

**No. 50804**

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**United States of America  
and  
Costa Rica**

**Agreement between the Government of the United States of America and the Government of the Republic of Costa Rica concerning cooperation to suppress illicit traffic (with protocol, 02 July 1999). San José, 1 December 1998**

**Entry into force:** *19 November 1999 by notification, in accordance with article VIII*

**Authentic texts:** *English and Spanish*

**Registration with the Secretariat of the United Nations:** *United States of America, 22 May 2013*

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**États-Unis d'Amérique  
et  
Costa Rica**

**Accord entre le Gouvernement des États Unis d'Amérique et le Gouvernement de la République du Costa Rica concernant la coopération pour la répression du trafic illicite (avec protocole, 02 juillet 1999). San José, 1<sup>er</sup> décembre 1998**

**Entrée en vigueur :** *19 novembre 1999 par notification, conformément à l'article VIII*

**Textes authentiques :** *anglais et espagnol*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *États-Unis d'Amérique, 22 mai 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF COSTA RICA  
CONCERNING COOPERATION TO SUPPRESS ILLICIT TRAFFIC**

**Preamble**

The Government of the United States of America and the Government of the Republic of Costa Rica (hereinafter, "the Parties");

Bearing in mind the complex nature of the problem of illicit traffic by sea;

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

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

Desiring to promote greater cooperation between the Parties, and thereby enhance their effectiveness, in combating illicit traffic by sea;

Conscious of the fact that, in order to combat drug-related activities effectively and efficiently, the active participation of all States affected is needed, that is, consumer and producer States, States whose territories are used as transshipment points for narcotic drugs, and States used to launder the proceeds of drug trafficking;

Taking into account that the Government of Costa Rica does not have sufficient technical and material resources to assume an active and forceful role in international counternarcotics activities;

Recognizing that the United States Coast Guard is a law enforcement body within the U.S. Department of Transportation; and

Conscious of the fact that Costa Rica is experiencing increased use of its maritime zones in the Pacific Ocean and Caribbean Sea for the transshipment of drugs;

Have agreed as follows:

## **I. DEFINITIONS**

In this Agreement, it shall be understood that:

1. "Illicit traffic" has the same meaning as in Article 1(m) of the 1988 Convention.
2. "Costa Rican waters and airspace" means the territorial sea and internal waters of Costa Rica, including Coco Island, and the air space over Costa Rica.
3. "Law enforcement vessels" means ships of the Parties clearly marked and identifiable as being on government non-commercial service and authorized to that effect, including any boat and aircraft embarked on such ships, aboard which law enforcement officials are embarked.
4. "Law enforcement aircraft" means aircraft of the Parties engaged in law enforcement operations or operations in support of law enforcement activities clearly marked and identifiable as being on government non-commercial service and authorized to that effect.
5. "Law enforcement authorities" means for the Government of the Republic of Costa Rica, the Ministry of Public Security, the Maritime Surveillance Service, the Air Surveillance Service, and the Drug Control Police, without prejudice to the powers of the appropriate judicial authorities, and, for the Government of the United States of America, the United States Coast Guard.
6. "Law enforcement officials" means, for the Government of the United States of America, uniformed members of the United States Coast Guard, and for the Government of the Republic of Costa Rica, uniformed members of the Maritime Surveillance Service and the Air Surveillance Service of the Ministry of Public Security and clearly identifiable members of the Drug Control Police of that Ministry.
7. "Shiprider" means one or more law enforcement officials, including boarding teams, of one Party authorized to embark on a law enforcement vessel of the other Party.
8. "Suspect vessel or aircraft" means a vessel or aircraft used for commercial or private purposes in respect of which there are reasonable grounds to suspect it is involved in illicit traffic.

## **II. NATURE AND SCOPE OF AGREEMENT**

1. The Parties shall cooperate in combating illicit traffic by sea to the fullest extent possible, consistent with available law enforcement resources and related priorities.

2. The Government of the United States of America shall continue to provide the Government of Costa Rica with available information collected by electronic, air and maritime surveillance means, on the presence of suspect vessels or aircraft in or over Costa Rican waters or airspace, so that the law enforcement authorities of Costa Rica may take appropriate control measures. The Parties undertake to agree on procedures for improving intelligence sharing.

### III. OPERATIONS IN AND OVER NATIONAL WATERS

Operations to suppress illicit traffic in and over the waters of a Party are subject to the authority of that Party.

### IV. PROGRAM FOR LAW ENFORCEMENT OFFICIALS ABOARD THE OTHER PARTY'S VESSELS

1. The Parties shall establish a joint law enforcement shiprider program between their law enforcement authorities. Each Party may designate a coordinator to organize its program activities and to notify the other Party of the types of vessels and officials involved in the program.

2. The Government of Costa Rica may designate qualified law enforcement officials to act as law enforcement shipriders. The Government of Costa Rica may assign boarding teams to conduct boardings, searches and detentions from U.S. law enforcement vessels under the flag of Costa Rica of suspect Costa Rican vessels and other suspect vessels located in Costa Rican waters in accordance with paragraph 5, subject to subparagraphs b and c of paragraph 6. Subject to Costa Rican law, these shipriders may, in appropriate circumstances:

a. embark on United States law enforcement vessels;

b. authorize the pursuit, by the U.S. law enforcement vessels on which they are embarked, of suspect vessels and aircraft fleeing into Costa Rican waters;

c. authorize the U.S. law enforcement vessels on which they are embarked to conduct patrols to suppress illicit traffic in Costa Rican waters; and

d. enforce the laws of Costa Rica in Costa Rican waters, or seaward therefrom in the exercise of the right of hot pursuit or otherwise in accordance with international law.

3. The Government of the United States of America may designate qualified law enforcement officials to act as shipriders. Subject to United States law, these shipriders may, in appropriate

circumstances:

- a. embark on Costa Rican law enforcement vessels;
  - b. advise Costa Rican law enforcement officials in the conduct of boardings of vessels to enforce the laws of Costa Rica;
  - c. enforce, seaward of the territorial sea of Costa Rica, the laws of the United States where authorized to do so, in accordance with the principles of international law; and
  - d. authorize the Costa Rican vessels on which they are embarked to assist in the enforcement of the laws of the United States seaward of the territorial sea of Costa Rica, in accordance with the principles of international law.
4. The Government of the United States of America shall, whenever feasible, assign as shipriders persons fluent in Spanish, and to have a liaison official fluent in Spanish on board U.S. law enforcement vessels on which Costa Rican shipriders are embarked.
5. When a shiprider is embarked on the other Party's vessel, and the enforcement action being carried out is pursuant to the shiprider's authority, any search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall be carried out by the shiprider, except as follows:
- a. crewmembers of the other Party's vessel may assist in any such action if expressly requested to do so by the shiprider and only to the extent and in the manner requested. Such request may only be made, agreed to, and acted upon in accordance with the applicable laws and policies; and
  - b. such crewmembers may use force in self-defense, in accordance with the applicable laws and policies.
6. The Government of the United States of America may only conduct operations to suppress illicit traffic in Costa Rican waters and airspace with the permission of the Government of the Republic of Costa Rica in any of the following circumstances:
- a. an embarked Costa Rican shiprider so authorizes;
  - b. In those exceptional occasions when a suspect vessel, detected seaward of Costa Rican waters, enters Costa Rican waters and no Costa Rican shiprider is embarked in a U.S. law enforcement vessel, and no Costa Rican law enforcement vessel is immediately available to investigate, the U.S. law enforcement vessel may follow the suspect vessel into Costa Rican waters, in order to board the suspect vessel and secure the scene, while awaiting