistic security engagements to deal with the notion that TCOs with global reach are capable of threatening the USA's mainland.<sup>106</sup>

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<sup>104</sup>U.S. Department of State, "Caribbean Region's Heroic Effort on Security Threats Cited," <http://www.america.gov/st/washfile-english/2007/June/200706221408431xeneerg0.8154261.html>; Internet; accessed on 16 April 2009.

<sup>105</sup>Ward, *The Security-Development Nexus in the United States-Caribbean Relations* ....

The region's stability has important implications for USA's trade, investment, immigration, drug interdiction and national security policies. These policies assume greater importance in the context of relatively weak economies and shifts in the USA's assistance to so-called priority areas in the fight against terrorism. But the absence of adequate support for the region has led to CARICOM states shifting scarce resources from urgent developmental objectives towards meeting security demands imposed by international organisations and the USA. The majority of these states have been unable to meet many of these impositions, resulting in tensions between some states and the USA, as well as among member states.

The Caribbean drug trafficking corridor poses a significant security challenge to the USA, in its efforts to deal with TOCs. This threat is viewed primarily in the context of drugs but also considers the possibility for nuclear material being transported through the Western Caribbean corridor. Former Secretary of State Colin Powell at the UN Security Council in January 2003 stated, "this war has many fronts, from money laundering and the illicit trade, to arms trafficking and the proliferation of weapons of mass destruction."<sup>107</sup> The potential for the latter cannot be disregarded since CARICOM governments would have already had reason to express concern over the movement of nuclear materials from UK, Japan and France.<sup>108</sup> Although CARICOM governments' motivation was linked to the preservation of the Caribbean Sea as a viable economic and

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<sup>106</sup>Bryan and Flynn, *Free Trade, Smart Borders, and Homeland Security: U.S.-Caribbean Cooperation in a New Era of Vulnerability* Anthony...

<sup>107</sup>Dorith Grant-Wisdom, "United States-Caribbean relations," in *Caribbean Security in the Age of Terror: Challenge and Change* (United States: Ian Randle Publishers Inc., 2004), 252-272.

<sup>108</sup>Heads of Government of the Caribbean Community, "Press Release: Statement on the Movement of Nuclear Material through the Caribbean Sea," [http://www.caricom.org/jsp/pressreleases/pres19\\_99.htm](http://www.caricom.org/jsp/pressreleases/pres19_99.htm); Internet; accessed on 20 March 2009.

social asset for future generations, the USA NSS (2006) suggests that a terrorist attack with WMD is one of the greatest threats facing the USA.<sup>109</sup> It is in this context that such a threat from the Caribbean Sea is being considered.

Even though there has not been any direct terrorist attack on the USA mainland via the Caribbean Sea, the threat to its interests in the region cannot be over emphasised. Sustained counter narcotics operations by the USA and law enforcement authorities within the region could trigger USA's interests in CARICOM states, being targeted. The modus operandi of terrorists, in Africa, the Middle East and Latin America, does demonstrate their willingness to target USA's interests situated in other parts of the world.<sup>110</sup> Apart from the tourist industry, many CARICOM states have major industrial complexes with direct economic ties to the USA. For example, Trinidad and Tobago is home to more than 100 companies that produce the majority of the world's methanol and ammonium sulphate and 40 percent of USA's imports of liquefied natural gas (LNG).<sup>111</sup> The movement of these inflammable products across the Caribbean Sea to the USA could also be a potential source of concern.

The economic and security concerns linked to the movement of peoples and goods between non-contiguous borders of the USA and its "Third Border" are critical and cannot be overlooked by Washington.<sup>112</sup> An example is that USA is the largest trading

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<sup>109</sup>The White House, *National Security Strategy of the United States of America* ....

<sup>110</sup>Calvin Bishop and Oral Khan, "The Anti-terrorism Capacity of Caribbean Forces," in *Caribbean Security in the Age of Terror: Challenge and Change* (United States: Ian Randle Publishers Inc., 2004), 391-412.

<sup>111</sup>*Ibid.*

nation in the world and therefore has an obligation to ensure that international trade is conducted in an environment of safety and security.<sup>113</sup> The Caribbean is the USA's tenth-largest trading partner and most of its exports are transported in containers across the Caribbean Sea. Such traffic increases the USA's vulnerability not only to the movement of drugs but to WMDs as well. The USA has the capacity to conduct checks of every container at its ports but given that 95 percent of its imports being sea borne, the consequential delays will impact negatively on international trade.<sup>114</sup>

The CARICOM's ability to meet the expectations of the "Third Border Initiative" has been adversely affected by an inability to adequately police its borders. Consequently, the failure of CARICOM states to achieve the necessary balance between security and facilitation is being exploited by traffickers. This is evident in several states, particularly the mainland territories of Guyana, Suriname and Belize. Coletta Youngers, in an article on *The U.S. and Latin America after 9-11 and Iraq*, states that,

... narco terrorism is spreading increasingly throughout the region. Narco terrorist groups are involved in .... They smuggle weapons and drugs in Brazil, Suriname, Guyana, Mexico, and Peru, are making inroads in Bolivia, and use the same routes and infrastructure for drugs, arms, illegal aliens and other illicit activities.<sup>115</sup>

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<sup>112</sup>The "Third Border Initiative" or TBI is a targeted package of programs designed to enhance diplomatic, economic, health, education and law enforcement cooperation and collaboration with Caribbean countries. President George W. Bush announced this on April 21, 2001, at the Quebec Summit of the Americas.

<sup>113</sup>Xinhua, "China to become world's second largest trading country in 2008," [http://english.people.com.cn/200511/22/eng20051122\\_223203.html](http://english.people.com.cn/200511/22/eng20051122_223203.html); Internet; accessed on 3 March 2009.

<sup>114</sup>Heritage Special Report, "Making the Sea Safer: A National Agenda for Maritime Security and Counterterrorism," [http://www.heritage.org/research/homelanddefense/upload/74871\\_4.pdf](http://www.heritage.org/research/homelanddefense/upload/74871_4.pdf). Internet; accessed 15 April 2009.

Many of these activities are conducted by TCNs and will necessitate the involvement of other states in the Western Hemisphere in remedying such a problem. Even though CARICOM states have bilateral arrangements with countries outside the region affected by trafficking in SALW, the solution must be rooted in genuine cooperation. The achievement of effective extra regional cooperation with countries in South America and Latin America is linked to the willingness of CARICOM states to develop a common region strategy. This could be a positive development for USA's strategic interests in the western hemisphere, since it has extremely close relations with Mexico and can leverage resources, perhaps from the "Merida Initiative", to address the smuggling of SALW by narco terrorists.

Even though the USA has demonstrated a greater preference for bilateralism, there are indications of that country's willingness to support a multilateral approach aimed at addressing TOCs in the region and in the process minimising the threat to its homeland. This sea change in the USA's approach to global issues was signaled by then Senator Barack Obama during the earlier stages of his political campaign for the presidency. As he did on a recent trip to Europe, President Obama at the Summit of the Americas held in Trinidad and Tobago stressed that the USA is a willing partner in the Latin America/Caribbean's efforts to advance their national interests.<sup>116</sup> Obama's rhetoric suggests a shift from his predecessor's foreign policy agenda, especially in terms

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<sup>115</sup>Coletta Youngers, "The U.S. and Latin America after 9-11 and Iraq," [http://www.fpi.org/papers/latam2003\\_body.html](http://www.fpi.org/papers/latam2003_body.html); Internet; accessed on 26 March 2009.

<sup>116</sup>CBS Broadcasting Inc., "Americas Summit Ends on Hopeful Note for Obama," <http://cbs13.com/politics/Obama.Americas.Summit.2.987742.html>; Internet; 19 April 2009.

of the USA's modus operandi with foreign countries. Evidence of his support for multilateralism was noted at the recently held G-20 meeting, and the USA's resort to the UN to deal with the North Korea nuclear testing issue.

There is no denial that President Obama's agenda will seek to further the interests of the USA, and therefore his support for the "Stop Tax Haven Abuse Act", for example, is unlikely to change. CARICOM states' use of the vulnerability argument, as the basis for an exemption, is untenable and against the interest of the USA.<sup>117</sup> **Obama's** support for greater regulations was recently endorsed by the G-20 Group. Yet CARICOM states are also critical of the high-handed manner in which the process is being conducted. Notwithstanding the pending money laundering initiative, the anticipated change in USA's foreign policy can facilitate the development of an effective regional strategy that will address the common problem of TOCs.

### **Concluding Remarks**

Chapter 4 established that the security of the Caribbean is mutually important to the USA and CARICOM states. The USA recognises that the threat to its security can be catastrophic if adequate defence measures are not implemented to protect its homeland from terrorists. Although the layered approach to the defence of the USA is absolutely necessary, the demands on the region have served to undermine other areas of development. The USA's posture is consistent with its NSS but at the same time, it disregards the spirit of the 'Third Border Initiative'.

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<sup>117</sup>Godfrey Smith, "Obama and the Caribbean," <http://www.garifuna.org/2008/08/obama-and-the-caribbean.html>; Internet; accessed on 10 April 2009.



The strategic importance of the region presents a unique opportunity for effective cooperation and collaboration between the USA and CARICOM states. Even though the primary obligation of the former is the defence of its homeland, recent foreign policy overtures by President Obama suggest that a multilateral approach to the security of the region is achievable. Such a strategy will lend to the optimisation of available resources and the strengthening of the region's position in seeking extra-regional support aimed at addressing TOCs. Chapter 5 will now address some of the major considerations which are necessary for effective extra-regional engagement.

## CHAPTER FIVE

### CONDITIONS NECESSARY FOR EFFECTIVE EXTRA REGIONAL ASSISTANCE

A successful strategy must begin by identifying and pursuing common interests with other states rather than insisting that they accept our prioritization of common threats ... Finding ways to develop frameworks of cooperation based on common interests with individual nations or groups of nations minimizes frictions, maximizes common assets, and increases the likelihood of cooperative deployment of those assets to achieve objectives.<sup>118</sup>

The Government of the USA, consistent the Princeton Project, has not maintained its commitment to capacity building for CARICOM states in order to address matters of security and development. Its focus has been primarily on security and therefore, represents an inconsistency with the expectations of the Princeton Project.<sup>119</sup> The USA's strategy is a function of its security priorities and this has meant a shift in support to, for example, the war in Afghanistan and recent initiatives to address drug related issues in Mexico. The inadequate levels of support provided by the USA to the CARICOM, coupled with continuing threat posed by TOCs have influenced the designation of security as the "fourth pillar" of the Treaty of Chaguaramas.<sup>120</sup>

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<sup>118</sup>G. John Ikenberry and Annie-Marie Slaughter, "Forging a World of Liberty under Law: U.S. National Security in the 21<sup>st</sup> Century Final Report of the Princeton Project on National Security," <http://www.princeton.edu/~ppns/report/FinalReport.pdf>; Internet; accessed on 1 April 2009.

<sup>119</sup>*Ibid.*

Cognisant of the need for a strong nexus between security and development, the regional leadership in July 2001 convened a RTFCS, aimed at establishing regional security priorities. The underlying theme, in the July 2002 submitted report, is the need for regional cooperation as a pre-requisite for the creation of a broad strategy aimed at addressing crime and violence in the region.<sup>121</sup> The report also stressed the continuing role of the USA in the context of its own obligations as a regional neighbour and as the most powerful player in global security.

### **Regional Cooperation and Security Agenda**

The security problems affecting individual CARICOM states are not largely dissimilar, but efforts aimed at developing a common agenda have remained elusive. This is somewhat frustrating since the RSS was created in 1982 and, even though it does not comprise all the states, it could be used as a basis for developing stronger mechanisms for regional cooperation. Ironically, it took an attempted coup in Trinidad and Tobago in July 1990 for CARICOM states to genuinely commence efforts aimed at achieving regional security cooperation. Barbados Prime Minister Erskine Sandiford, at the eleventh CARICOM Heads of Government Conference in Jamaica in 1991, stated that,

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<sup>120</sup>CARICOM Secretariat, "Caribbean Community (CARICOM) Security Initiatives," <http://scm.oas.org/pdfs/2008/CP19447E.PDF>; Internet; accessed on 10 March 2009.

<sup>121</sup>CARICOM, "Report on Crime and Security," [http://www.caricom.org/jsp/community/regional\\_issues/crime\\_and\\_security\\_task\\_force\\_report\\_2002.pdf](http://www.caricom.org/jsp/community/regional_issues/crime_and_security_task_force_report_2002.pdf); Internet; accessed on 9 April 2009

The events in Trinidad and Tobago have grave implications for the security of all CARICOM states. No one can now deny that closer cooperation in security matters among the member states of CARICOM is a crying necessity.<sup>122</sup>

However, CARICOM's efforts at achieving regional cooperation have been primarily limited to crisis situations, for example Grenada 1983 and Trinidad and Tobago 1990. Ironically, the regional security system benefits from USA's sponsored training involving British and American Forces as well as CARICOM forces from Trinidad and Tobago, Jamaica, The Bahamas, Belize and Guyana. But the failure of the CARICOM to capitalise on such goodwill has effectively allowed the unilateral policies of the USA to shape the regional approach to security.

The ability of member states to articulate a broad security concept that will accommodate varying interests is absolutely essential in the context of security problems affecting CARICOM states. These interests coincide with the relative status of CARICOM economies and therefore the strategy to be designed will require an identification of priorities, institutional framework and the mechanisms to support its effectiveness. Moreover, the region's security agenda must also consider the role of the USA in addressing security issues which will also impact on the threat to its homeland. The operationalisation of such an agenda and incorporating national strategy into a coherent regional strategy will present the major challenge to regional leaders. Fundamentally, efforts at achieving a regional strategy through the cooperation of CARICOM member states are to be based on a multilateral approach. Even though the

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<sup>122</sup>Jeffrey D. Bostic, "Shifting patterns of Security Policy of the Commonwealth Caribbean since World War II," <http://library.jid.org/en/mono34/bostic.pdf>; Internet; accessed on 14 April 2009.

USA has demonstrated its preference for bilateralism, there is already tangible evidence of that country's willingness to support a common regional strategy, as noted in the previous chapter.

There is recognition across the CARICOM of the need to move with unprecedented urgency to address the drug scourge, and as a consequence serious efforts have been made to understand the current transnational security issues and to evolve a regional plan. Security initiatives at the level of regional "Heads of Government" included a 2004 United Nations study on Drugs and Crime in the Caribbean, the mounting of a 2002 Regional Task Force on Crime and Security, the signing of a CARICOM Treaty on Mutual Cooperation on Fighting Crime (2002), and the establishment of a 2005 Management Framework for Crime and Security.<sup>123</sup> With the exception of the RTFCS which has been replaced by IMPACS, these institutions are still in their embryonic stage but are intended to facilitate regional coordination and cooperation, especially in the area of intelligence sharing.

CARICOM member states, with support from the USA, demonstrated the capacity for regional cooperation and coordination through the successful staging of Cricket World Cup 2007, involving 16 international teams and over 50 000 visitors to the region. The tournament was an overwhelming success and represented the very first occasion that the region would have achieved such level of cooperation from its membership. The security architecture was touted as the tournament's major legacy and

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<sup>123</sup>This management framework comprises a Council of Minister responsible for security and law, a Policy Advisory Committee, and an Implementation Agency to implement CARICOM's policy initiatives in this area.

“Heads of Government” subsequently agreed that it would remain a permanent feature of the regional institutional security landscape.<sup>124</sup> As part of this architecture, the Barbados based Joint Regional Communications Centre (JRCC)<sup>125</sup> would be the coordinating centre for regional law enforcement authorities to share intelligence and to benefit from access to the Interpol data base.<sup>126</sup> The USA provided significant technical security assistance for the tournament and indicated its continued support for the region’s security plan.<sup>127</sup> Moreover, its commitment to regional security in the CARICOM is a significant development in the context of the region seeking to evolve its own security agenda.

### **USA-Caribbean Relations**

Efforts at strengthening the regional security system have always been guided by the need to address the increasing flow of drugs through the Caribbean. But despite CARICOM countries being an integral part of its perimeter defence, the USA has not paid much attention to the region in the context of the “Third Border Initiative”. Yet the power relations between the CARICOM and USA oftentimes lead to a tendency for the former’s multi-dimensional security agenda to be subordinated in regional policies. But this predomination on the part of the USA is likely to change in the context of President Obama’s recent posturing on the shift in that country’s foreign policy relations.

Moreover, the region’s bargaining power has been demonstrated in the past on a number

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<sup>124</sup>IMPACS Regional Communications Centre, “Security Major Legacy of CWC 2007,” [http://caricom.org/jsp/community/regional\\_issues/cwc\\_2007/security\\_legacy.pdf](http://caricom.org/jsp/community/regional_issues/cwc_2007/security_legacy.pdf); Internet; 2 April 2009.

<sup>125</sup>Joint Regional Communication Centre encompasses an intelligence centre which is staffed by military and law enforcement officials from the CARICOM.

<sup>126</sup>IMPACS Regional Communications Centre, *Security Major Legacy of CWC 2007* .....

<sup>127</sup>*Ibid.*

of issues, including the recent USA's decision to provide support for the re-integration of deportees to CARICOM states from the USA. Generally, CARICOM states have supported the USA's security agenda. However, the region has consistently advocated a multi-dimensional approach to its security problems on the basis of its peculiar vulnerabilities. Although CARICOM's position has been recognised by the USA, its ability to leverage support from the latter will be conditioned on the strengthening of regional cooperation on matters of mutual interest.

The transnational nature of the drug trade and its linkages to other areas of crime, including terrorism, requires policies and programmes which fall within the ambit of functional cooperation in the "Treaty of Chaguaramas". However, this would require the participation of the USA and the region in a genuine multilateral partnership which would ensure the mutual security interests of the two regions. Such initiative sees a coordinating role for the CARICOM secretariat. The feasibility of this initiative is quite good since there are already existing regimes which can be used as a basis for establishing a regional security strategy. Moreover, CARICOM states will be required to demonstrate unprecedented levels of cooperation in the development of a regional strategy based on clear priorities and the harmonisation of key legislations.

### **Conventions and the harmonisation of legislations**

The ratification of existing regional and international conventions is critical for ensuring effectiveness of regional security cooperation in combating TOCs. These regimes fall under the rubric of the United Nations and are associated with conventions on drugs and crime. Some CARICOM member states are still to ratify the International

Convention against Transnational Organised Crime and its Protocols (See Appendix 2). The ratification of the existing treaties will lend further legitimacy and credibility to the efforts of member states to address crime and violence in the region. While most of the international conventions associated with transnational crimes have been signed by the CARICOM member states and the USA, the protocols related to SALW are still to be signed by the latter and several of the former. However, as previously mentioned, the USA and some countries in the region have reached an agreement which will assist in crime fighting.

The impact of SALW on crime and violence in the CARICOM states is enormous with many of the weapons used in the commission of crimes originating from the USA. Apart from ratifying the international protocol on SALW, CARICOM member states will have to develop a regional agreement which will be the basis for their strategy to effectively combat TOCs. The involvement of the USA in this process will be most helpful in determining the source of weapons used in the commission of crimes in the region. Moreover, a regional agreement will facilitate the acquisition of a Regional Integrated Ballistic Identification System and provide the capacity to trace firearms used in CARICOM member states. Lyn Williams, in an address to firearm experts from across the CARICOM in Port of Spain on 16 January 2009, stated that,

It will facilitate the sharing of intelligence across jurisdictional boundaries, enabling national and regional law enforcement agencies to overcome the obstacles and delays associated with the logistics of physical evidence exchange.<sup>128</sup>

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<sup>128</sup>CARICOM Secretariat, "CARICOM takes on the scourge of illegal guns: CARICOM IMPACS," [http://www.caricom.org/jsp/communications/illegal\\_guns\\_impacs.jsp](http://www.caricom.org/jsp/communications/illegal_guns_impacs.jsp); Internet; accessed on 11 March 2009.



This new security initiative will improve the CARICOM's capacity to combat the scourge of illegal guns and the crimes, and in this regard the USA can play an effective role in providing the technical skills required by regional ballistic experts. The skill acquisition from the USA is not reactionary but rather based on priorities established at the regional level. Moreover, this will form the basis for evidence to be used in courts across the region, and in the USA under the Mutual Legal Assistance Treaty (MLAT).

### **Money Laundering**

The multiplying effect of transnational crimes on domestic crime and its growing link with terrorism have necessitated significant changes to anti-money laundering laws and mechanisms to effectively conduct oversight of the financial sector in CARICOM member states. The lack of adequate oversight in some CARICOM member states, for example in Barbados and Antigua and Barbuda, has attracted the attention of international anti-money laundering organisations and the USA. As is the case with narcotics, SALW and human trafficking, the CARICOM is challenged to develop an effective crime fighting strategy for the region. Coming on the heels of the USA's initiative to regulate so called "Tax Havens", the G-20 Summit has sent a strong signal that these alleged unregulated financial institutions will be regulated.<sup>129</sup>

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<sup>129</sup>Eric Reguly and Brian Laghi, "G20 ushers in a 'new world order,'" <http://www.theglobeandmail.com/servlet/story/GAM.20090403.G20MAIN03/TPStory/TPComment:Internet; accessed on 5 April 2009>.

While CARICOM member states, as a pre-requisite, need to sign/ratify as necessary the relevant international legal regimes, the approach has to be multidimensional. The regional strategy supported by the USA is likely to provide the stimulus for tighter control at border crossings as well as enhance security at sea and airports. Even as international organisations are steadily revising mechanisms to meet the current and new threats, the CARICOM has an obligation to ensure that a common standard is implemented throughout the region. Problems in the past have mitigated the achievement of common regional strategies, but sanctions against defaulting countries are suggestions which could well change old attitudes, if necessary.

The achievement of regional cooperation will always be a challenge, but past engagements on key security issues demonstrate that such a previously elusive goal can be attained. In this regard, the political will of governments is essential in order to craft an effective regional strategy. It is very clear that the level of crime has expanded to such a degree that every state in the region is directly affected and, therefore, a regional solution to this scourge is absolutely essential. While transnational crimes are numerous, the CARICOM's most problematic areas have been the openness of its borders and money laundering. As the region awaits the development of a security strategy, the foregoing areas can serve to focus their attention.

### **Effective Border Controls and Port Security**

The global economic and security environment continues to be impacted by both legal and illegal cross border movements of goods and people. Balancing the necessity for effective border controls and facilitating trade across borders is a major dilemma

confronting regional member states. The USA's demand for member states to implement greater border security control measures has failed to significantly reduce the trafficking of drugs, people and small arms. Moreover, these demands have also mitigated the efforts of regional states to achieve an optimal balance between enforcement activities and facilitating cross border movements of goods and people. This problem is not country specific and, coupled with resource constraints, can only be resolved in the context of a multilateral solution.

There is no doubt that most member states are significantly short of resources to implement the most basic facilities in accordance with international standards. Extra-regional resources will, therefore, be necessary in order to meet these requirements. This would seem to suggest that the achievement of greater regional consensus on border controls is a pre-requisite to attracting funding from USA, Canada, Europe and international financial institutions for instituting the necessary reforms.<sup>130</sup> The Caribbean Customs Law Enforcement Council (CCLEC) is the regional mechanism which can be used to coordinate the activities of customs agencies throughout the region and facilitate the harmonisation of laws. This would include consensus on equipment and training priorities of the region. The effectiveness of the CCLEC, however, will be dependent on it being adequately resourced and the willingness of member states to demonstrate consistency and commitment to multilateral initiatives related to border controls.

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<sup>130</sup>Council on Foreign Relations, "Adapting Border Controls to Support Caribbean Trade and Development," [http://www.cfr.org/publication/3694/adapting\\_border\\_controls\\_to\\_support\\_caribbean\\_trade\\_and\\_development.html](http://www.cfr.org/publication/3694/adapting_border_controls_to_support_caribbean_trade_and_development.html); Internet; accessed on 11 April 2009.

The threat posed by drug trafficking is common to both the USA and the CARICOM region, and presents an opportunity for these nations to work together on this problem. The incentives for a coordinated approach in dealing with drug trafficking are much greater to a country when transnational crimes impact on its conduct of legal activities, especially in the area of trade. Already, the USA's layered-defence strategy facilitates some level of cooperation with CARICOM states. The absence of reciprocity has been noted in CARICOM states' continuing focus on traditional approaches to border management, but which have been ineffective in interdiction efforts on both land and sea.<sup>131</sup> The achievement of regional consensus can provide the trigger for a shift in CARICOM's border strategy to one similar to that employed by the USA.

### **Role of the Military**

The USA's strategy of involving the military in fighting crime and violence is seemingly inconsistent with its national values. These national values include democracy, human rights, and the responsibility of institutions towards citizens. John G. Ikenberry and Annie-Marie Slaughter suggest that,

... US strategy must include the creation of institutions and mechanisms whereby the international community as a whole can help strengthen government capacity and encourage sound practices within states without using force or illegitimate modes of coercion.<sup>132</sup>

The USA's support for an expanded role of the military has had serious implications for democracy in some member states. Not only has the effectiveness of the military been

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<sup>131</sup> *Ibid.*

<sup>132</sup> G. John Ikenberry and Annie-Marie Slaughter, *Forging a World of Liberty under Law: U.S. National Security in the 21<sup>st</sup> Century Final Report of the Princeton Project on National Security* ....

questionable, but its conduct has raised serious questions related to issues such as extra-judicial killings and torture, at least in the Guyana context. This is a tragedy, especially in the context of enormous resources expended in the training the military in the area of crime fighting. The re-direction of resources to aid in the strengthening of democratic institutions and developing law enforcement capacities are likely to have a greater impact on fighting TOCs.

The issues discussed in chapter are complex and will necessitate a great deal of political will and sacrifices to overcome. The challenges facing states across the region are common but the responses to dealing with TOCs have varied due to resource limitations. This concern has been a stumbling block in the past but needs to be addressed in the context of the transnational impact of crime and violence. Successes in the past such as CWC 2007, overtures by the new USA President and recognition by CARICOM states of the serious nature of the threat are essential ingredients for effective engagement towards a regional security strategy.

## **CHAPTER SIX**

### **CONCLUSION**

The scope and severity of transnational organised crimes occurring within the CARICOM region threatens the social fabric of its societies. This assessment has direct implications for the USA in the context of its relative proximity to region and the CARICOM states' role in drug trafficking and potential for terrorism. The multidimensional nature of these crimes and member states' inability to respond adequately to these threats has been the basis of increasing calls for greater regional cooperation. Moreover, the demands for member states to implement international security initiatives have led to non-compliance in some areas and in others changes in the developmental agenda of these states. The gaps created have facilitated the USA's employment of a security strategy that has further undermined the CARICOM's efforts at achieving greater integration.

The USA's focus on terrorism since 9/11 represented a paradigm shift in its treatment of defence issues, especially in the context of the "Third Border Initiative" which was consistent with that country's National Security Strategy. Its current security architecture does not reflect a coordinated approach in dealing with TOCs in the CARICOM. While the USA has an active engagement with the region as a consequence of its National Security Agenda and the threat of terrorism, its lack of support in other areas begs the question as to its real impact in the region.

The project researched the CARICOM security context, the role of the USA, and the conditions necessary for effective extra-regional assistance to show that regional cooperation can be achieved and contribute towards the development and implementation of a regional security strategy. The concluding chapter will first highlight the major findings of this project and thereafter offer recommendations for future research related to this area of study.

The major findings of the research are summarised as follows.

1. The insular character of the CARICOM region, whether island or mainland, allows easy entry and exit to people and goods, thus making it difficult for law enforcement to deal with transnational crimes. Such crimes will continue but greater cooperation among regional states and support from the USA will cause a reduction in occurrences.
2. The development of a regional plan based on the region's peculiar characteristics is absolutely vital and likely to be more successful than impositions by the international community especially the USA. Extra regional support is often limited to specific time periods and therefore the sustainability of a project is questionable. Regional initiatives will be based on resources in the region and therefore more likely to be effective and sustainable.
3. The creation of a Caribbean Court of Justice is a step in the right direction but the region will have to ensure the harmonisation of its legal instruments and mechanisms in order to ensure its effective operationalisation. This will require agreement on common laws for the region and the preparedness of member states to address the issue of sovereignty in a more realistic and practical manner. The

achievement of this goal will not only improve inter-agency coordination at the national level but at regional and international levels as well.

4. The systems and mechanisms throughout the region are patterned largely after the British and therefore can be used as a building block for evolving a regional strategy for fighting transnational crimes. Moreover, there is already in place a regional entity IMPACS which has a coordinating role for security. This entity can be expanded to include members of each member state to follow up on matters of security interests.

5. The USA needs to be more engaged in multilateral decision-making. This will create opportunities for practical approaches for dealing with security issues affecting nations. The policy of unilateralism has been a destructive policy which has not significantly impacted the conduct of transnational crimes. The new USA government is likely to restore the spirit of multilateralism and more meaningful engagements with partners around the world.

6. The USA needs to renew its commitment to the ideals of “Third Border Initiative” with the CARICOM. This will help to guide the creation of a regional strategy and therefore incorporate the expectations of the USA. The need for bilateral agreements with individual member states will be minimised and consequentially result in less tension situations.

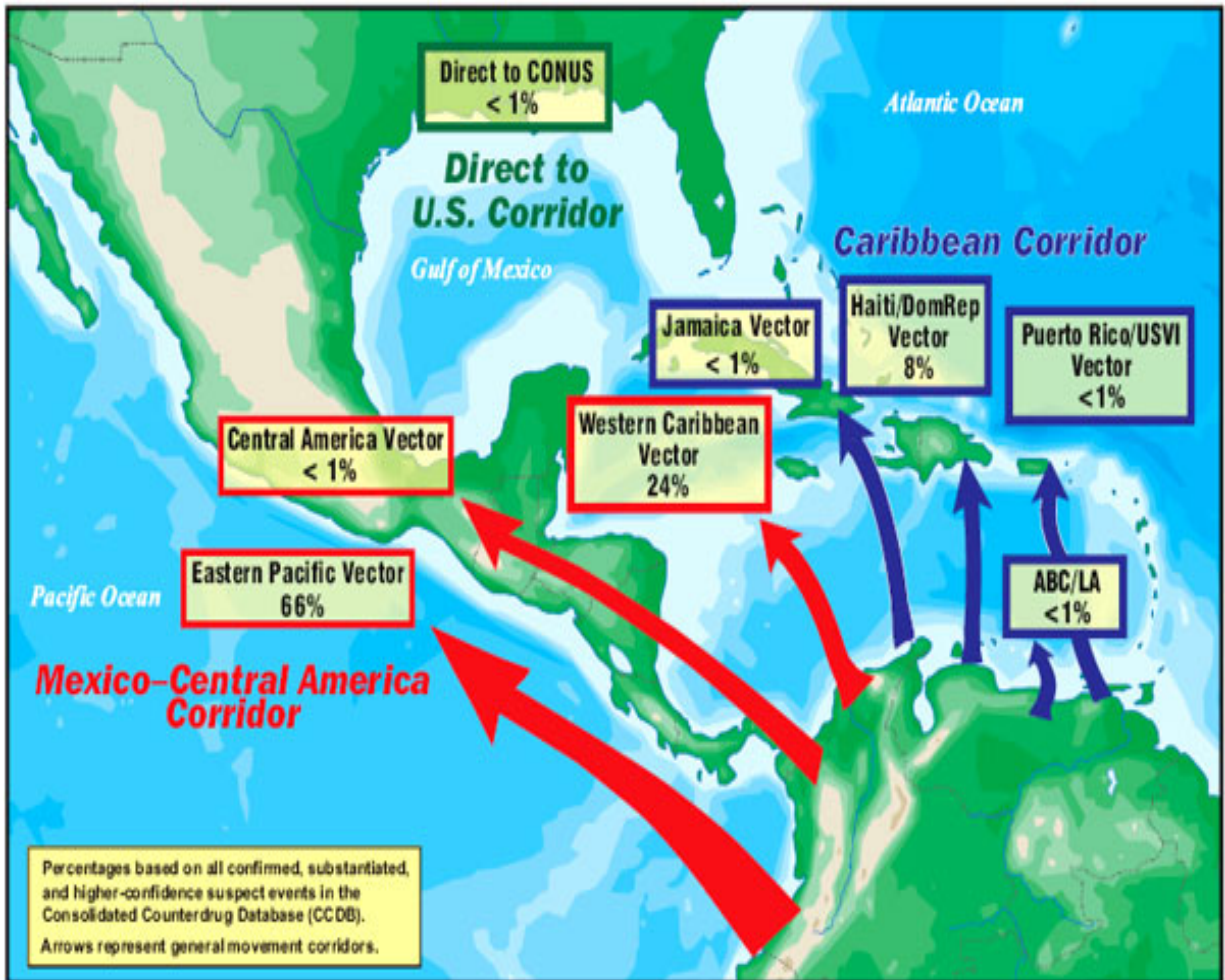
### **Recommendations for Future Research**

The findings in this research suggest that there are two critical elements necessary for effectively dealing with TOCs but which will require further research. First, the need



for a comprehensive regional security strategy was raised. This is necessary in order to ensure that the areas of security interests are prioritised, for example, areas in the criminal justice system and their locations. This will also add purpose to the strategy since it will be based on available resources and will utilise a regional interagency approach. This could be a painstaking process given the sensitivities of some member states but one which will have to be done. Future research can, therefore, consider the possible process of development and content of such a strategy. Second, the role of the USA in this equation is extremely vital since what happens in that country has a direct impact on the region and vice versa. The USA, though likely to adopt a more multilateral approach to security issues, will place its own interest first. The challenge for the region therefore is to encourage the USA's involvement in the process of security and development of the region.

## Appendix 1



Corridors in the Transit Zone: Cocaine flow departing South America.

**Appendix 2: Status of Principal UN Conventions and Protocols.**

Serial	Country	A		B		C		D	
		Sign	Ratify	Sign	Ratify	Sign	Ratify	Sign	Ratify
01	Antigua	X			X	X			
02	Bahamas			X	X			X	
03	Barbados	X			X	X		X	
04	Belize							X	
05	Grenada		X		X			X	
06	Guyana				X			X	
07	Haiti				X	X	X		
08	Jamaica	X	X	X	X	X	X	X	
09	St Kitts		X					X	
10	St Lucia								
11	St Vincent						X		
12	Suriname								
13	Trinidad						X		
	<b>USA</b>						<b>X</b>	<b>X</b>	

**Keys:**

A. Protocol against the Illicit Manufacturing and Trafficking of Firearms (2001).

B. Convention against the Illicit trafficking of narcotic drug and Psychotropic Substances (1988).

C. Status of Ratification of the Corruption Convention (2003).

D. Protocol to Prevent, Suppress and Punish, especially Women and Children, Supplementing the UN Conventions against Transnational Organised Crime (2000).

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