

RESTRICTED

TREATY



ESTABLISHING THE REGIONAL SECURITY SYSTEM

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PREAMBLE

The Governments of the Contracting States

CONVINCED that the stability and well-being of the Caribbean region can best be promoted by mutual co-operation;

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

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

Have agreed as follows:

ARTICLE 1

Establishment of System

By this Treaty the Contracting Parties establish the Regional Security System, in this Treaty referred to as the "System" or "RSS", having the members, powers and functions hereinafter set forth.

ARTICLE 2

Membership

1. Membership of the System is open to the following States:

Antigua and Barbuda

Barbados

The Commonwealth of Dominica

Grenada

Saint Christopher and Nevis

Saint Lucia

Saint Vincent and The Grenadines.

2. The States listed in paragraph 1 of this Article the Governments of which sign and ratify this Treaty in accordance with Article 25 shall be the members of the System, and such States are referred to in this Treaty as the “Member States”.

ARTICLE 3

Definitions

For the purposes of this Treaty

(a) “Forces Commanders” means

- (i) the Commander of the Antigua and Barbuda Defence Force;
- (ii) the Commissioner of Police of the Royal Police Force of Antigua and Barbuda;
- (iii) the Chief of Staff of the Barbados Defence Force;
- (iv) the Commissioner of Police of the Royal Barbados Police Force;
- (v) the Commissioner of Police of the Commonwealth of Dominica Police Force;
- (vi) the Commissioner of Police of the Royal Grenada Police Force;
- (vii) the Commissioner of Police of the Royal Saint Christopher and Nevis Police Force;
- (viii) the Commissioner of Police of the Royal Saint Lucia Police Force; and
- (x) the Commissioner of Police of the Royal Saint Vincent and The Grenadines Police Force;

(b) “service personnel” means personnel belonging to or connected with

- (i) the Antigua and Barbuda Defence Force or the Royal Police Force of Antigua and Barbuda;
- (ii) the Barbados Defence Force or the Royal Barbados Police Force;
- (iii) the Commonwealth of Dominica Police Force;
- (iv) the Royal Grenada Police Force
- (v) the Royal Saint Christopher and Nevis Police Force;

- (vi) the Royal Saint Lucia Police Force;
- (vii) the Royal Saint Vincent and The Grenadines Police Force.

ARTICLE 4

Purposes and Functions of the System

1. The purposes and functions of the System are to promote co-operation among the Member States in the prevention and interdiction of traffic in illegal narcotic drugs, in national emergencies, search and rescue, immigration control, fisheries protection, customs and excise control, maritime policing duties, natural and other disasters, pollution control, combating threats to national security, the prevention of smuggling, and in the protection of off-shore installations and exclusive economic zones.
2. In order to achieve the purposes of this Treaty, the Member States
 - (a) separately and jointly shall, by means of self-help and mutual aid, maintain and develop their individual and collective capacity to assist one another; and
 - (b) agree that service personnel of one Member State taking part in operation in another Member State or in the territorial sea or exclusive economic zone of that other Member State shall have all the rights, powers, duties, privileges and immunities conferred on service personnel of the second mentioned Member State by the laws of that State.
3. The interests of one Member State are the interests of the others; and accordingly the Member States shall have the right of "hot pursuit" within each other's territorial sea and exclusive economic zone.
4. The Member States shall consult together whenever, in the opinion of any of them, the democratic institutions, territorial integrity, political independence or security of any of them is threatened.
5. The Member States agree that an armed attack against one of them by a third State or from any other source is an armed attack against them all, and consequently agree that in the event of such an attack, each of them, in the exercise of the inherent right of individual or collective self-defence recognized by Article 51 of the *Charter of the United Nations*, will determine the measures to be taken to assist the State so attacked by taking forthwith, individually or collectively,

any necessary action, including the use of armed force, to restore and maintain the peace and security of the Member State.

6. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to secure and maintain peace in the Member State.

ARTICLE 5

Status of Treaty

1. This Treaty does not affect and shall not be construed as affecting the rights and obligations under the Charter of the United Nations of the Member States or the responsibility of the United Nations for the maintenance of international peace and security.

2. Each Member State declares that none of the international engagements now in force between it and any other Member State or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty while this Treaty remains in force in respect of that Member State.

ARTICLE 6

Council of Ministers

1. A Council of Ministers, in this Treaty referred to as the "Council", is hereby established.

2. The Council comprises the Ministers responsible for Defence and Security of the Member States or such other Ministers and Plenipotentiaries as may be designated by the Heads of Governments of the Member States.

3. The Council shall be responsible for and shall have general direction and control of the System.

4. The Council is the supreme policy making body of the System.

5. The Council shall set up such subsidiary bodies as may be necessary to ensure the achievement of the purposes of this Treaty.

6. Subject to this Treaty, the Council is responsible for the financial arrangements necessary for meeting the expenses of the System and is the final authority in matters relating to the financial affairs of the System.
7. The Council shall be the final authority for the conclusion of treaties or other international agreements on behalf of the System and for entering into relationships between the System and third States or international organisations.
8. The Council shall meet at least once a year and may determine its own procedure.
9. The chairmanship of the Council shall be rotated annually among the members of the Council in alphabetical order of the Member States.
10. The decisions of the Council shall be by majority of two-thirds of the membership of the Council.

ARTICLE 7

Secretariat

1. A secretariat, in this Treaty referred to as the “Central Liaison Office” or “CLO”, is hereby established and shall be responsible for the general administration of the System.
2. The Central Liaison Office comprises a Regional Security Co-ordinator, in this Treaty referred to as the “Co-ordinator”, and such other staff as the System may require.
3. The Co-ordinator shall be appointed by the Council and is the Chief Executive Officer with, subject to Article 6, responsibility for the general administrative direction of the System.
4. More particularly, the duties of the Co-ordinator are:
 - (a) to arrange and service meetings of the System;
 - (b) to take appropriate action in respect of any decision taken, or directive given, at any such meeting;
 - (c) to co-ordinate the operations of the System;
 - (d) to advise the Council in matters relating to regional security; and
 - (e) to make annually, or at such other intervals as the Council requires, reports on the operational and administrative activities of the System.

5. The Co-ordinator may, in his discretion, appoint all staff of the System, except the Staff Officers who shall be appointed by the Co-ordinator after consultation with the Forces Commanders.
6. The salaries and allowances of the staff of the CLO shall be fixed from time to time by the Council.
7. The Co-ordinator shall submit any information or prepare any document requested by the Council and submit and prepare any other information relating to the functions of the System about which the Co-ordinator considers the Council ought to be informed.

ARTICLE 8

The Budget

1. There shall be a budget of the System.
2. The revenue of the budget shall be derived from the contributions of Member States in such proportions as may be determined by the Council from time to time and from such other sources as may be available to the Council.
3. The budget shall not be used for operational purposes in a Member State; but where one Member State requests assistance from one or more of the other Member States, in this Treaty referred to as the “requesting State” and the “sending State” respectively, material and equipment held by the System may be used for the purposes of the operation, and any material and equipment so used shall be replaced by the requesting state.
4. The Co-ordinator shall prepare and submit, for the approval of the Council, estimates on a triennial basis, but where circumstances change during any triennium for which estimates were submitted, the Co-ordinator shall prepare and submit supplementary estimates.
5. The Co-ordinator shall submit annual financial statements to the Council.

ARTICLE 9

Planning and Operations

1. There is hereby established a joint co-ordinating and planning committee comprising the Forces Commanders.
2. The Co-ordinator shall be the chairman of the Joint Co-ordinating and Planning Committee.
3. Combined operations shall be co-ordinated through the operations room at the Headquarters of the Barbados Defence Force or such other suitable place as may be determined by the Co-ordinator.

ARTICLE 10

Command and Discipline

1. For the purposes of this Treaty
 - (a) the requesting state shall have operational control over all service personnel participating in operations in that State;
 - (b) the senior officer of a sending state shall exercise tactical command over his service personnel; and
 - (c) the officer commanding service personnel of a sending State shall be responsible for the conduct and discipline of a subordinate service personnel of that State.
2. Service personnel of Member States seconded for duty at the CLO or mobilised for operations or training under joint RSS command shall be subject to the authority of service personnel of superior rank without regard to the Member State of origin.

ARTICLE 11

Jurisdiction

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

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

3. The Courts of one Member State have jurisdiction over service personnel of another Member State with respect to offences that are committed by the service personnel of that other Member State within the first-mentioned Member State and punishable by the law of the first-mentioned member State.

4. Where the Courts of one Member State and the Service Authorities of another member State have the right to exercise jurisdiction in respect of an offence, the Service Authorities of that other Member State have the primary right to exercise jurisdiction if

- (a) the offence is committed by a member of the service personnel of that other member State against the property or security of that other Member State or against the property or person of another member of the service personnel,
- or
- (b) the offence arises out of an act or omission occurring in the course of official duty by a member of the service personnel of that other Member State.

5. In any case other than those mentioned in paragraphs (2), (3) and (4), the Member State within which the offence is committed has the primary right to exercise jurisdiction; but where the State with the primary right decides not to exercise jurisdiction, it shall notify the appropriate authorities of the other State as soon as practicable.

ARTICLE 12

Claims

Except as otherwise agreed, the requesting State shall

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

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

ARTICLE 13

Training

Service personnel of the Member States shall undergo training in any of the Member States as agreed by the Forces Commanders.

ARTICLE 14

Coast Guard

1. Coast guard vessels of Member States shall, during operation on behalf of the System or training exercises arranged by the System, fly the RSS flag in addition to their national flags; and during such operations or training exercises, personnel of the vessels' complement shall wear RSS badges of rank or other designation appropriate to their appointments as set out in the Annex to the Treaty.

2. A coast guard vessel referred to in paragraph (1) shall, during such operations or training exercises, be deemed to be a vessel of the Member State in whose territorial sea or exclusive economic zone the operations or training exercises are taking place.

ARTICLE 15

Ranks and Badges of Rank

Service personnel of Member States seconded for duty to the CLO or mobilised for operations or training under joint RSS command shall wear approved RSS badges of rank or other designation appropriate to their appointments as set out in the Annex to this Treaty.

ARTICLE 16

Procurement

Arms, ammunition, uniforms, equipment and stores may be procured by the System under a joint procurement programme and shall be transferable among the Member States.

ARTICLE 17

Transit of Personnel and Equipment

Member States shall take all measures necessary to facilitate the transit through their territories of duly notified service personnel, equipment and material required for use

- (a) in providing assistance to a requesting State; or
- (b) in training exercises or operations under joint RSS command.

ARTICLE 18

Operational Expenses

For the purposes of this Treaty, the requesting State shall pay the expenses incurred in accommodating and victualling the service personnel of a sending State and the medical expenses of any service personnel of a sending State who need medical attention in the requesting State.

ARTICLE 19

Limited Assistance

Without affecting any rights or obligations under this Treaty a Member State may request assistance from one or more of the other Member States.

ARTICLE 20

Relations with States and other International Organisations

1. The System shall seek to establish relations with States and with other international organisations which are in a position to further the purposes of this Treaty; and to that end the Council may conclude agreements or enter upon working relationships with such States or organisations.
2. The System may at any of its deliberations grant observer status to any State or other international organisation.

ARTICLE 21

Status, Privileges and Immunities of the System

1. The System shall be an international organisation and shall have and enjoy legal personality.
2. The System shall have, in the territory of each Member State,
 - (a) the legal capacity required for the performance of its functions under this Treaty; and
 - (b) the power to acquire, hold and dispose of property, whether real or personal, movable or immovable.
3. The System shall, in the exercise of its legal personality, be represented by the Co-ordinator.
4. The privileges and immunities to be granted to senior officials of the System at its Headquarters and in the Member States shall be the same as are recorded to members of a

diplomatic mission accredited to the Government of the Member State in which the Headquarters of the System is located and in the Member States under the provisions of the Vienna Convention on Diplomatic Relations of 18th April, 1961.

5 For the purposes of paragraph 4 of this Article, the senior officials of the System shall be the Co-ordinator, and those other officials of the System designated as such by the Co-ordinator and approved by the Government of the Member State in which the Headquarters of the System is located.

ARTICLE 22

Taxation

1. Within the scope of its official activities, the System, its assets and property, its income, operations and transactions within the contemplation of this Treaty, shall be exempt from all direct taxation; and goods imported or exported for official use shall be exempt from all customs duties and other imports.

2. Notwithstanding paragraph 1, the System shall not claim exemption from taxes which are no more than charges for public utility services.

3. Where purchases of goods or services of substantial value necessary for the official activities of the System are made by the System or on its behalf, and the price of such goods and services includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by Member States to grant exemption from such taxes or duties or to provide for their reimbursement. Goods imported or purchased under an exemption provided for in this Article shall not be sold or otherwise disposed of in the territory of the Member State granting the exemption except under conditions agreed with that Member State.

4. No tax shall be levied by Member States on or in respect of salaries and other emoluments or any other form of payment made by the System to the Co-ordinator and executive staff of the System as well as experts performing missions for the System and who are not nationals of any Member State.

ARTICLE 23

Interpretation of Treaty

In the absence of a contrary agreement, all disputes relating to the interpretation or application of this Treaty shall be settled by the Council in accordance with its voting procedures.

ARTICLE 24

Headquarters of System

The location of the headquarters of the System shall be determined by the Council.

ARTICLE 25

Signature and Ratification

1. This Treaty and any Protocol thereto, which forms an integral part of the Treaty, shall be open for signature to all States specified in paragraph 1 of Article 2 of this treaty.
2. This Treaty is subject to ratification by the signatories in accordance with their respective constitutional processes.
3. The original text of this Treaty shall be deposited with the Government of Barbados, which shall transmit certified copies thereof to all the signatories.
4. Instruments of ratification or accession shall be deposited with the Government of Barbados, which shall notify all signatories of each such deposit.

ARTICLE 26

Accession

The parties to this Treaty may, by unanimous agreement, invite any other State in a position to further the principles of this Treaty, and the contribute to the peace and security of the Eastern Caribbean, to accede to this Treaty, or may accept a request from any such State for accession to this Treaty.

ARTICLE 27

Entry of Force

This Treaty shall enter into force immediately upon receipt of the Government of Barbados of the second instrument of ratification from the States specified in paragraph 1 of Article 2 of this Treaty.

ARTICLE 28

Termination

1. This Treaty is of unlimited duration.
2. This Treaty shall remain in force in respect of a Member State until terminated in respect of that State on a day specified by notice in writing transmitted to each of the other Member States by the Government of Barbados at least three months before the day specified in the notice.
3. If this Treaty is terminated either in relation to all or any of the Member States, provisions relating to the criminal jurisdiction of any Member State, the treatment of claims by any Member State or the financial obligations of any Member State, remain in force until all outstanding matters are resolved.

ARTICLE 29

Amendments

1. A Member State may make written proposals for the amendment of this Treaty and any Protocols thereto.
2. Amendments shall be effected by unanimous decision of the Council.
3. The text of any amendment shall be promptly communicated by the Co-ordinator to the Government of Barbados, which shall transmit certified copies thereof to all the signatories to this Treaty and shall also inform them of the date of entry into force of any such amendment.

ARTICLE 30

Registration

This Treaty and all its Protocols shall be registered by the Government of Barbados with the Secretariat of the United Nations pursuant to Article 102 of the *Charter of the United Nations* and shall also be registered with the Secretariat of the Caribbean Community.

ARTICLE 31

Transitional Arrangements

Until such time as the Co-ordinator is appointed, the powers and functions of that office shall be exercised by the Chief of Staff, Barbados Defence Force.

ARTICLE 32

Memorandum of Understanding

The Memorandum of Understanding done at Paragon on the 25th day of November, 1992 shall cease to have effect upon the commencement of this Treaty and thereupon all rights, privileges, immunities, duties, obligations and liabilities created by and existing under, and every undertaking given pursuant to, the said Memorandum of Understanding shall be transferred to the system and shall be honoured by the Member States and the System as if those rights, privileges, immunities, duties, obligations and liabilities were created by, and the undertakings were pursuant to, this Treaty and all Member States shall be deemed to have complied with paragraph 1 of Article 21 of the said Memorandum of Understanding with regard to the giving of notice.

IN WITNESS WHEREOF, the Undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Treaty.

DONE AT

this *5th* day of *March*,

One thousand nine hundred and ninety-six.

For the Government of:

Antigua and Barbuda

Signed on behalf of the Government

Date 19 February 1996

For the Government of:

Barbados

Signed on behalf of the Government

Date 23 February 1996

For the Government of:

The Commonwealth of Dominica

Signed on behalf of the Government

Date 21 February 1996

For the Government of:

Grenada

Signed on behalf of the Government

Date 21 February 1996

For the Government of:

Saint Christopher and Nevis

Signed on behalf of the Government

Date 19 February 1996

For the Government of:

Saint Lucia

Signed on behalf of the Government




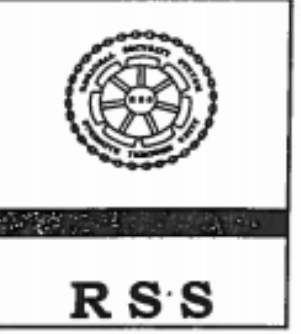
Date 15 February 1996




For the Government of:



Saint Vincent and The Grenadines

Signed on behalf of the Government

Date 21 February 1996

BADGE OF RANK	CLO	COAST GUARD	SSU
	<p>SENIOR STAFF OFFICER</p>		
	<p>STAFF OFFICER</p>	<p>COMMANDING OFFICER COAST GUARD</p>	<p>P COMPANY COMMANDER POLICE/MILITARY COMPANY</p>
	<p>ASSISTANT STAFF OFFICER</p>	<p>COMMANDING OFFICER COAST GUARD VESSEL</p>	<p>P COMPANY 2 I/C POLICE MILITARY COMPANY</p>
		<p>NAVIGATION OFFICER COAST GUARD VESSEL</p>	<p>P COMPANY PLATOON/TROOP COMMANDER</p>

BADGE OF RANK	CLO	COAST GUARD	SSU
 <p data-bbox="337 625 483 674">R S S</p>	<p data-bbox="634 394 846 443">TRAINING TEAM SERGEANT MAJOR</p>	<p data-bbox="906 394 1133 485">MASTER CHIEF PETTY OFFICER/ SERGEANT MAJOR COAST GUARD BASE</p>	<p data-bbox="1198 394 1409 485">P COMPANY SERGEANT MAJOR POLICE/MILITARY COMPANY</p>
 <p data-bbox="337 1140 483 1188">R S S</p>	<p data-bbox="639 877 837 905">STAFF SERGEANT</p>	<p data-bbox="894 877 1146 905">CHIEF PETTY OFFICER</p>	<p data-bbox="1192 877 1406 999">P COMPANY QUARTER MASTER SERGEANT POLICE/MILITARY COMPANY</p>
 <p data-bbox="337 1644 483 1692">R S S</p>	<p data-bbox="643 1388 834 1436">TRAINING TEAM SERGEANT</p>	<p data-bbox="922 1388 1105 1415">PETTY OFFICER</p>	<p data-bbox="1192 1388 1398 1509">P COMPANY TROOP SERGEANT POLICE/MILITARY COMPANY</p>

BADGE OF RANK	CLO	COAST GUARD	SSU
		<p>LEADING SEAMAN</p>	<p>P COMPANY SECTION COMMANDER POLICE/MILITARY COMPANY</p>
		<p>ABLEBODIED SEAMAN</p>	<p>P COMPANY SECTION 2 I/C POLICE/MILITARY COMPANY</p>

**Protocol amending the Treaty
Establishing the Regional Security System**

Preamble

The Council of the Regional Security System recognizing the establishment of the Saint Christopher and Nevis Defence Force; and desirous of admitting personnel of the Saint Christopher and Nevis Defence Force as service personnel in the Regional Security System

Have agreed as follows:

Article 1

Use of Terms

In this Protocol unless the context otherwise requires

“Council” means the Council of Ministers established by Article 6 of the Treaty establishing the Regional Security System.

“Treaty” means the Treaty establishing the Regional Security System signed at St. George’s, Grenada on the 5th day of March, 1996.

Article 2

Amendments

The Treaty is amended in the following respects:

In Article 3

- (a) insert in the definition of “Forces Commanders” appearing in paragraph (a) thereof, the following
 - “(x) the Commander of the St. Christopher and Nevis Defence Force”.

- (b) insert in sub-paragraph (v) of the definition of “service personnel” appearing in paragraph (b) thereof, immediately before the words “The Royal Saint Christopher and Nevis Police Force”, the words “the Saint Christopher and Nevis Defence Force or”;

IN WITNESS THEREOF the undersigned in exercise of their authority under the Article 29 of the Treaty have executed this Protocol.

Dated at Bridgetown on the *sixth* day of *August*, 1999.

For the Government of
Antigua and Barbuda
Signed on behalf of the
Government
Hon. Lester Bird

August 6th, 1999
Date 1999

For the Government of
Barbados
Signed on behalf of the
Government
Rt. Hon. Owen Arthur

August 6th, 1999
Date 1999

For the Government of
The Commonwealth of Dominica
Signed on behalf of the
Government
Hon. Edison James

August 6th, 1999
Date 1999

For the Government of
Grenada
Signed on behalf of the
Government
Dr. the Hon. Keith Mitchell

August 6th, 1999
Date 1999

For the Government of
Saint Christopher and Nevis
Signed on behalf of the
Government
Hon. Dr. Denzil Douglas

November 22nd, 2000
Date ~~1999~~

For the Government of
Saint Lucia
Signed on behalf of the
Government
Hon. Kenny Anthony

.....
Date

July 5th, 2000
.....
1999

For the Government of
Saint Vincent and The Grenadines
Signed on behalf of the
Government
Rt. Hon. Sir James Mitchell

.....
Date

August 6th, 1999
.....
1999