

No. 50892

**United States of America
and
Honduras**

Agreement between the Government of the United States of America and the Government of the Republic of Honduras concerning cooperation for the suppression of illicit maritime traffic in narcotic drugs and psychotropic substances (with implementing agreement). Tegucigalpa, 29 March 2000

Entry into force: *30 January 2001 by notification, in accordance with article 12*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United States of America, 18 June 2013*

**États-Unis d'Amérique
et
Honduras**

Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Honduras relatif à la répression du trafic illicite de stupéfiants et de substances psychotropes par la voie maritime (avec accord d'exécution). Tegucigalpa, 29 mars 2000

Entrée en vigueur : *30 janvier 2001 par notification, conformément à l'article 12*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement
Between the Government of the United States of America
and
the Government of the Republic of Honduras
Concerning Cooperation for the Suppression of Illicit Maritime Traffic
in Narcotic Drugs and Psychotropic Substances

Preamble

The Government of the United States of America and the Government of the Republic of Honduras, hereinafter "the Parties";

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

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

Desiring to promote greater cooperation between the Parties, thereby ensuring the effectiveness of combating illicit traffic by sea and air; and

Convinced that illicit traffic in narcotic drugs and psychotropic substances is an international criminal activity, and thus actionable anywhere and under any circumstances in accordance with international law;

Agree as follows:

Object and Scope of Agreement

Article 1. The object of this Agreement is to promote cooperation between the Parties so that they will be able to address more effectively the various aspects of illicit maritime traffic in narcotic drugs and psychotropic substances. The Parties shall carry out their obligations under this agreement in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States, as provided in Article 2(2) of the 1988 Convention. The Parties shall cooperate to the fullest extent possible, subject to the availability of resources and in compliance with their respective laws.

Article 2. The Parties shall enter into implementing agreements as they deem necessary to fulfill the objectives of this Agreement. None of the provisions of this Agreement, or of the implementing agreements, shall affect the sovereign rights of the Parties in accordance with the Law of the Sea Convention.

Article 3. Neither Party shall undertake in the territory of the other Party the exercise of jurisdiction and performance of functions that are exclusively reserved for the authorities of that other Party by its domestic law, as provided in Article 2(3) of the 1988 Convention.

Definitions

Article 4. In this Agreement, and in subsequent implementing agreements pursuant to this Agreement that may be entered into by the Parties, the following definitions shall apply:

- a. "Illicit traffic" has the same meaning as in Articles 1(m) and 3(1) and (2) of the 1988 Convention;
- b. "Waters and airspace thereabove" means the waters and airspace thereabove within which each Party exercises sovereignty in accordance with its own laws and international law, including the Law of the Sea Convention;
- c. "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.
- d. "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.
- e. "Law enforcement authorities" means for the Government of the United States of America: the United States Coast Guard; and for the Government of the Republic of Honduras: the competent authorities of the Ministry of National Defense, the Ministry of Public Security, the Office of the National Merchant Marine with respect to the duties set forth in subparagraph i of this Article, police entities established for that end pursuant to Article 35(2) of Decree No. 126-89, and the appropriate authorities of the Office of the Public Prosecutor;
- f. "Law enforcement officials" means, for the Government of Honduras, uniformed members, or otherwise clearly identifiable members, of the law enforcement authorities defined in subparagraph e above, and for the Government of the United States of America, uniformed members of the United States Coast Guard;
- g. "Shiprider" means one or more law enforcement officials of each of the Parties, duly authorized to embark on law enforcement vessels or aircraft of the other Party;
- h. "Suspect vessel or aircraft" means a vessel or aircraft in the waters or airspace of either Party, or of the nationality of one of the Parties and located in international waters or airspace, that is being used for commercial or private purposes and in respect of which there are reasonable grounds to suspect it is involved in illicit traffic;
- i. "Information and Verification Center of the Merchant Marine" means the Honduran Merchant Marine Center that shall operate 24 hours a day and authorize the boarding of vessels suspected of engaging in illicit traffic, hereinafter "the Center";
- j. "Joint Operations Programs" means programs established by mutual agreement of the Parties for the purpose of implementing this Agreement.

Joint Activities

Article 5. The Parties shall share information collected by the available means regarding illicit traffic.

Article 6. Except as otherwise agreed between the Parties, any operation to prevent and combat illicit traffic conducted in waters and airspace over which one of the Parties exercises sovereignty in accordance with its domestic laws shall be conducted by the law enforcement authorities of such Party.

To this end, the Parties undertake to develop procedures and to identify and employ technical equipment needed to improve timely communication between their operations centers and the sharing of tactical information, and to identify and employ other assets so that detection

and tracking of suspect vessels and aircraft entering or leaving the waters and airspace of each Party are conducted by its own law enforcement authorities in such a way as to enable them to bring suspect vessels and aircraft under their control.

The Center, in accordance with Honduran and international law, has sufficient authority to issue authorizations expeditiously for law enforcement authorities of the Parties to conduct boarding, search and detention operations of vessels suspected of engaging in illicit traffic located in waters within which Honduras exercises sovereignty in accordance with joint operations programs, and outside the territorial sea of any State if the vessel is sailing under the Honduran flag. The Center shall immediately inform the law enforcement authorities of the Honduran Government of these authorizations.

Article 7. Vessels and aircraft operated by law enforcement authorities of each Party shall be free to act in and over the waters of the Parties for the purposes and with the powers vested in them as may be agreed upon in the joint operations programs or the implementing agreements, and bearing in mind the laws of the Parties and the objectives of this Agreement.

Article 8. To facilitate implementation of this Agreement, each Party shall ensure the other Party is fully informed concerning its applicable laws and policies, particularly those pertaining to the use of force. Each Party shall also ensure that all of its law enforcement officials are informed of the relevant laws and policies of both Parties.

Seized Assets

Article 9. Assets seized in consequence of any operation undertaken pursuant to this Agreement in international sea or airspace, or in the sea or airspace of the Parties, shall be disposed of in accordance with the laws of the Parties and relevant agreements established between them.

Responsibility

Article 10. Each Party shall ensure that its law enforcement officials, when conducting boardings and searches pursuant to this Agreement, act in accordance with international law, including this Agreement, with its domestic law, and with internationally accepted practices. When conducting a boarding and search, law enforcement officials shall take due account of the need not to endanger the safety of life at sea or the security of the suspect vessel and its cargo, and not to prejudice the commercial and legal interests of the flag State or of any other interested State or legal entity or individual.

Such officials shall also bear in mind the need to observe norms of courtesy, respect, and consideration for the persons on board the suspect vessel.

Interpretation, Entry into Force, and Duration

Article 11. The Parties agree to hold consultations, on at least an annual basis, to evaluate the implementation of this Agreement and the implementation agreements and to consider enhancing their effectiveness, including the preparation of amendments to this Agreement as the Parties may deem appropriate and that take into account any increased operational capacity of the Parties' law enforcement authorities and officials. If disputes should arise concerning the implementation or interpretation of this Agreement or the implementing agreements, either Party may request consultations with the other Party to resolve the matter.

Article 12. This Agreement shall enter into force upon an exchange of notes indicating that the pertinent procedures under each Party's domestic laws have been completed.

Article 13. This Agreement shall be of indefinite duration. Either Party may terminate this Agreement at any time upon written notification to the other Party through diplomatic channels. Such termination shall take effect six months from the date of notification.

This Agreement shall continue to be applicable after the termination becomes effective with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement during the time it was in force.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement, which shall be registered with the Secretariat of the United Nations for purposes of compliance with Article 102 of the United Nations Charter.

SIGNED in duplicate at Tegucigalpa, Municipality of the Central District, Honduras, on March 29, 2000, in the Spanish and English languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



Frank Almaguer
Ambassador

FOR THE GOVERNMENT OF THE
REPUBLIC OF HONDURAS:



Roberto Flores Bermudez
Minister of Foreign Relations



Carlos