

No. 51024

**United States of America
and
Nicaragua**

Agreement between the Government of the United States of America and the Government of the Republic of Nicaragua concerning cooperation to suppress illicit traffic by sea and air. Managua, 1 June 2001

Entry into force: *15 November 2001 by notification, in accordance with article 22*

Authentic texts: *English and Spanish*

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**États-Unis d'Amérique
et
Nicaragua**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Nicaragua relatif à la coopération en matière de répression du trafic illicite maritime et aérien. Managua, 1^{er} juin 2001

Entrée en vigueur : *15 novembre 2001 par notification, conformément à l'article 22*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 15 juillet 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA

CONCERNING

COOPERATION TO SUPPRESS ILLICIT TRAFFIC

BY SEA AND AIR

The Government of the United States of America and the Government of the Republic of Nicaragua, hereinafter, “the Parties”,

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

Having regard to the urgent need for international cooperation in suppressing illicit traffic by sea and air, 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”), in the 1982 United Nations Convention on the Law of the Sea, and the 1944 Convention on International Civil Aviation and its Annexes;

Taking into account that the technical and material resources of the Government of Nicaragua are inadequate to combat illicit international trafficking efficiently and effectively;

Concerned that illicit drug trafficking has increased in recent years, a phenomenon that affects both countries and State institutions, leading to an increase in domestic consumption and effects on health and on society in general that have an adverse impact on the peoples and governments of Nicaragua and the United States of America;

In view of the fact that this illicit traffic takes place in the Caribbean Sea and Pacific Ocean, which, because of their natural conditions, are conducive for the performance of this activity;

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;

Reaffirming their commitment to fight effectively against illicit traffic through the continued technical assistance, training and development of enhanced capabilities; and

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

Have agreed as follows:

Article 1

Definitions

In this Agreement, unless the context requires otherwise:

- a. “Illicit traffic” has the same meaning as in Article 1(m) of the 1988 Convention.

b. “Law enforcement authority” means for the Government of the Republic of Nicaragua, the National Police, Navy and Air Force of the Nicaraguan Army, and for the Government of the United States of America, the United States Coast Guard.

c. “Law enforcement officials” means, for the Government of the Republic of Nicaragua, uniformed members of the National Police, Navy and Air Force of the Nicaraguan Army, and, for the Government of the United States of America, uniformed members of the United States Coast Guard.

d. “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.

e. “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 aboard which law enforcement officials of the Parties are embarked in accordance with this Agreement.

f. “Law enforcement operational teams” means the law enforcement officials of one Party authorized to embark on a law enforcement vessel of the other Party.

g. “Suspect vessel or aircraft” means a vessel or aircraft, of any nationality or without nationality, used for commercial or private purposes, in respect of which there are reasonable grounds to suspect it is engaged in illicit traffic.

Article 2

Nature and Scope of Agreement

The Parties shall cooperate in combating illicit traffic by sea and air to the fullest extent possible, consistent with available law enforcement resources and priorities related thereto, in conformity with their respective laws and with the international law of the sea and of the air.

Article 3

Operations in and over National Territory and Waters

Operations to suppress illicit traffic in and over the territory and territorial sea of a Party are subject to the authority and jurisdiction of that Party.

Article 4

Operational Teams

1. The Parties shall establish a joint law enforcement operational team program between

their law enforcement authorities. Each Party shall designate a coordinator to organize its program activities and to identify the vessels, aircraft and officials involved in the Program to the other Party.

2. The Government of the Republic of Nicaragua may designate qualified officials of its law enforcement authority to act as operational teams. Subject to Nicaraguan law, these teams may:

- a. Embark on United States law enforcement vessels and/or aircraft;
- b. Authorize the pursuit of suspect vessels and aircraft fleeing into or over the Nicaraguan territorial sea by the United States law enforcement vessels and/or aircraft on which the operational teams are embarked;
- c. Authorize the United States law enforcement vessels and/or aircraft on which the operational teams are embarked to conduct patrols in the Nicaraguan territorial sea, with a view to the suppression of illicit traffic under this Agreement;
- d. Enforce the laws of Nicaragua in the Nicaraguan territorial sea, or seaward therefrom in the exercise of the right of hot pursuit or otherwise, in accordance with international law; and
- e. Authorize the United States law enforcement vessels on which they are embarked to support the operational teams in carrying out their functions under this Agreement.

3. The Government of the United States of America may designate qualified officials of its law enforcement authority to act as operational teams. Subject to United States law, these teams may:

- a. Embark on Nicaraguan law enforcement vessels and/or aircraft;
- b. Authorize the pursuit of suspect vessels and aircraft fleeing into or over the United States territorial sea by the Nicaraguan law enforcement vessels and/or aircraft on which the operational teams are embarked;
- c. Authorize the Nicaraguan law enforcement vessels on which the operational teams are embarked to conduct patrols in the United States territorial sea with a view to the suppression of illicit traffic under this Agreement;
- d. Enforce the laws of the United States in the United States territorial sea, or seaward therefrom, in the exercise of the right of hot pursuit or otherwise, in accordance with international law; and
- e. Authorize the Nicaraguan law enforcement vessels on which they are embarked to support the operational teams in carrying out their functions under this Agreement.