

No. 51889*

**United States of America
and
Micronesia (Federated States of)**

Exchange of notes constituting an agreement between the Government of the United States of America and the Federated States of Micronesia for a cooperative shiprider agreement. Kolonia, 30 April 2008, and Palikir, 14 May 2008

Entry into force: *14 May 2008 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

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**États-Unis d'Amérique
et
Micronésie (États fédérés de)**

Échange de notes constituant un accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement des États fédérés de Micronésie pour un accord de coopération dit shiprider. Kolonia, 30 avril 2008, et Palikir, 14 mai 2008

Entrée en vigueur : *14 mai 2008 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 2 mai 2014*

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[ENGLISH TEXT – TEXTE ANGLAIS]

No. 08-0045

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The Embassy of the United States of America in Kolonia, the Federated States of Micronesia, presents its compliments to the Department of Foreign Affairs of the Federated States of Micronesia and, recalling the success of recent multi-national marine surveillance operations focusing upon detecting illicit activity at sea, such as fisheries offenses, illicit drug trafficking, and illegal migration, has the honor to refer to the Embassy's Diplomatic Note No. 08-0024, and herewith provide a revised version for a cooperative shiprider agreement to support ongoing regional maritime security efforts consisting of the following provisions:

1. Armed and uniformed officers of the Federated States of Micronesia National Police, Division of Surveillance (hereafter, "the embarked officers") may be embarked in selected United States Coast Guard law enforcement vessels or aircraft. When embarked, the United States Coast Guard shall facilitate regular communications between the embarked officers and their headquarters in the Federated

States of Micronesia, and shall provide messing and quarters for the embarked officers aboard United States Coast Guard vessels in a manner consistent with United States Coast Guard personnel of the same rank.

2. The embarked officers shall, in accordance with and to the extent permitted by the national laws and regulations of the Federated States of Micronesia, be empowered to:

(a) grant or expeditiously arrange to grant United States Coast Guard vessels and aircraft authority to enter the Micronesian territorial sea to assist the embarked officers to stop, board, and search vessels suspected of violating Micronesian laws or regulations, assist in the arrest of the persons on board and the seizure of contraband and vessels;

(b) grant United States Coast Guard vessels and aircraft authority to assist the embarked officers in performing fisheries surveillance and law enforcement activities in the Exclusive Economic Zone of the Federated States of Micronesia, including stopping, inspecting, detaining, directing to port and seizing fishing vessels in accordance with the national laws and regulations of the Federated States of Micronesia;

(c) stop, board, and search vessels located seaward of any State's territorial sea and claiming registry or nationality in the Federated States of Micronesia to assist the embarked officers in the enforcement of applicable laws and regulations of the Federated States of Micronesia; and

(d) employ reasonable force to stop non-compliant vessels subject to the jurisdiction of the embarked officers.

3. The embarked officers may assist United States Coast Guard personnel in the conduct of any boarding undertaken pursuant to the authority of the United States, including right of visit boardings and boardings authorized by other flag and coastal States, as appropriate.

4. Subject to their respective national laws and policies, the United States Coast Guard and the Micronesia Department of Justice, National Police Maritime Surveillance Division shall assist each other in the effective administration of the cooperative shiprider operations and may, for that purpose, share such information as may be necessary. Unless otherwise required by its domestic law, one agency shall not further disclose information provided to it by the other agency in the course of shiprider operations

without the consent of the agency providing the information.

The Embassy has the further honor to propose that, if acceptable to the Government of the Federated States of Micronesia, this Note, and the FSM Department of Foreign Affairs' Note in reply to that effect, shall constitute an Agreement between our two Governments, which shall enter into force upon the date of the FSM Department of Foreign Affairs' Note in reply. This Agreement may be terminated at any time by either of our Governments upon written notification to the other Government through the diplomatic channel. Such termination shall take effect thirty days from the date of notification. Nothing in this Agreement precludes either Government from otherwise agreeing on operations or other forms of cooperation to suppress illicit transnational maritime activity, nor does it supersede any bilateral or multilateral agreement or other cooperative mechanism concluded by either Government.