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**SUMMARY PROGRESS REPORT ON THE MEMORANDUM OF UNDERSTANDING
WITH THE GOVERNMENT OF THE UNITED KINGDOM AND NORTHERN IRELAND
REGARDING INCREASED PARTICIPATION BY ITS OVERSEAS TERRITORIES
IN THE CARIBBEAN IN THE MEETINGS AND ACTIVITIES OF CICAD**

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BACKGROUND

- October, 2002** In view of no reaction to discussions with UK Mission officials, letter to UK Permanent Observer Mission (Peter Jones) advising of CICAD soliciting review and advice concerning signature by UK of MOU.
- February-November 2003** Contact established with Mr. Larry Covington, UK Foreign and Commonwealth Office Overseas Territories Division (FCO-OTD) - Law Enforcement Adviser based in Miami. Covington informs that UK must first consult with the individual UK Caribbean Overseas Territories regarding MOU. Covington indicates that he is the responsible officer. He further indicate that there are new governments in several of these territories and that consultations will take some time to complete.
- November, 2003** MOU's concluded with France and the Kingdom of the Netherlands
- December, 2003** Follow-up with Mr. Covington who informs that "the proposed OAS CICAD MOU relating to UK Overseas Territories was discussed at the Caribbean & Bermuda Overseas Territories Governors' Meeting earlier in December 2003, and further discussion is now taking place within the Foreign & Commonwealth Office in London." Covington also indicates he will get back as soon as soon as these discussions are complete.
- February, 2004** Expression of interest in concluding the MOU expressed by Governor Poston of Turks and Caicos in response to query by OAS Bahamas Director Juliet Mallet-Phillip.
- March, 2004** Pursuant to correspondence between Mallet-Phillip and David Beall, Michael Sullivan wrote to Mrs. Phillip providing her with a copy of the draft MOU, thanking her for exercising her good offices with Governor Poston of Turks and Caicos to advance completion of the MOU and asking her to continue in these efforts. Further to subsequent correspondence with Mr. Covington, Mr. Covington advises that on March 24, the proposed MOU was discussed at the Annual UK Caribbean Overseas Territories and Bermuda Law Enforcement Conference chaired by him. Roy Osborne, Deputy Head of FCO-OTD from London who was in attendance promised to follow-up urgently where the FCO is on progress towards signature.
- April, 2004** A draft letter was prepared to the British Ambassador of the Permanent Observer Mission of the UK to the OAS, inviting his presence at the XXXV meeting of CICAD and proposing a ceremony at which the MOU would be signed. There has been no timely reply to the letter to permit signature at this meeting.
- The CICAD legal advisor met with the following representatives of UKCOTs on the margins of the CFATF Meeting in Trinidad and Tobago on April 20, 2004 to explain the MOU and to request that they communicate with the appropriate officials of the FCO UKCOTs to sign it. (No Anguilla and Montserrat representatives were present).
Bermuda - Mr. Anthony Manders, Assistant Financial Secretary

Division	British Virgin Islands – Ms. Mathilde Uhrle, Ministry of Finance and Economic Cayman Islands- Mr. Langston Sibblies, Legal Advisor Turks and Caicos – Mrs. Attwood Bacchus Kennish
April 26, 2004	Some suggestions on the draft MOU are received from the Argentine Mission that do not alter the substance of the MOU and would clarify and improve the text. It will be recommended to the Executive Secretary that these minor changes be adopted, whether or not they are discussed at the XXXV CICAD.
April 28, 2004	Report on status to XXXV CICAD

RECOMMENDED COURSE OF ACTION

1. Although it would appear that the consultation stage with the UK Caribbean Overseas Territories is complete and there have been no reports that indicate that there is opposition from any of them to any of the provisions of the MOU, only one of them, Governor Poston, has expressed positive interest. If it is not possible for the MOU to be signed at this CICAD it is recommended that through Ms. Phillip, the OAS Bahamas Office Director, Governor Poston be approached with a draft proposal to communicate directly with the Foreign and Commonwealth Office in London (specifically Mr. Roy Osborne), and possibly asking him to enlist the support of his fellow-governors to do likewise. The Executive Secretariat could prepare a draft letter to this end.
2. In addition to the foregoing, the MOU (as with the MOUs entered into with France and the Netherlands in 2003) will probably require review by UK FCO Legal Officers in London before the document can be signed. It is possible that there may be some technical legal adjustments to ensure that the MOU meets the legal standards required by the UK government.
3. It has been difficult to locate the relevant officials in the UK Mission, let alone the Ambassador. In these circumstances, we propose sending a letter to Mr. Roy Osborne (along similar lines to the one prepared for the UK ambassador) requesting that he advise CICAD on the progress of the MOU in London and what steps, if any, CICAD could take to facilitate its advancement so that it might be completed before the next CICAD meeting. The letter would also provide that if there were any legal considerations that these be taken up with the CICAD legal advisor.

MEMORANDUM OF UNDERSTANDING

between

**THE GENERAL SECRETARIAT OF
THE ORGANIZATION OF AMERICAN STATES
THROUGH THE INTER AMERICAN DRUG ABUSE CONTROL COMMISSION
(CICAD)**

and

**THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND**

regarding

**Increased Participation by the Overseas Territories of the United Kingdom in the
Caribbean in the Meetings and other Activities of the Inter-American Drug Abuse Control
Commission (CICAD)**

WHEREAS, Article 112(h) of the Charter of the Organization of American States (hereinafter "OAS" or the "Organization"), resolution AG/RES. 57 (I-0/71) of April 23, 1971, the General Assembly of the Organization, and Article 3 (h) of the General Standards to Govern the Operations of the General Secretariat of the Organization (hereinafter the "General Secretariat" or "GS/OAS"), define the Secretariat's authority to enter into suitable arrangements with other organizations and entities that pursue goals related to those of the Organization;

AND WHEREAS, by resolution AG/RES. 50 (I-0/71) of April 23 of 1971, the General Assembly of the Organization, established the status of Permanent Observers to the Organization of American States and authorized the Permanent Council to develop measures governing their participation in the Organization;

AND WHEREAS, through resolution CP/RES 52 (61/72) of January 19, 1972 of the Permanent Council of the Organization, as amended by CP/RES 407 (573/84) of June 27, 1984, operative paragraph 7) provided that the Permanent Observers shall be understood to be accredited to all the organs, agencies and entities of the Organization and that the latter may establish regulations to govern the presence and the manner of participation of the Permanent Observers in its affairs;

AND WHEREAS, the United Kingdom of Great Britain and Northern Ireland has been a Permanent Observer of the Organization since September 1995, and has been an active participant in the meetings and activities of CICAD since that time;

AND WHEREAS, at the 31st regular session of the Inter-American Drug Abuse Control Commission (hereinafter "CICAD" or the "Commission") held between April 29 and May 2, 2001, the Commission approved a presentation by its Executive Secretariat on a plan of action for the participation of the overseas territories of Permanent Observers located in the Caribbean Basin in CICAD activities, and the establishment of closer working relations with the relevant institutions of those territories (CICAD/doc.1164/02), and directed that Memoranda of Understanding to this effect should be concluded between the Commission, through the GS/OAS, and the Permanent Observers to the Organization.

THEREFORE the following has been agreed between the Government of the United Kingdom and Northern Ireland and the General Secretariat of the Organization of American States (hereinafter "the Parties"):

Article I Scope and Objectives

1. This Memorandum of Understanding (hereinafter "MOU") sets forth the terms and procedures for promoting increased participation of the overseas territories of the United Kingdom situated in the Caribbean, (hereinafter "U.K. Caribbean Overseas Territories") namely, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos Islands, as members of the Permanent Observer Mission of the United Kingdom in the meetings and activities of the Organization of American States' Inter-American Drug Abuse Control Commission.
2. The Parties agree to strengthen their cooperation with respect to their mutual interest in reducing drug trafficking and related activities under their respective mandates as well as to strengthen the capacity of the dependent territories to deal with these problems.
3. The objectives of fostering the increased participation are to contribute to the strengthening of the drug control and related programs, policies, practices and institutions of the U.K. Caribbean Overseas Territories through increased contacts with other CICAD participants, whether nations or other non-autonomous territories through multilateral coordination and cooperation and thereby endeavoring to more completely blanket the Caribbean region against the drug problem in all its aspects.
4. A further dimension of these objectives is to invite the participation of representatives from the appropriate agencies and institutions of the U.K. Caribbean Overseas Territories to participate in activities sponsored or coordinated by CICAD's Executive Secretariat and through such increased contacts, to:
 - a. participate in an additional forum that contributes to strengthening the knowledge, ability and capacity of key personnel who work in areas related to the drug problem in those territories, whether in government institutions, civil society or private sector organizations;
 - b. promote systems, processes and mechanisms that will allow the relevant government entities, civil society and private sector organizations of those territories to gain installed capacity in aspects related to the drug problem and in the development of common approaches that address its treatment and resolution;
 - c. contribute to, promote and facilitate an on-going dialogue on subjects related to the drug problem in all its aspects within and between sectors that may currently may have little or no dialogue with one another; and
 - d. share with other participants the experiences and lessons learned about the drug problem in the various territories and enhance perspectives for generating novel approaches and attitudes.

Article II Representation – Communications - Cooperation

1. For purposes of this MOU the Government of the United Kingdom and Northern Ireland shall be represented by the Permanent Observer Mission of the United Kingdom to the OAS, situated in the Embassy of the United Kingdom in Washington D.C. The GS/OAS shall be represented by the Executive Secretary of CICAD located in the headquarters of the Organization in Washington D.C.
2. Communications under this MOU shall, in the case of the Government of the United Kingdom, be directed to the head of the Permanent Mission or to such other institution or person in the individual U.K. Caribbean

Overseas Territory as the head of the observer mission may, in writing, direct. In the case of CICAD, communications shall be directed to the Executive Secretary or to the responsible official identified by him.

3. The Government of the United Kingdom, through the Permanent Observer Mission, and the GS/OAS through CICAD shall cooperate fully to ensure that the objectives referred to in Article I, above, are successfully pursued and achieved. To that effect, each Party shall furnish to the other Party all such information as may reasonably be required pertaining to their cooperation.

Article III **Obligations of the Government of the United Kingdom**

1. Identify to the Executive Secretariat of CICAD, all relevant government agencies, civil society organizations and any private institutions in the U.K. Caribbean Overseas Territories that perform services or carry out activities that are similar to or in harmony with the goals and objectives of CICAD and its member states.
2. Notify CICAD's Secretariat of any material changes in these bodies.
3. Provide to the Executive Secretariat of CICAD the names, addresses, telephone numbers, facsimile numbers and email addresses of the persons in charge of or responsible for the entities referred to above.
4. Notify the Executive Secretariat of CICAD about any activities of these bodies in which it considers CICAD might have an interest.

Article IV **Obligations of GS/OAS through CICAD**

1. Through the Permanent Observer Mission, to identify to the relevant government agencies, civil society organizations and any private institutions in the U.K. Caribbean Overseas Territories that perform services or carry out activities that are similar to or in harmony with the goals and objectives of CICAD, of all CICAD sponsored events, activities and meetings. Notify these bodies of any material changes in the composition or activities of CICAD.
2. Provide to the relevant government agencies, civil society organizations and any private institutions in the dependent territories the names, addresses, telephone numbers, facsimile numbers and email addresses of the personnel of the Executive Secretariat of CICAD and upon request, of such other persons in the General Secretariat of the Organization in whom an interest is expressed.
3. Notify, through the Permanent Observer Mission, the relevant entities of the U.K. Caribbean Overseas Territories of any events or activities of the Executive Secretariat of CICAD in which it considers that the entities of these territories might have an interest.
4. Make available to the relevant agencies of the U.K. Caribbean Overseas Territories all of CICAD's public reports.

Article V **Participation**

1. This MOU sets out a framework for cooperation by the Parties and does not obligate any funds. The Parties' representatives may hold preliminary discussions and exchange correspondence on initiating projects and any associated funding or costs in separate work plans, specific cooperative agreements and/or reimbursable agreements. Specific projects once identified will be subject to the approval of both the Government of the United Kingdom and the GS/OAS and agreed to in accordance with their respective rules and regulations.

2. Nothing in this MOU shall obligate either of the Parties to expend appropriations or enter into any contract, agreement or other obligation except as they may mutually agree.
3. This MOU in no way restricts either of the Parties from participating in similar arrangements or agreements, including the pursuit of project funding, with other public agencies, non-profit organizations or individuals.

Article VI
Dispute resolution

The Parties shall attempt to resolve amicably any disputes arising in relation to the interpretation and/or implementation of this MOU. More detailed dispute mechanisms may be provided in the specific agreements entered into between the Parties in accordance with the provisions of Article V, above.

Article VII
Privileges and Immunities

Nothing expressly stated or implied in this MOU shall be construed as a waiver of the privileges and immunities that the Parties may enjoy under the laws of the United States of America, the United Kingdom of Great Britain and Northern Ireland, or under international law.

Article VIII
Entry into force, amendments and duration

1. The MOU may be amended by mutual consent of the Parties expressed in writing.
2. The MOU shall enter into force upon signature by the duly authorized representatives of the Parties.

Either Party may suspend or terminate the present MOU by giving thirty days' written notice. The Parties shall consult on the validity or duration of projects the implementation of which may be affected by the suspension or termination of this MOU.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this MOU in duplicate on the date and at the place indicated below.

For the
Government of the United Kingdom of
Great Britain and Northern Ireland

For the
General Secretariat of the
Organization of American States

Ambassador,
Permanent Representative

David R. Beall
Executive Secretary
Inter-American Drug Abuse Control
Commission (CICAD)