

NARCOTIC DRUGS

Suppression

**Agreement between
the UNITED STATES OF AMERICA
and JAMAICA**

Signed at Kingston May 6, 1997

and

Protocol Amending the Agreement

Signed at Kingston February 6, 2004



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.”

JAMAICA

Narcotic Drugs: Suppression

*Agreement signed at Kingston May 6, 1997;
Entered into force March 10, 1998.
And protocol amending the agreement.
Signed at Kingston February 6, 2004;
Entered into force February 6, 2004.*

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF JAMAICA
CONCERNING COOPERATION IN SUPPRESSING
ILLICIT MARITIME DRUG TRAFFICKING

The Government of the United States of America and the Government of Jamaica (hereinafter, "the Parties");

Bearing in mind the special nature of the problem of illicit maritime drug traffic;

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

Recalling the Treaty Between the Government of the United States of America and the Government of Jamaica on Mutual Legal Assistance in Criminal Matters, which entered into force on July 25, 1995;

Recalling further that paragraph 9 of Article 17 of the 1988 Convention requires the Parties to consider entering into bilateral arrangements to carry out, or to enhance the effectiveness of, the provisions of Article 17; and

Desiring to promote greater cooperation between the Parties in combatting illicit maritime drug traffic on the basis of mutual respect for the sovereign equality and territorial integrity of States;

Have agreed as follows:

Nature and Scope of Agreement

Article 1

Objective

The Parties shall, in accordance with this Agreement, cooperate in combatting illicit maritime drug traffic to the fullest extent possible, consistent with available law enforcement resources and related priorities.

Article 2

Definitions

In this Agreement, unless the context otherwise requires:

- a. "Illicit traffic" has the same meaning as that term is defined in the 1988 Convention.
- b. "Jamaica" has the same meaning as in the Jamaica Independence Act and includes the Islands known as the Morant Cays and the Pedro Cays and other areas under the sovereignty of Jamaica.
- c. "Jamaican waters" means those waters under the sovereignty of Jamaica as described in the Maritime Areas Act, 1996, including the internal waters, archipelagic waters and territorial sea of Jamaica.
- d. "Jamaican airspace" means the airspace over Jamaica and Jamaican waters.
- e. "United States" means the areas under the sovereignty of the United States.
- f. "United States waters" means those waters under the sovereignty of the United States, including the internal waters and territorial sea of the United States.
- g. "United States airspace" means the airspace over the United States and United States waters.
- h. "Law enforcement vessels" are ships clearly marked and identifiable as being on government non-commercial service, used for law enforcement purposes and authorized to that effect, including any boat and aircraft embarked on such ships, aboard which law enforcement officials are embarked.
- i. "Law enforcement officials" means, for Jamaica, uniformed members of the Jamaican Constabulary Force and the Jamaican Defence Force; and for the United States of America, uniformed members of the United States Coast Guard.
- j. "Law enforcement authorities" means, for Jamaica, the Jamaican Constabulary Force and the Jamaican Defence Force, and for the United States of America, the United States Coast Guard.

Operations Seaward of the Territorial Sea

Article 3

Shipboarding

1. Whenever the law enforcement officials of one Party (the "first Party") encounter a vessel described in Article 15, flying the flag of, or claiming to be registered in, the other Party, located seaward of any nation's territorial sea, and have reasonable grounds to suspect that the vessel is engaged in illicit traffic, the first Party may request, in accordance with Article 14 of this Agreement, the Party which is the claimed flag State to verify the claim of registry and if verified, to authorize the boarding and search of the suspect vessel, cargo and persons found on board by the law enforcement officials of the first Party. Any such request shall be supported by the basis on which it is claimed that the reasonable grounds for suspicion exist.

2. Where permission to board and search the vessel is granted and evidence is found of illicit traffic, the flag State shall be promptly informed of the results of the search, including the names and claimed nationality, if any, of the persons on board, and requested to give directions as to the disposition of the vessel, cargo and persons on board. Such requests shall be answered expeditiously. Pending receipt of such instructions, the vessel, cargo and persons on board may be detained.

3. Boardings and searches conducted pursuant to this Agreement shall be carried out by law enforcement officials from law enforcement vessels.

4. 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, the security of the suspect vessel and its cargo, or to prejudice the commercial and legal interests of the flag State or any other interested State. 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.

5. Where a vessel of one Party is detained seaward of any State's territorial sea, that Party shall have the right to exercise jurisdiction over the vessel, its cargo and persons on board, but that Party may, subject to its Constitution and laws, waive its right to exercise jurisdiction and authorize the other Party to enforce its laws against the vessel, its cargo and persons on board. Nothing in this Agreement shall be construed as a waiver by a Party of its right to exercise jurisdiction over its nationals.

6. When conducting boardings and searches in accordance with this Agreement, law enforcement officials shall avoid the use of force in any way, including the use of firearms, except in the following cases:

- a. the exercise of the right of self-defence;
- b. to compel the suspect vessel to stop when the vessel has ignored the respective Party's standard warnings to stop; and
- c. to maintain order on board the suspect vessel during the boarding and search or while the vessel is detained, when the crew or persons on board resist, impede the boarding and search or try to destroy evidence of illicit traffic or the vessel, or when the vessel attempts to flee during the boarding and search or while the vessel is detained.

7. Law enforcement officials of the Party authorized to conduct the boarding and search may carry standard small arms and shall only discharge them when it is not possible to apply less extreme measures. In all cases where the discharge of firearms is required, it shall be necessary to have the previous authorization of the flag State except when warning shots are required as a signal for a vessel to stop, or in the exercise of the right of self-defence.

8. Whenever force is used, including the use of firearms, at all times it shall be the minimum reasonably necessary and proportional under the circumstances.

Article 4

Other Boardings Under International Law

Except as expressly provided herein, this Agreement does not apply to or limit boardings of vessels, conducted in accordance with international law of the sea by officials of either Party.

Maritime Law Enforcement Programme in and over the Waters of a Party

Article 5

Responsibility

Operations to suppress illicit traffic in the territory, waters and airspace of a Party are the responsibility of, and subject to the authority of, that Party.

Article 6

Cooperation in Areas of Operations

1. The Parties shall establish a programme of cooperation between their respective law enforcement authorities. Each Party may designate a coordinator to organize its programme activities and to identify the vessels and officials involved in the programme to the other Party.

2. A Party (the "first Party") may request the other Party to provide assistance by making available a law enforcement vessel to enable the first Party effectively to patrol and conduct surveillance with a view to the prevention and detection of illicit traffic.

3. When responding favorably to a request pursuant to paragraph 2, the other Party shall provide via secure communications channels:

- a. the name and description of the law enforcement vessel;
- b. the date at which, and the period for which, it will be available;
- c. the name of the Commanding Officer of the vessel;
and
- d. any other relevant information.

Article 7

Jamaican Law Enforcement Officials on U.S. Law Enforcement Vessels

1. The Government of Jamaica may designate law enforcement officials who, subject to Jamaican law, may for the conduct of law enforcement operations for prevention, detection and suppression of illicit traffic by vessels in Jamaican waters, embark on United States law enforcement vessels. While so embarked and for the aforesaid purposes, such Jamaican law enforcement officials may:

- a. enforce the laws of Jamaica in Jamaican waters and seaward therefrom, in the exercise of the right of hot pursuit or otherwise in accordance with international law; and
- b. authorize the entry of the vessel into and its navigation within Jamaican waters.

2. All activities, including boardings, searches, seizures, detentions and enforcement of Jamaican law under this Article relating to suspect vessels shall be the responsibility of the Jamaican law enforcement officials and carried out by them. Such operations shall be conducted in accordance with Jamaican law. In order to carry out their responsibilities, the Jamaican law enforcement officials may request the Commanding Officer of the U.S. law enforcement vessel to take navigational measures or allow the Jamaican law enforcement officials to use the vessel's systems to communicate with the suspect vessel. Jamaican law enforcement officials may also request or authorize the Commanding Officer of the U.S. law enforcement vessel to use its equipment and available capabilities in order to provide information for the detection, identification and location of vessels and aircraft engaged in illicit traffic.

3. All law enforcement activities under this Article shall be under the control and direction of Jamaican law enforcement officials and shall be conducted in accordance with Jamaican law.

Article 8

United States Law Enforcement Officials on Jamaican Law
Enforcement Vessels

1. The Government of the United States of America may designate law enforcement officials who, subject to United States law, may for the conduct of law enforcement operations for the prevention, detection and suppression of illicit traffic in United States waters, embark on Jamaican law enforcement vessels. While so embarked and for the aforesaid purposes, such U.S. law enforcement officials may:

a. enforce the laws of the United States in United States waters and seaward therefrom, in the exercise of the right of hot pursuit or otherwise in accordance with international law; and

b. authorize the entry of the vessel into and navigation within United States waters.

2. All activities, including boardings, searches, seizures, detentions and enforcement of United States law under this Article relating to suspect vessels shall be the responsibility of the U.S. law enforcement officials and carried out by them. Such operations shall be conducted in accordance with U.S. law. In order to carry out their responsibilities, the U.S. law enforcement officials may request the Commanding Officer of the Jamaican law enforcement vessel to take navigational measures or allow the U.S. law enforcement officials to use the vessel's systems to communicate with the suspect vessel. U.S. law enforcement officials may also request or authorize the Commanding Officer of the Jamaican law enforcement vessel to use its equipment and available capabilities in order to provide information for the detection, identification and location of vessels and aircraft engaged in illicit traffic.

3. All law enforcement activities under this Article shall be under the control and direction of United States law enforcement officials and shall be conducted in accordance with U.S. law.

Article 9

Authority of Law Enforcement Officials on Board other Party's
Law Enforcement Vessels

When law enforcement officials are embarked on the other Party's law enforcement vessel, any law enforcement action being carried out under Article 7 or 8, including any boarding, search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall be carried out by the law enforcement officials, except as follows:

a. crew members of the other Party's law enforcement vessel may assist in any such action if expressly requested to do so by the law enforcement officer in command and, where agreed to, only to the extent and in the manner requested. Such assistance, including any use of force, shall be rendered in accordance with the applicable laws of the requesting Party to the extent not inconsistent with the laws and policies of the requested Party.

b. Subject to subparagraph a, use of force by such crew members shall be in accordance with Articles 3 and 17.

Article 10

Other Assistance by Vessels

1. Neither Party shall conduct operations to suppress illicit traffic in the waters and airspace of the other Party without its permission as provided in this Agreement.

2. When there are reasonable grounds to suspect that a vessel or aircraft is engaged in illicit traffic, a Party (the "first Party") may make a special request to the other Party for *ad hoc* permission for its law enforcement vessel to follow the suspect vessel or aircraft into the other Party's waters or airspace or to enter the other Party's waters in order to maintain contact with the vessel or aircraft, and to investigate, board and search the vessel. Any such request shall be supported by the basis on which it is claimed that special circumstances exist and that there are reasonable grounds for the alleged suspicion.

3. The Requested Party shall decide expeditiously whether to grant the permission sought and in granting such permission may give such directions and attach any conditions it considers appropriate to such permission.

4. All boardings and searches of suspect vessels shall be conducted in accordance with the laws of the Requested Party.

5. Where, as a result of a boarding and search under this Article, evidence is found of illicit traffic, the Requested Party shall be promptly informed of the results of the search, the suspect vessel, cargo and persons on board shall be detained, and taken to a designated port within the waters of that Party unless otherwise directed by that Party. Following such boarding and search, all law enforcement action shall be under the control and direction of the law enforcement officials of, and conducted in accordance with, the laws of the Requested Party.

6. The provisions contained in Article 3 paragraphs 3 and 4 regarding boarding and search and in paragraphs 6-8 regarding the use of force shall apply *mutatis mutandis*.

7. Nothing in this Article authorizes the boarding and search, or detention, of a vessel flying the flag of the Party within whose waters the vessel is located.

8. Nothing in this Article shall be construed to permit a law enforcement vessel of one Party to randomly patrol within the waters of the other Party.

Article 11

Aircraft Support for Suppression of Illicit Traffic

1. When there are reasonable grounds to suspect that a vessel or aircraft is engaged in illicit traffic and that vessel or aircraft is located in or over, or is entering the waters or airspace of one Party (the "first Party"), the law enforcement officials of the other Party shall provide such information regarding the suspect vessel or aircraft to the person designated by the Central Authority of the first Party and a request may be made by the other Party for its aircraft to:

(a) overfly the territory and waters of the other Party in pursuit of the suspect vessel or aircraft fleeing into or located within its waters and airspace; and

(b) manoeuvre to maintain visual and electronic contact with the suspect vessel or aircraft.

2. With regard to the overflight requested in paragraph (a) above, the procedures to be observed shall involve a notification to the Central Authority and the appropriate civil aviation authorities, and compliance with all air navigation and flight safety directions of the Party within whose airspace the overflight is taking place.

3. Where the request relates to manoeuvring the aircraft to maintain contact with the suspect aircraft or vessel as provided for in paragraph (b) above, the procedures to be observed shall involve:

(a) the express approval of the Central Authority of the Requested Party; and

(b) notification to, and compliance with, all air navigation and air safety directions of the Party within whose airspace the manoeuvring is taking place.

4. The Party conducting such overflight and manoeuvring shall also maintain contact with the designated law enforcement officials of the other Party and shall keep them informed of such actions so as to enable them to take such action as may be appropriate.

5. Nothing in this Agreement shall authorize activities in relation to aircraft engaged in legitimate scheduled or charter operations for the carriage of passengers, baggage or cargo.

6. Nothing in this Agreement shall be construed to authorize aircraft of either Party to enter the airspace of any third State.

7. Nothing in this Article shall be construed to permit an aircraft of one Party to randomly patrol within the airspace of the other Party.

Article 12

Other Assistance

Nothing in this Agreement precludes a Party from otherwise expressly authorizing other assistance in suppressing illicit traffic.

Implementation

Article 13

Central Authorities

1. There shall be a Central Authority for each Contracting Party.

2. For the United States of America, the Central Authority shall be the Commandant, United States Coast Guard in Washington, D.C. or any person or persons designated by him. For Jamaica, the Central Authority shall be the Minister responsible for National Security or any person or persons designated by him.

3. All requests under this Agreement shall be made by the Central Authority of the requesting State to the Central Authority of the requested State. The Central Authorities may communicate directly with each other for the purposes of the Agreement.

4. The Central Authorities shall respond to all requests expeditiously.

Article 14

Procedures for Requesting Authorization to Board and Search Suspect Vessels

1. Requests for verification of registration of vessels claiming registration of one of the Parties, and for authorization to board and search such vessels, shall be processed by and between the Central Authorities of the Parties.

2. Each request shall be conveyed orally and confirmed in writing, and shall contain, if possible, the name of the vessel, registration number, homeport, basis for suspicion, and any other identifying information. If there is no response from the flag State within three (3) hours of its receipt of the confirmation in writing, the requesting Party shall be deemed to have been authorized to board the suspect vessel for the purpose of inspecting the vessel's documents, questioning the persons on board, and searching the vessel to determine if it is engaged in illicit traffic.

Article 15

Suspect Vessels and Aircraft

1. Operations to suppress illicit traffic pursuant to this Agreement shall be carried out only against vessels and aircraft, other than aircraft described in Article 11, paragraph 5, used for commercial or private purposes and suspected of illicit traffic, including vessels and aircraft without nationality.

2. For the purposes of this Agreement a vessel shall be deemed to be flying the flag of or registered in a Party where it is registered or licensed as a fishing vessel under the legislation of that Party relating to fishing or the fishing industry.

Article 16

Results of Enforcement Action

1. Each Party shall, on a periodic basis and consistent with its laws, inform the other Party on the stage which has been reached of all investigations, prosecutions and judicial proceedings resulting from enforcement action taken pursuant to this Agreement where evidence of illicit traffic was found. To this end, the Parties shall provide each other with such assistance as may be required in accordance with the Treaty on Mutual Legal Assistance in Criminal Matters entered into between the Parties. In addition, the Parties shall provide each other information on the results of such prosecutions and judicial proceedings.

2. Nothing in this Article shall require a Party to disclose details of the investigations, prosecutions and judicial proceedings or the evidence relating thereto.

Article 17

Use of Force

1. The boarding and search teams may carry standard small arms.

2. All use of force by a Party pursuant to this Agreement shall in all cases be the minimum reasonably necessary and proportionate under the circumstances.

3. All use of force by a Party within Jamaican or United States waters pursuant to this Agreement shall be in strict accordance with the laws and policies of the Party within whose waters the force is used.

4. Authorizations to board, search and detain vessels and persons on board include the authority to use force in accordance with this Article to compel compliance.

5. Nothing in this Agreement shall impair the exercise of the inherent right of self-defence by the law enforcement or other officials of the Parties.

Article 18

Dissemination

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

Article 19

Asset Sharing

Assets seized in consequence of any operation undertaken in the territory or waters of a Party pursuant to this Agreement shall be disposed of in accordance with the laws of that Party. Assets seized in consequence of any operation undertaken seaward of the territorial sea of either Party pursuant to this Agreement shall be disposed of in accordance with the laws of the seizing Party. To the extent permitted by its laws and upon such terms as it deems appropriate, the seizing Party may, in any case, transfer forfeited assets or proceeds of their sale to the other Party.

Article 20

Settlement of Disputes

In case a question arises in connection with interpretation or implementation of this Agreement, either Party may request consultations between the Parties to resolve the matter. If any loss or injury is suffered as a result of any action taken by the law enforcement or other officials of one Party in contravention of this Agreement, or any improper or unreasonable action is taken by a Party pursuant thereto, the Parties shall, without prejudice to any other legal rights which may be available to the Parties or to any persons or entities affected by any such action, consult at the request of either Party to resolve the matter and decide any questions relating to compensation.

Article 21

Consultations and Review

The Parties shall, on a periodic basis, consult with a view to enhancing the effectiveness of this Agreement.

Article 22

Preservation of Rights and Privileges

Nothing in this Agreement is intended to prejudice the rights and privileges due any individual in any legal proceeding.

Article 23

Status of Exclusive Economic Zone and Right of Archipelagic Sea Lanes Passage

Nothing in this Agreement shall be interpreted so as to prejudice the legal status of the Exclusive Economic Zone, or the right of archipelagic sea lanes passage, as provided in the 1982 United Nations Convention on the Law of the Sea or otherwise in accordance with international law.

Article 24

Entry Into Force and Duration

1. This Agreement shall enter into force upon notification by each Party that it has completed its respective constitutional requirements for entry into force of the Agreement.

2. This Agreement may be terminated at any time by either Party upon written notification to the other Party through the diplomatic channel. Such termination shall take effect three months from the date of notification.

3. This Agreement shall continue to apply after termination with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement.

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

DONE AT Kingston, this 6th day of May, 1997, in duplicate.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF
JAMAICA

**PROTOCOL
BETWEEN
THE GOVERNMENT OF
THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF JAMAICA
TO THE AGREEMENT
CONCERNING COOPERATION IN SUPPRESSING
ILLICIT MARITIME DRUG TRAFFICKING**

The Government of the United States of America and the Government of Jamaica, (hereinafter, "the Parties"):

Recalling the Agreement Between the Government of the United States of America and the Government of Jamaica Concerning Cooperation in Suppressing Illicit Maritime Drug Trafficking, signed at Kingston May 6, 1997 (hereinafter, "the Agreement");

Recalling also the Memorandum of Understanding between the Parties, signed in Kingston, May 6, 1997 (hereinafter "the MOU");

Considering the continuing firm commitment of both Governments to wage an aggressive campaign against drug trafficking;

Desiring to supplement the Agreement and MOU in order to enhance cooperation in the suppression of illicit traffic by sea and air by providing additional protection to civil aircraft in flight and by facilitating multi-national counter-drug operations;

Mindful of the general international law with respect to the use of force against civil aircraft in flight as reflected in the Convention on International Civil Aviation, adopted at Chicago December 7, 1944 and Article 3 *bis* thereto, adopted at Montreal May 10, 1984.

Have agreed as follows:

ARTICLE 1

1. The following paragraph 6 is added to Article 3, Shipboarding, of the Agreement:

“6. In cases arising in the contiguous zone of a Party, not involving suspect vessels fleeing from the waters of that Party or suspect vessels flying the flag of or registered in that Party, in which both Parties have the authority to exercise jurisdiction to prosecute, the Party which conducts the boarding and search shall have the right to exercise jurisdiction”.

Paragraphs 6, 7 and 8 of Article 3 of the Agreement are renumbered as paragraphs 7, 8 and 9, respectively.

2. Paragraph 1 of Article 11, Aircraft Support for Suppression of Illicit Traffic, of the Agreement is amended to read:

“1. When there are reasonable grounds to suspect that a vessel or aircraft is engaged in illicit traffic and that vessel or aircraft is located in or over, or is entering the waters or airspace of one Party (the “first Party”), the law enforcement officials of the other Party shall provide such information regarding the suspect vessel or aircraft to the person designated by the Central Authority of the first Party and a request may be made by the other Party for its aircraft to:

(a) overfly the territory and waters of the other Party in pursuit of the suspect vessel or aircraft fleeing into or located within its waters or airspace;

(b) maneuver to maintain visual and electronic contact with the suspect vessel or aircraft; and

(c) subject to the laws of each Party, with due regard for its laws and regulations for the flight and maneuver of aircraft, relay orders from its competent authorities to suspect aircraft to land in the territory of the other Party.”

3. The following paragraph 5 is added to Article 11 of the Agreement, as follows:

“5. When maneuvering to maintain contact with a suspect aircraft, the Parties shall not endanger the lives of persons on board or the safety of civil aircraft.”

Paragraphs 5, 6 and 7 of Article 11 of the Agreement are renumbered as paragraphs 6, 7 and 8, respectively.

4. Article 12, Other Assistance, of the Agreement is amended to read:

"1. Each Party, after authorization by its Central Authority, may permit, on the occasions and for the time necessary for the proper performance of the operations required under this Agreement, law enforcement aircraft operated by the other Party to land and temporarily remain at international airports in accordance with international norms for the purposes of resupplying fuel and provisions, medical assistance, minor repairs, weather, and other logistics and related purposes.

"2. The law enforcement authority of one Party (the "first Party") may request, and the law enforcement authority of the other Party may authorize, law enforcement officials of the other Party to provide technical assistance to law enforcement officials of the first Party for the investigation, boarding, and search of suspect vessels located in the territory or waters of the first Party.

"3. Nothing in this Agreement precludes a Party from otherwise expressly authorizing other assistance in suppressing illicit traffic."

5. The following Article 14 *bis*, Third Party Platforms, is added to the Agreement, as follows:

"Article 14 *bis*
Third Party Platforms

"1. Law enforcement officials of the Parties may also operate pursuant to this Agreement from vessels and aircraft of other States, including any boat or aircraft embarked on vessels, that are clearly marked and identifiable as being on government non-commercial service and authorized to that effect, as may be agreed to in writing by the Parties, in accordance with arrangements completed by either Party with those other States.

"2. The personnel of any of the other States agreed to pursuant to paragraph 1 of this Article may, in emergencies and under highly exceptional circumstances, assist law enforcement officials of the Parties in conducting boardings and searches.

6. Article 17, Use of Force, of the Agreement is amended to read:

"1. All use of force by a Party pursuant to this Agreement shall be in strict accordance with applicable laws and policies of the respective Party and shall in all cases be the minimum reasonably necessary and proportionate under the circumstances, except that neither Party shall use force against civil aircraft in flight.

"2. The boarding and search teams may carry standard small arms.

"3. All use of force by a Party within Jamaican or United States waters pursuant to this Agreement shall be in strict accordance with the laws and policies of the Party within whose waters the force is used.

"4. Authorizations to board, search and detain vessels and persons on board include the authority to use force in accordance with this Article to compel compliance.

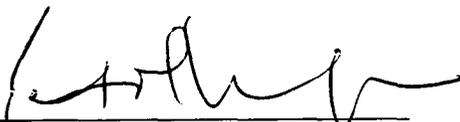
"5. Nothing in this Agreement shall impair the exercise of the inherent right of self-defense by the law enforcement or other officials of the Parties."

ARTICLE II

This Protocol shall enter into force upon notification by each Party that it has completed its respective constitutional requirements for entry into force of the Protocol and shall remain in force concurrent with the Agreement.

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

DONE at Kingston, Jamaica this 6 day of February, 2004, in duplicate.



FOR THE GOVERNMENT OF
JAMAICA

June H. Cobb

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA