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**United States of America
and
Marshall Islands**

Agreement between the Government of the United States of America and the Government of the Republic of the Marshall Islands concerning cooperation in maritime surveillance and interdiction activities. Majuro, 5 August 2008

Entry into force: *5 August 2008 by signature, in accordance with article 19*

Authentic text: *English*

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**États-Unis d'Amérique
et
Îles Marshall**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République des Îles Marshall concernant la coopération dans les activités maritimes de surveillance et d'interdiction. Majuro, 5 août 2008

Entrée en vigueur : *5 août 2008 par signature, conformément à l'article 19*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF THE
MARSHALL ISLANDS
CONCERNING
COOPERATION IN MARITIME SURVEILLANCE AND
INTERDICTION ACTIVITIES**

The Government of the United States of America and the Government of the Republic of the Marshall Islands (hereinafter, “the Parties”);

Bearing in mind the special nature of the problem of detecting illegal activity at sea such as fisheries offences, illicit maritime drug traffic, and illegal migration;

Desiring to promote greater cooperation between the Parties, and thereby enhance their effectiveness, in detecting illegal activity at sea;

Based on the principles of international law, respect for the sovereign equality of States and in full respect of the freedom of navigation;

Have agreed as follows:

Article 1

Definitions

For purposes of this Agreement,

1. “Government” or “Party” means either the Government of the United States of America or the Government of the Republic of the Marshall Islands;
2. “Governments” or “Parties” means both the Government of the United States of America and the Government of the Republic of the Marshall Islands;
3. “Illicit transnational maritime activity” means illegal activities prohibited by international law, including international conventions to which both the Government of the Republic of the Marshall Islands and the Government of the United States of America are party, but only to the extent enforcement is authorized by the laws of both Parties;
4. “Maritime Administrator” means the Maritime Administrator appointed under the Maritime Administration Act of the Republic of the Marshall Islands;
5. “Suspect vessel” means a vessel in respect of which there are reasonable grounds to suspect that it is engaged in illicit transnational maritime activity.

Article 2

Objective

The objective of this Agreement is to strengthen ongoing cooperative maritime surveillance and interdiction activities between the Parties, for the purposes of identifying and preventing illicit transnational maritime activity.

Article 3

Application of Previous Agreements

Any activity within the scope of the Agreement between the Government of the United States of America and the Government of the Republic of the Marshall Islands Concerning Cooperation to Suppress the Proliferation of Weapons of Mass Destruction, Their Delivery Systems, and Related Materials by Sea, signed at

Honolulu August 13, 2004, shall be undertaken only in accordance with that agreement.

Article 4

Scope

1. Subject to Article 4.2, the scope of application of this Agreement shall be limited to fishing vessels, go-fasts, and recreational vessels claiming registry or nationality in the Republic of the Marshall Islands.
2. No part of this Agreement shall automatically apply to commercial merchant vessels registered under the applicable laws of the Republic of the Marshall Islands and engaged in foreign trade. If a commercial merchant vessel registered or claiming nationality in the Republic of the Marshall Islands is suspected of illicit transnational maritime activity, the United States Coast Guard shall contact the Government of the Republic of the Marshall Islands immediately and provide, to the extent permissible by U.S. law, all relevant information relating to the suspect vessel so that the Republic of the Marshall Islands may authorize a boarding pursuant to this Agreement.
3. For the purposes of Article 4.2, all relevant information relating to a suspect commercial merchant vessel shall be directed to the Minister of Justice of the Republic of the Marshall Islands. The Minister of Justice may, after review of the information disclosed and in coordination with the Maritime Administrator, authorize a boarding pursuant to this Agreement.
4. In the event that the Republic of the Marshall Islands authorizes a boarding of a commercial merchant vessel under Article 4.2, all other provisions of this Agreement shall apply.
5. The Ministry of Foreign Affairs of the Republic of the Marshall Islands shall be kept informed of all activities carried out under this Agreement.

Article 5

Boardings Conducted with Embarked Officers from the Republic of the Marshall Islands

1. Armed and uniformed officers of the Republic of the Marshall Islands National Police-Sea Patrol (hereafter, "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 Republic of the Marshall Islands, 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. Subject to Articles 4.2, 4.3 and 4.4, the embarked officers shall be empowered to grant United States Coast Guard vessels and aircraft, on behalf of the Government of the Republic of the Marshall Islands, authority to:
 - (a) enter the Republic of the Marshall Islands territorial sea to assist the embarked officers to stop, board, and search vessels suspected of violating Republic of the Marshall Islands laws or regulations, assist in the arrest of the persons on board and the seizure of contraband and vessels;
 - (b) assist the embarked officers in performing fisheries surveillance and law enforcement activities to the Exclusive Economic Zone of the Republic of the Marshall Islands, including stopping, inspecting, detaining, directing to port, and seizing fishing vessels in accordance with the national laws and regulations of the Republic of the Marshall Islands;
 - (c) stop, board, and search suspect vessels located seaward of any State's territorial sea and claiming registry or nationality in the Republic of the Marshall Islands to assist the embarked officers in the enforcement of applicable laws and regulations of the Republic of the Marshall Islands; 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 of America, including right of visit boardings and boardings authorized by other flag and coastal States, as appropriate.