MEMORANDUM OF UNDERSTANDING
FOR THE
SHARING OF INTELLIGENCE
AMONG MEMBER STATES OF THE
CARIBBEAN COMMUNITY
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THE STATES PARTIES:

RECALLING the decision of the Conference of Heads of Government of the Caribbean Community, 3-5 July, 2002, that there be a strengthening of the information and intelligence exchange regime as an essential element in the fight against illegal drugs, firearms and terrorism;

RECOGNISING that the Caribbean Region has certain security vulnerabilities that could be exploited by those engaged in transnational criminal activity and international terrorism, including terrorism financing;

ACCEPTING the critical role that each plays in protecting their own citizens from external threats, including health and agricultural threats, and from crime generally;

CONCURRING that intelligence plays a vital role in evaluating these threats and formulating appropriate responses;

ACKNOWLEDGING the importance of intelligence sharing to the effectiveness of the substantive regional framework for addressing crime and security threats; and

On the understanding that the forms of cooperation laid down in this Memorandum should not affect other forms of cooperation,

HAVE AGREED as follows:

ARTICLE I
USE OF TERMS

In this Memorandum of Understanding, unless the context otherwise requires:
"Depository" means the Secretary-General of the Caribbean Community;

"Information" includes unevaluated material of every description derived from any source, whether open or public, true or false, accurate or inaccurate, and includes the results of observation, surveillance and rumours;

"Intelligence" is the product from data or facts from open, closed, covert or clandestine sources concerning incidents, events or people which have been subjected to a process of collection, evaluation and analysis;

"law enforcement agency" includes the police, customs and immigration, and intelligence agencies, whether civilian or military;

"Member State" means a Member State of the Caribbean Community including the CARICOM Single Market and Economy established under the Revised Treaty of Chaguaramas signed at Nassau, The Bahamas on 5 July 2001;

"National Point of Contact" means the individual or organisation designated as the single point of contact for each State Party;

"person or group of interest" means a person or group known to law enforcement or intelligence agencies, or whose name appears in the database of a Contracting Party to this Memorandum;

"States Parties" mean signatories to this Memorandum.

ARTICLE 2
OBJECTIVES OF COOPERATION AND SHARING

The main objective of this Memorandum is to set out a framework whereby the States Parties will, to the full extent allowed by the laws of their respective countries –

(a) provide to each other, intelligence relevant to the prevention, investigation or prosecution of any person engaged in serious crimes or terrorism, including terrorism financing;
(b) cooperate to safeguard Member States from the threat of crime, whether domestic, regional or transnational and terrorism, including terrorism financing;

(c) facilitate the compiling of a Regional Threat Assessment.

ARTICLE 3
SCOPE OF COOPERATION AND SHARING

Without prejudice to existing and future arrangements for sharing of information and intelligence among law enforcement and intelligence agencies, cooperation among the States Parties will be encouraged in the sharing of intelligence –

(a) relating to any person or group of persons of interest;

(b) about the capability of any person to commit any serious criminal offence, including terrorism financing;

(c) about the commission or proposed commission of any serious criminal offence, including terrorism financing;

(d) specifically with respect to any person or group of persons of interest likely to travel to a Member State for the purpose of committing serious criminal offence, including terrorism financing;

(e) with respect to the method of operation that may be employed by any person or group of persons of interest, in the commission of a serious criminal offence; and

(f) about any person associated with a person or group of interest, and the likely criminal activities of such person in any Member State.
ARTICLE 4
PRINCIPLES OF
COOPERATION AND SHARING

1. Intelligence provided to a State Party may be used only for purposes relevant to the prevention, investigation or prosecution of a person or group engaged in serious crimes or terrorism, including terrorism financing.

2. States Parties shall provide to each other, any available intelligence that may be relevant to the prevention, investigation or prosecution of a person or group of persons engaged in serious crimes or terrorism, including terrorism financing.

3. The States Parties shall employ all forms of cooperation, including the pooling of resources and services and the conduct of joint intelligence operations where necessary, for the purposes of this Memorandum.

4. The States Parties shall arrange for acceptable procedures of secure communication and shall consult with each other for the purpose of implementing this Memorandum.

5. The States Parties, as part of the cooperative relationship, shall establish procedures for sharing intelligence, both on a routine basis and under special circumstances.

ARTICLE 5
DESIGNATED REPRESENTATIVES

1. Each State Party shall designate a National Point of Contact and an alternate (in accordance with the Personal Profile annexed to this Memorandum).

2. National Points of Contact shall be responsible for facilitating all cooperation and exchange of intelligence activities.

3. States Parties shall advise each other of all relevant contact persons and change of any such persons.

4. National Points of Contact shall consult with each other through channels specified by the States Parties in order to define and facilitate activities under this Memorandum.
ARTICLE 7

FUNDING AND RESOURCES

1. The activities carried out pursuant to this Memorandum shall be subject to the availability of funds and resources of the States Parties.

2. Unless otherwise decided, each State Party shall provide resources adequate to carry out its commitments in relation to those activities.

ARTICLE 8

WORKING LANGUAGE

The working languages between the States Parties will be English and Dutch.

ARTICLE 9

SETTLEMENT OF DISPUTES

1. Any dispute between the States Parties arising from the interpretation or implementation of this Memorandum shall be settled amicably through consultation and negotiation.

2. Where there is failure to settle a dispute in accordance with the process set out in paragraph (1), the dispute shall be referred by any State Party, party to the dispute, to the Committee of Regional Intelligence Chiefs.

3. Where the Committee of Regional Intelligence Chiefs fails to settle the dispute, the Committee shall refer the matter to the Council of Ministers responsible for National Security and Law Enforcement for settlement.

ARTICLE 10

AMENDMENTS

1. This Memorandum may be amended at any time by the consent of the States Parties.
2. Every amendment shall be subject to ratification by the States Parties and shall enter into force one month after the deposit of the last instrument of ratification with the Depositary.

ARTICLE 11
COMMENCEMENT AND TERMINATION

1. This Memorandum shall —

(a) enter into force upon signature by at least three Member States; and

(b) be terminated by the withdrawal of at least three States Parties.

2. Copies of this Memorandum and every amendment thereto shall be transmitted by the Depositary to each State Party.

3. A State Party may withdraw from this Memorandum at any time by giving twelve months notice in writing to the Depositary who shall promptly notify the other States Parties of the withdrawal.

4. The withdrawal shall take effect accordingly, unless before the withdrawal becomes effective, the State Party notifies the Depositary in writing of the cancellation of its notice of withdrawal.

5. A State Party that withdraws from the Memorandum undertakes to honour any financial or other obligations duly assumed as a State Party.

6. The terms and conditions of this Memorandum dealing with the confidentiality of intelligence received prior to the termination of this Memorandum shall remain in effect after the termination of this Memorandum.

ARTICLE 12
ACCESSION

1. After entry into force of this Memorandum, a Member State may, if the States Parties so determine, accede to this Memorandum.
2. Instruments of accession shall be deposited with the Depositary who shall forward copies to each State Party notifying them of the dates of deposit of the instrument of accession.

3. Accession shall be on such terms and conditions as the States Parties decide and shall take effect one month following the deposit of the instrument of accession with the Depositary.

ARTICLE 13
IMPLEMENTATION

The States Parties shall take all necessary action, whether of a legislative, executive or administrative nature for the purpose of giving effect to this Memorandum. Such action shall be taken as expeditiously as possible.

ARTICLE 14
REVIEW

States Parties may review this Memorandum from time to time.

IN WITNESS WHEREOF, the undementioned representatives duly authorised in that behalf have executed this Memorandum for their respective Governments:

DONE at St. Kitts and Nevis this 6th day of July 2006

Signed by
for the Government of Antigua and Barbuda on the 6th day of July 2006 at

Signed by
for the Government of The Bahamas on the 6th day of July 2006 at

Signed by
for the Government of Barbados on the 6th day of July 2006 at
Signed by
for the Government of Belize on the day of 2006 at

Signed by
for the Government of the Commonwealth of Dominica on the day of 2006 at

Signed by
for the Government of Grenada on the day of 2006 at

Signed by
for the Government of the Co-operative Republic of Guyana on the 6th day of July 2006 at Basseterre, St. Kitts and Nevis

Signed by
for the Government of Jamaica on the 6th day of July 2006 at Basseterre, St. Kitts and Nevis

Signed by
for the Government of Montserrat on the day of 2006 at

Signed by
for the Government of the Federation of St. Kitts and Nevis on the day of July 2006 at Basseterre, St. Kitts and Nevis
Signed by
for the Government of Saint Lucia on the 5th day of July 2006 at Saint Kitts and Nevis.

Signed by

Signed by
for the Government of the Republic of Suriname on the 6th day of 2006 at

Signed by
for the Government of the Republic of Trinidad and Tobago on the 6th day of July 2006 at Basseterre, St. Kitts and Nevis.
ANNEX

PROFILE OF THE
NATIONAL POINT OF CONTACT

MUST:

- Be a senior member of a law enforcement authority, intelligence agency or military intelligence unit nominated by the appropriate national security authority
- Be positively security vetted to a minimum level of SECRET (i.e. to manage sensitive national or regional intelligence and/or assets)
- Have direct access to Chief of his/her organization and/or the Minister Responsible for National Security and Law Enforcement and is party to joint for a (national and regional) on intelligence and security matters
- Be conversant with the management protocols and security procedures pertaining to the use of secure electronic systems for the sharing of intelligence
- Actively participate in the coordination and dissemination of intelligence on a national and regional basis
- Liaise closely with senior counterparts of the national and regional security and intelligence community

SHOULD ALSO:

- Actively contribute to the formation of policies and strategies on national security
- Cooperate or liaise closely with international intelligence and security partners in or outside of his/her country that are concerned with matters affecting national and regional security