

No. 50497

**United States of America
and
Barbados**

Agreement between the Government of Barbados and the Government of the United States of America concerning co-operation in suppressing illicit maritime drug trafficking. Bridgetown, 25 June 1997

Entry into force: *11 October 1998, in accordance with article 23*

Authentic text: *English*

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**États-Unis d'Amérique
et
Barbade**

Accord de coopération entre le Gouvernement de la Barbade et le Gouvernement des États-Unis d'Amérique relatif à la répression du trafic illicite de stupéfiants par la voie maritime. Bridgetown, 25 juin 1997

Entrée en vigueur : *11 octobre 1998, conformément à l'article 23*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF BARBADOS
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
CONCERNING CO-OPERATION
IN
SUPPRESSING ILLICIT MARITIME DRUG TRAFFICKING**

Preamble

The Government of Barbados and the Government of the United States of America (hereinafter called the "Parties");

Bearing in mind the magnitude and complex nature of the problem of illicit traffic in narcotic drugs and psychotropic substances;

Recognising the links between such illicit traffic and other criminal activities;

Having regard to the urgent need for international co-operation in suppressing illicit traffic by sea, which is recognised in the *1961 Single Convention on Narcotic Drugs* and its *1972 Protocol*, in the *1971 Convention on Psychotropic Substances*, in the *1982 United Nations Convention on the Law of the Sea*, in the *1988 United Nations Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substances* (hereinafter called the "1988 Convention");

Recalling the 1996 United Nations International Drug Control Programme (UNDCP) Regional Meeting Plan of Action for Drug Control Co-ordination and Co-operation in the Caribbean;

Recalling also the Treaties between the Government of Barbados and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters, and Extradition, signed at Bridgetown, on the 28th day of February, 1996;

Recalling further that the 1988 Convention requires the Parties to consider entering into bilateral agreements to carry out, or to enhance the effectiveness of its provisions;

Further recalling that Articles 10 and 17 of the 1988 Convention provide for international co-operation and assistance between States;

Re-affirming their commitment to fight effectively against illicit traffic through continued mutual co-operation in training for maritime law enforcement operations; and

Desiring to promote greater co-operation between the Parties, and thereby enhance their effectiveness, in combating illicit traffic by sea on the basis of mutual respect for the sovereign equality and territorial integrity of States;

Have agreed as follows:

ARTICLE I

Definitions

In this Agreement, unless the context otherwise requires:

- (a) "Barbados airspace" means the airspace over Barbados and Barbados waters;
- (b) "Barbados waters" means the territorial sea of Barbados, defined in the *Barbados Territorial Waters Act* as territorial waters;
- (c) "illicit traffic" has the same meaning as it has in the 1988 Convention;
- (d) "law enforcement authorities" means,
 - (i) for the Government of Barbados, the Royal Barbados Police Force, the Barbados Defence Force and the Customs and Excise Department; and
 - (ii) for the Government of the United States of America, the United States Coast Guard;
- (e) "law enforcement officials" means,
 - (i) for the Government of Barbados, members of the Royal Barbados Police Force in uniform, members of the Barbados Defence Force in uniform, and members of the Customs and Excise Department in uniform; and
 - (ii) for the Government of the United States of America, members of the United States Coast Guard in uniform;
- (f) "law enforcement vessels" means ships, clearly marked and identifiable as being on Government service, used for law enforcement purposes and duly authorised to that effect, including any boat and aircraft

embarked on such ships, aboard which law enforcement officials are embarked;

- (g) "suspect aircraft" means a civil aircraft in respect of which there exist reasonable grounds to believe that it is engaged in illicit traffic;
- (h) "suspect vessel" means a private or commercial vessel in respect of which there exist reasonable grounds to believe that it is engaged in illicit traffic;
- (i) "United States airspace" means the airspace over the United States and United States waters;
- (j) "United States waters" means the territorial sea adjacent to the territory of the United States of America including in the Caribbean area, the Commonwealth of Puerto Rico and the United States Virgin Islands.

ARTICLE 2

Purpose and Scope of Agreement

1. The purpose of this Agreement is to promote co-operation between the Parties in the suppression of illicit traffic.

2. The Parties shall, in accordance with this Agreement, co-operate in combating illicit traffic to the fullest extent possible, consistent with available law enforcement resources and related priorities.

ARTICLE 3

Combined Maritime Law Enforcement Programme

1. There is hereby established a Combined Co-ordinating and Planning Committee comprising members of the law enforcement authorities of each Party to oversee the planning, professional exchange, pre-deployment exercises and the operations of the Combined Law Enforcement Programme and the operational procedures, concepts of operations and operation plans.

2. Each Party shall designate persons, hereinafter called the Barbados Co-ordinator and the United States Co-ordinator respectively, to co-ordinate and carry out the planning (including operational procedures, concepts of operations and operation plans), professional exchanges, pre-deployment exercises and operations of the Combined Law Enforcement Programme.

3. No operation under this Article shall be carried out without the prior express permission of the law enforcement authorities of the Party on whose behalf the operation is to be carried out.

4. One Party may request the other Party to provide assistance by making available a law enforcement vessel to enable the requesting Party effectively to patrol and conduct surveillance with a view to the prevention and detection of illicit traffic.

5. For the purposes of paragraph 4 of this Article, the requested Party when making a favourable response to a request shall provide, via secure communications channels

- (a) the name and description of the law enforcement vessel;
- (b) the date and period in respect of which the law enforcement vessel will be available;
- (c) the name and rank of the Commanding Officer of the vessel; and
- (d) any other relevant information.

6. The Barbados Co-ordinator shall, for the purposes of operations under this Article, designate qualified law enforcement officials who may embark on United States law enforcement vessels and

- (a) shall have the authority to
 - (i) authorise the pursuit, by the law enforcement vessels on which they are embarked, of suspect vessels and aircraft fleeing into Barbados waters; and
 - (ii) authorise the law enforcement vessels on which they are embarked to enter Barbados waters;
- (b) enforce the laws of Barbados in Barbados waters or seaward therefrom in the exercise of the right of hot pursuit or otherwise in accordance with international law; and
- (c) seek the assistance of the United States law enforcement officials in the enforcement of the laws of Barbados.

7. The United States Co-ordinator shall, for the purposes of operations under this Article, designate qualified law enforcement officials who may embark on Barbados law enforcement vessels and

- (a) shall have the authority to
 - (i) authorise the pursuit, by the law enforcement vessels on which they are embarked, of suspect vessels and aircraft fleeing into United States waters;
 - (ii) authorise the law enforcement vessels on which they are embarked to enter United States waters;