

MARITIME INTERDICTION

Cooperation

**Protocol Between
the UNITED STATES OF AMERICA
and the MARSHALL ISLANDS to
the Agreement of August 5, 2008**

Signed at Majuro March 19, 2013



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MARSHALL ISLANDS

Maritime Interdiction: Cooperation

Protocol to the agreement of August 5, 2008.

Signed at Majuro March 19, 2013;

Entered into force March 19, 2013.

**PROTOCOL TO THE 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 Governments of the United States of America and the Republic of the Marshall Islands, hereinafter “the Parties”;

Recalling the 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, done at Majuro, August 5, 2008, hereinafter, “the Agreement”;

Desiring to modify the Agreement so as to allow for greater cooperation through the joint maritime surveillance program;

Have agreed, in accordance with Article 18 of the Agreement, as follows:

1. The following paragraph shall be added to Article 1 of the Agreement:

“6. “Law enforcement vessels” means warships and other ships of the Parties and third Party platforms as agreed by the Parties, clearly marked and identifiable as being on government service, including any boat and aircraft embarked on such ships aboard which United States Coast Guard officials are embarked.”

2. Paragraphs 1 and 2 of Article 5 of the Agreement shall be amended to read as follows:

“1. Subject to the availability of appropriated funds and resources, armed and uniformed officers of the Republic of the Marshall Islands National Police-Sea Patrol (hereafter, “embarked officers”) may be embarked on selected United States law enforcement vessels operating in support of any planned operation. When such officials are embarked, the Government of the United States 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 law enforcement vessels in a manner consistent with United States Coast Guard personnel of the same rank”

2. Subject to Article 4.2, 4.3 and 4.4, the embarked officers shall be empowered to grant United States Coast Guard officials and the law enforcement vessels aboard which they are embarked, 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. This Protocol shall enter into force upon signature by the Parties and shall remain in force so long as the Agreement is in force.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE in duplicate at Washington, this 19th day of March, 2013, in the English language.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS:

