

TWENTY-EIGHTH REGULAR SESSION
October 24-26, 2000
Port of Spain, Trinidad and Tobago

OEA/Ser.L/XIV.2.28
CICAD/doc.1076/00 rev.1
28 September 2000
Original: English

**DRAFT AGREEMENT CONCERNING CO-OPERATION IN SUPPRESSING
ILLICIT MARITIME TRAFFICKING IN NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES IN THE CARIBBEAN AREA**

BACKGROUND MATERIAL FOR INFORMATION
BRIEFING BY
THE GOVERNMENT OF THE NETHERLANDS

2
INFORMATION SHEET

History of the project

In November 1995, the growing threat of drug trafficking in the Caribbean region led Prime Minister Owen Arthur of Barbados to call on the United Kingdom to increase assistance to the Caribbean. The United Kingdom, together with France and the Netherlands, brought the subject to the attention of the EU-Heads of Government meeting in Madrid in December 1995. Two reports were subsequently written on the matter, the first one dealing primarily with the programmes which the European Commission, the member States of the Union and other interested states were conducting in Latin America and the Caribbean¹. The second report, from a group of experts dispatched to the region, developed a concise but comprehensive report on drugs control in the region. The report² was issued in April 1996 and addressed law enforcement, drugs information and intelligence, legislation and judicial systems, money laundering, freezing, seizure and forfeiture of assets, precursors, cultivation and production and demand reduction. This report formed one of the primary venture points for the first Regional Meeting on Drugs Control Cooperation to be held in Barbados from 15-17 May 1996. At this meeting the “Barbados Plan of Action” was agreed in addition to action in the fields mentioned above by the EU experts. The plan lists 11 paragraphs on maritime co-operation, recommending the development of a framework to encompass the maritime aspects of drug operations in the Caribbean. Furthermore, it stressed that in addition to the numerous bilateral co-operation agreements that had been concluded in the region, a regional approach to maritime co-operation was essential. Also, the Barbados Plan of Action prompted further EU decision making and resulted in the European Caribbean Drugs Initiative and related priorities. In that initiative the EU commits itself to a number of follow up studies and programmes to be embedded in the Barbados Plan of Action.

As part of the EU commitment, a team of professionals finalized the Maritime Counter Drug Cooperation report in May 1997. The report contained a comprehensive approach to maritime and aeronautical interdiction of drugs in the Caribbean, and stresses the need for both legislative and practical measures to enhance bilateral, sub-regional and regional cooperation in maritime drug cooperation. Furthermore, the report included a draft text for a regional agreement to implement article 17 of the 1988 UN Convention against illicit traffic in Narcotic Drugs and Psychotropic Substances.

At the initiative of the Attorney-General of Barbados Mr Simmons, the report and its annexes were adopted at the UNDCP regional review meeting in Santo Domingo in December 1997. In light of the support pledged by the Caribbean states present at that meeting, the meeting welcomed the intention of the Kingdom of the Netherlands to explore the viability of negotiations on a regional agreement. The informal consultations in Curacao (March 1998) and Aruba (October 1999), in which the draft text for a regional agreement was discussed, were meant to contribute to this process.

The consultations

¹ Report on combating drugs in the Latin American and Caribbean Region, Brussels, 13 June 1996, No 6879/3/96, CORDROGUE 25 Rev. 3.

² The Caribbean and the Drugs Problem, Report EU EXPERTS Group, April 1996.

The first round of consultations at Curacao proved fruitful in the sense that it enabled countries of the wider Caribbean to exclusively focus on the issue of maritime cooperation. Sensitivities with regard to a number of issues were expressed and open-ended views were presented. The results of the Curacao meeting were distributed through the respective embassies of The Kingdom of the Netherlands to all nations in the region and to relevant international organisations, with a request for comments. From the comments received, it was clear that most states were interested in the process. Furthermore, it was indicated by several states that certain provisions of the draft are in need of further clarification and may need to be amended in order to be compatible with existing national legislation. The Netherlands concluded on the basis of the received comments that a second round of informal consultations would be useful and therefore organised such consultations on Aruba.

The purpose of the second meeting in Aruba was to further explore the viability of a regional agreement on maritime cooperation and to review the 1998 meeting in Curacao. Furthermore, participants assessed the developments in the region with regard to both operational and legal cooperation. At the Aruba meeting, there was general support amongst the participants for the concept of a regional agreement on maritime cooperation. Participants agreed that the momentum should not be lost and encouraged the organizers to move the project ahead. In order to further advance the project in the region and reinforce the Caribbean “acquis”, discussions on the draft agreement should be tied to ongoing and new initiatives in the region.

Participants agreed that the report of the Aruba meeting, together with the draft agreement and other associated documents, should be distributed to all nations in the region and the relevant international and sub-regional organisations in the Caribbean region. Following the meeting, comments on the results of the meeting and the possible way ahead were requested from those countries.

Since the meeting in Aruba and in line with its conclusions, sub-regional meetings have been held for the Eastern Caribbean, Northern Caribbean and Central American countries. These meetings proved to be very useful and gave participating countries the opportunity to provide focused comments on provisions in the text and yield practical suggestions for amendments to the text. The sub-regional consultative process has proven to be very helpful in this regard.

The participants in the Aruba meeting further agreed that a preparatory meeting would be organized with a view to organise a diplomatic conference to negotiate on the text for a regional agreement. The contributions to all the sessions held up to now will be reflected in the working document for this preparatory meeting, which has now been scheduled for the 14th until the 17th of November and will be held in Curacao, Netherlands Antilles. This working document will form the core of the preparatory three day meeting, where all countries and relevant international and regional organisations will be represented. In addition to the discussion of the working document, the draft programme suggests that participants will debate the way ahead of the project as well as the viability of negotiations on the draft regional counter narcotics agreement.

**DRAFT AGREEMENT CONCERNING CO-OPERATION IN SUPPRESSING
ILLCIT MARITIME TRAFFICKING IN NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES IN THE CARIBBEAN AREA**

The Parties to this Agreement,

Bearing in mind the complex nature of the problem of illicit maritime drug traffic in the Caribbean area;

Having regard to the urgent need for international cooperation in suppressing illicit traffic by sea, which is recognized in Article 17 of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereinafter, "the 1988 Convention");

Recognizing that the Parties to this Agreement are also Parties to the 1988 Convention;

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

Recalling further the 1996 Treaty Establishing the Regional Security System and the 1989 Memorandum of Understanding Regarding Mutual Assistance and Cooperation for the Prevention and Repression of Customs Offenses in the Caribbean Zone, which established the Caribbean Customs Law Enforcement Council;

Desiring to promote greater co-operation among the Parties, and thereby enhance their effectiveness in, combatting illicit traffic by and over the sea in the Caribbean area;

Have agreed as follows:

Nature and Scope of Agreement

ARTICLE 1 - 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. "law enforcement officials" means the members in uniform of the law enforcement authority of each Party.
- c. "law enforcement authority" means the law enforcement entity or entities identified to the Depository by each Party which has responsibility for carrying out the maritime and related law enforcement functions of that Party pursuant to this Agreement.

d. "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.

e. "waters of a Party" means the territorial sea, internal waters, and where relevant, the archipelagic waters, of that Party, and the air space over such waters.

f. "Caribbean area" means the Caribbean Sea, Western Atlantic Ocean adjacent to the Caribbean Sea, and the land areas located therein.

ARTICLE 2 - OBJECTIVES

The Parties shall cooperate in combatting illicit maritime traffic in the Caribbean area to the fullest extent possible, consistent with available law enforcement resources of the Parties and related priorities, in conformity with the international law of the sea, with a view to ensuring that vessels and aircraft, for which there are reasonable grounds to suspect they are engaged in illicit traffic, are detected, identified, continuously monitored, and where evidence of illicit traffic is found, detained for appropriate law enforcement action by the responsible law enforcement authorities.

Regional Cooperation Programs

ARTICLE 3 - REGIONAL CO-OPERATION PROGRAMS FOR THE CARIBBEAN AREA

1. Recognizing that, as the nature of illicit traffic urgently requires the Parties to foster regional and subregional cooperation, the Parties shall take the steps necessary to meet the objectives of this Agreement, including the enhancement of existing or development of new international institutions, on a cost-effective basis, and the coordination and implementation of cooperation. Such institutions shall be made the object of separate arrangements.

2. Each Party is encouraged to enter into subregional or bilateral agreements established to meet the objectives of this Agreement, consistent with Article 9 of the 1988 Convention and Article 52 of the United Nations Charter.

ARTICLE 4 - FACILITATION OF CO-OPERATION

1. Each Party shall take the steps necessary to facilitate the clearances for law enforcement vessels and aircraft, aircraft in support of law enforcement operations, and law enforcement officials of the other Parties to enter its waters, airspace and territory in order to carry out the objectives of this Agreement.

2. The Parties shall facilitate effective co-ordination between their law enforcement authorities and promote the exchange of law enforcement officials and other experts, including the posting of liaison officers.

3. The Parties shall facilitate effective co-ordination among their civil aviation and law enforcement

authorities to enable rapid verification of aircraft registrations and flight plans.

4. Unless their status is specifically provided for in another Agreement, each Party shall give sympathetic consideration to according law enforcement and other officials of the other Parties present in its waters or territory or on its vessels pursuant to this Agreement the privileges and immunities equivalent to those of the administrative and technical staff of a diplomatic mission under the 1961 Vienna Convention on Diplomatic Relations.

5. The Parties shall assist one another to plan and implement training of law enforcement officials in the conduct of maritime law enforcement operations covered in this Agreement, including combined operations and boarding, searching and detention of vessels.

ARTICLE 5 - REVIEW

1. There shall be an annual Conference of the Parties for the purpose of adopting measures to enhance the effectiveness of this Agreement.

2. Each Conference of the Parties shall, *inter alia*, review the operation of this Agreement, review measures taken in regional and subregional cooperation, and coordinate future actions, including operations.

3. The Conference may establish an Executive Committee to meet more frequently to carry out the functions assigned to it by the Conference, and a permanent secretariat to carry out the functions assigned to it by the Conference and Executive Committee.

4. Upon the call of fifty percent of the Parties, a special meeting of the Parties may be held.

Maritime Law Enforcement Operations

ARTICLE 6 - SUSPECT VESSELS AND AIRCRAFT

1. Operations to suppress illicit traffic pursuant to this Agreement shall be carried out only against vessels and aircraft used for commercial or private purposes and which a Party has reasonable grounds to suspect are involved in 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 7 - VERIFICATION OF REGISTRATION

1. Requests for verification of registration of vessels claiming registration in one of the Parties shall be processed through the authorities designated by the Parties pursuant to Article 17, paragraph 7, of the 1988 Convention, or as otherwise notified to the Depositary.

2. Each request should be conveyed orally and later confirmed in writing, and shall contain, if possible,

the name of the vessel, registration number, homeport, basis for suspicion, and any other identifying information.

3. Requests for verification of registration should be answered expeditiously and all efforts should be made to provide such answer within two (2) hours of the receipt of the oral request.
4. If there is no response from the claimed flag State within two (2) hours of its receipt of the oral request, the requesting Party should 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 and cargo to determine if it is engaged in illicit traffic.

ARTICLE 8 - NATIONAL MEASURES WITH REGARD TO SUSPECT VESSELS AND AIRCRAFT

1. Each Party undertakes to establish the capability at any time to:
 - a. respond to requests for verification of registry,
 - b. authorize the boarding and search of suspect vessels,
 - c. provide expeditious disposition instructions for vessels detained on its behalf,
 - d. authorize the entry into its waters and airspace of law enforcement vessels and aircraft and aircraft in support of law enforcement operations of the other Parties.
2. Each Party shall notify the Depository of the officials to whom requests should be directed under paragraph 1.

ARTICLE 9 - BOARDING AND SEARCH TEAMS

1. Boardings and searches pursuant to this Agreement shall be carried out only by qualified law enforcement officials from law enforcement vessels.
2. A boarding and search team may operate from such ships and aircraft of any of the Parties, and from ships and aircraft of other States as agreed among the Parties, which shall be deemed to be a law enforcement vessel of the Party on which they are embarked.
3. A boarding and search team may carry standard law enforcement small arms.

ARTICLE 10 - CONDUCT OF LAW ENFORCEMENT AND OTHER OFFICIALS

1. Each Party shall ensure that its law enforcement and other qualified officials, when conducting boardings, searches, and air interception activities pursuant to this Agreement, act in accordance with the applicable national laws and procedures of their Government and with international law and accepted international practices.
2. In taking such actions under this Agreement, each Party shall take due account of the need not to

endanger the safety of life at sea, the security of the vessel and cargo, and not to prejudice any commercial or legal interest. In particular, they shall take into account:

- a. the dangers involved in boarding a vessel at sea, and give consideration to whether this could be more safely done in port; and
- b. the need to avoid unduly detaining or delaying a vessel.

ARTICLE 11 - USE OF FORCE

1. All use of force pursuant to this Agreement shall be in strict accordance with applicable laws and procedures of the respective Party and shall in all cases be the minimum reasonably necessary under the circumstances.
2. Force may only be used if no other feasible means of resolving the situation can be applied, as determined in accordance with the relevant national procedures of:
 - a. the Party in whose waters the boarding and search takes place; or
 - b. when seaward of the territorial sea of any State, the Party using force.
3. Any force used shall be proportional to the objective for which it is employed.
4. The use of force in reprisal or as punishment is prohibited.
5. If the situation permits, a warning shall be issued prior to any use of force.
6. The discharge of firearms against, or on, a suspect vessel shall be reported as soon as possible to the flag State.

ARTICLE 12 - USE OF DEADLY FORCE

1. Nothing in this Agreement shall impair the exercise of the inherent right of self-defense by law enforcement or other officials of any Party.
2. A vessel or aircraft and its embarked officials and crew of a Party operating in or over the waters or airspace of another Party in accordance with this Agreement may use deadly force in self-defense in accordance with Article 11.
3. Self-defense means any measures taken to prevent an individual or group of individuals from carrying out actions which can reasonably be expected to result in death or grievous bodily harm to oneself, personnel of any Party or any other person, or to cause critical damage to a law enforcement or government vessel of any Party.

ARTICLE 13 - AUTHORITY OF LAW ENFORCEMENT OFFICIALS

1. Each Party shall take appropriate measures, consistent with its legal system, to ensure that its law

enforcement officials, and law enforcement officials of other Parties acting on its behalf, are empowered to exercise the authority of law enforcement officials as prescribed in this Agreement.

2. In order to carry out the objectives of this Agreement, each Party authorizes its designated law enforcement and aviation officials to permit the entry of law enforcement vessels and aircraft, and aircraft in support of law enforcement operations, under this Agreement into its waters and airspace.

ARTICLE 14 - MARITIME LAW ENFORCEMENT PROGRAMS FOR THE CARIBBEAN AREA

1. The Parties shall establish a regional and subregional maritime law enforcement programs among their law enforcement authorities. Each Party shall designate a coordinator to organize its participation and to identify the vessels, aircraft and officials involved in the program to the other Parties.

2. The Parties undertake to assign qualified personnel to regional and subregional coordination centers established for the purpose of coordinating the detection, surveillance and interception of vessels and aircraft engaged in illicit traffic by and over the sea.

ARTICLE 15 - ASSISTANCE BY VESSELS

1. Each Party may request another Party to make available one or more of its law enforcement vessels to assist the requesting Party to effectively patrol and conduct surveillance with a view to the detection and prevention of illicit traffic by sea and air in the Caribbean area.

2. When responding favorably to a request pursuant to paragraph 1, each participating Party shall provide to the requesting Party via secure communications channels:

- a. the name and description of its law enforcement vessels;
- b. the dates at which, and the periods for which, they will be available;
- c. the names of the Commanding Officers of the vessels; and
- d. any other relevant information.

ARTICLE 16 - DESIGNATION AND AUTHORITY OF SHIPRIDERS

1. Each Party ("the designating Party") may designate qualified law enforcement officials to participate in the regional law enforcement program. Subject to its law and as agreed with the other Parties participating in the regional maritime law enforcement program ("the participating Parties"), these shipriders may, in appropriate circumstances, be authorized to:

- a. embark on law enforcement vessels of any of the participating Parties;
- b. enforce the laws to suppress illicit traffic of the designating Party in the designating Party's waters, or seaward therefrom in the exercise of the right of hot pursuit or otherwise in accordance with international law;

c. authorize the entry of the law enforcement vessels on which they are embarked into and navigation within the waters of the designating Party;

d. authorize the law enforcement vessels on which they are embarked to conduct counter-drug patrols in the waters of the designating Party;

e. authorize law enforcement officials of the participating Parties to assist in the enforcement of the laws to suppress illicit traffic of the designating Party; and

f. advise and assist law enforcement officials of the participating Parties in the conduct of boardings of vessels to enforce the laws to suppress illicit traffic of the participating Parties.

2. When law enforcement officials are embarked on another Party's law enforcement vessel, and the enforcement action being carried out is pursuant to the authority of the law enforcement officials, any 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 participating Party's vessel may assist in any such action if expressly requested to do so by the law enforcement officials and only to the extent and in the manner requested. Such request may only be made, agreed to, and acted upon in accordance with the applicable laws and procedures of both Parties; and

b. such crew members may use force in accordance with Articles 11 and 12 of this Agreement and the applicable laws and procedures of their Government.

3. Each Party shall inform the Depositary of the official responsible for the designation of shipriders.

Operations in and over National Waters

ARTICLE 17 - RESPONSIBILITY

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

ARTICLE 18 - OTHER ASSISTANCE BY VESSELS FOR SUPPRESSION OF ILLICIT TRAFFIC

1. No Party shall conduct operations to suppress illicit traffic in the waters or airspace of any other Party without the permission of that Party, however granted. Each Party grants advance permission on notice to other Parties to conduct operations to suppress illicit traffic by sea in the waters of that Party in any of the following circumstances:

a. an embarked shiprider of that Party so authorizes;

b. a suspect vessel or aircraft, detected seaward of the territorial sea of that Party, enters its

waters and no shiprider of that Party is embarked on a law enforcement vessel of another Party, and no law enforcement vessel of that Party is immediately available to investigate, the law enforcement vessel may follow the suspect vessel into that Party's waters, in order to investigate, board and search the vessel, and, if the evidence warrants, detain the vessel, cargo and persons on board pending expeditious disposition instructions from the authorities of that Party; and

c. no shiprider of that Party is embarked on a law enforcement vessel of another Party, and no law enforcement vessel is immediately available to investigate, in which case the law enforcement vessel may enter that Party's waters in order to investigate, board and search a suspect vessel located therein, other than a flag vessel of that Party. If the evidence warrants, the law enforcement officials may detain the suspect vessel, cargo and persons on board pending expeditious disposition instructions from authorities of that Party.

2. State Parties electing not to grant advance authorization on notice under paragraph 1 shall so notify the Depositary, in which case requests for permission to enter national waters shall be made to the person notified pursuant to Article 8.

ARTICLE 19 - AIRCRAFT SUPPORT FOR SUPPRESSION OF ILLICIT TRAFFIC

1. A Party may request aircraft support from other Parties for assistance, including monitoring and surveillance, in suppressing illicit traffic.

2. Any assistance under this Article within the airspace of the requesting Party shall be conducted in accordance with the laws of the requesting Party and only in the specified areas and to the extent requested.

3. Prior to the commencement of any assistance, the Party desiring to assist in such activities ("the participating Party") may be required to provide reasonable notice, communication channels and other information relative to flight safety to the appropriate civil aviation authorities of the requesting Party.

4. Participating Parties shall, in the interest of safe air navigation, observe the following procedures for notifying the appropriate authorities of such overflight activity by participating aircraft:

a. In the event of planned bilateral or multilateral law enforcement operations, the participating Party shall provide reasonable notice and communications channels to the appropriate aviation authorities of each Party of planned flights by participating aircraft in the airspace of that Party.

b. In the event of unplanned operations, which may include the pursuit of suspect aircraft into another Party's airspace, the law enforcement and appropriate aviation authorities of the Parties concerned shall exchange information concerning the appropriate communications channels and other information pertinent to safe air navigation.

c. Any aircraft engaged in law enforcement operations or operations in support of law enforcement activities shall comply with such air navigation instructions as may be required by each concerned Party's aviation authorities.

5. Participating Parties shall maintain contact with the designated law enforcement officials of the

requesting Party and keep them informed of the results of such operations so as to enable the law enforcement officials of the requesting Party to take such action as they may deem appropriate.

6. Each Party permits aircraft of participating Parties, when engaged in law enforcement operations or operations in support of law enforcement activities, to:

a. overfly its territory and waters; and

b. subject to the laws of that Party and of the participating Parties, order aircraft suspected of trafficking in illegal drugs to land in its territory.

7. State Parties electing not to provide the authorizations under paragraph 6 shall so notify the Depository, in which case requests for permission to enter national airspace shall be made to the person notified pursuant to Article 8..

8. Nothing in this Agreement affects aircraft engaged in legitimate scheduled or charter operations for the carriage of passengers, baggage or cargo, or general aviation traffic.

9. Nothing in this Agreement shall be construed to authorize aircraft of any Party to enter the airspace of any State not party to this Agreement.

ARTICLE 20 - OTHER SITUATIONS

Nothing in this Agreement precludes any Party from otherwise expressly authorizing operations by any other Party to suppress illicit traffic in its territory, waters or airspace, or involving vessels or aircraft flying or displaying its flag suspected of illicit traffic.

Operations Seaward of the Territorial Sea

ARTICLE 21 - SHIPBOARDING

1. For those situations when law enforcement officials of one Party encounter a vessel flying the flag of another Party or claiming to be registered in that Party, located seaward of any State's territorial sea, and they have reasonable grounds to suspect that the vessel is engaged in illicit traffic, subject to paragraph 2, this Agreement constitutes the authorization of the claimed flag State Party for the boarding and search of the suspect vessel, its cargo and the persons found on board by such officials.

2. For those flag State Parties electing not to act under paragraph 1 and have so notified the Depository, the procedures set forth in Article 7 apply.

3. Where the flag and boarding States have both decided to apply paragraph 1 of this Article, if evidence of illicit traffic is found as the result of any boarding conducted pursuant to this Article, the law enforcement officials of the boarding Party may detain the vessel, cargo and persons on board pending expeditious disposition instructions from the flag State Party.

ARTICLE 22 - OTHER BOARDINGS UNDER INTERNATIONAL LAW

Except as expressly provided herein, this Agreement does not apply to or limit boardings of vessels, conducted by any Party in accordance with international law, seaward of any State's territorial sea, whether based, *inter alia*, on the right of visit, the rendering of assistance to persons, vessels, and property in distress or peril, the consent of the vessel master, or an authorization from the flag State to take law enforcement action.

Implementation

ARTICLE 23 - JURISDICTION OVER OFFENSES

Each Party shall take such measures as may be necessary to establish its jurisdiction over the offenses described in Article 3, paragraph 1, of the 1988 Convention, when the offense is committed on board a vessel:

- a. flying its flag or registered under its law;
- b. flying the flag or displaying the marks of registry or bearing any other indication of nationality of other States; and
- c. which is without nationality or assimilated to a vessel without nationality under international law.

ARTICLE 24 - JURISDICTION OVER DETAINED VESSELS

1. In all cases arising in the waters of a Party, or concerning a Party's flag vessels seaward of any State's territorial sea, that Party shall have the primary right to exercise jurisdiction over a detained vessel, cargo and/or persons on board (including seizure, forfeiture, arrest, and prosecution).
2. That Party may, however, subject to its Constitution and laws, waive its primary right to exercise jurisdiction and authorize the enforcement of law of the boarding Party against the vessel, cargo and persons on board.

ARTICLE 25 - DISSEMINATION

1. To facilitate implementation of this Agreement, each Party shall ensure that the other Parties are fully informed of its respective applicable laws and procedures, particularly those pertaining to the use of force.
2. Each Party shall ensure that all of its law enforcement officials are knowledgeable concerning the applicable laws and procedures of the other Parties.
3. Each Party shall take such measures as may be necessary to inform the owners and masters of vessels flying its flag or registered under its laws that States Parties to this Agreement may be granted the authority to board vessels for the purposes specified in this Agreement, and to inform them of their obligation to comply with instructions given by a boarding party from an intervening State exercising

that authority.

ARTICLE 26 - RESULTS OF ENFORCEMENT ACTION

1. A Party conducting a boarding and search pursuant to this Agreement shall promptly notify the other Party of the results thereof.
2. 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 on vessels or aircraft of that other Party.
3. Nothing in this Article shall require a Party to disclose details of the investigations, prosecutions and judicial proceedings or the evidence relating thereto.

ARTICLE 27 - ASSET SHARING

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

ARTICLE 28 - SETTLEMENT OF DISPUTES

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

Final Provisions

ARTICLE 29 - PRESERVATION OF RIGHTS AND PRIVILEGES

Except as provided in Article 4, nothing in this Agreement is intended to alter the rights and privileges due any individual in any legal proceeding.

ARTICLE 30 - RELATIONSHIP TO OTHER AGREEMENTS

1. The Parties are encouraged to conclude bilateral or multilateral agreements with one another on the matters dealt with in this Agreement, for the purpose of confirming or supplementing its provisions or strengthening the application of the principles embodied in Article 17 of the 1988 Convention.
2. Nothing in this Agreement shall alter or affect in any way the rights and obligations of a Party which arise from agreements already in force between it and one or more other Parties on the same subject.

ARTICLE 31 - AMENDMENT

1. Any Party may at any time propose an amendment to this Agreement by providing the text of such a proposal to the Depositary. The Depositary shall promptly circulate any such proposal to all Parties.
2. If fifty percent of the Parties request a meeting to discuss a proposed amendment, the Depositary shall call such a meeting, which shall take place no sooner than thirty days following the date of circulation of the proposal.
3. An amendment shall be adopted at a meeting of the Parties pursuant to paragraph 2 by two thirds of the Parties represented.
4. An amendment shall enter into force thirty days after the Depositary has received instruments of acceptance or approval from all of the Parties.

ARTICLE 32 - SIGNATURE

This Agreement shall be open for signature by any State party to the 1988 Convention that is located in the Caribbean area, or that has territory for the foreign relations of which it is responsible located in the Caribbean area, at [location] on [date].

ARTICLE 33 - ENTRY INTO FORCE

1. States may express their consent to be bound by this Agreement by:
 - a. signature without reservation as to ratification, acceptance or approval; or
 - b. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
2. This Agreement shall enter into force 30 days after five States have expressed their consent to be bound accordance with paragraph 1.
3. For each State consenting to be bound after the date of entry into force of this Agreement, the Agreement shall enter force for that State 30 days after the deposit of its instrument expressing its consent to be bound.

ARTICLE 34 - RESERVATIONS AND DECLARATIONS

1. No reservations or exceptions may be made to this Agreement.
2. Paragraph 1 does not preclude a State, when signing, ratifying, accepting or approving this Agreement, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Agreement in their application to that State.

ARTICLE 35 - TERRITORIAL APPLICATION

1. Any State may declare that its signature, ratification, acceptance or approval does not apply to any one or more of its territories for the foreign relations of which such State is responsible.
2. Any State may subsequently declare that it extends application of this Agreement to any one or more of its territories for which it has excluded application under paragraph 1.

ARTICLE 36 - WITHDRAWAL

1. Any Party may withdraw from this Agreement twelve months after the date on which it notifies the Depositary in writing of its intention to withdraw.
2. This Agreement shall continue to apply after withdrawal with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement in respect of the withdrawing Party.

ARTICLE 37 - DEPOSITARY

1. The original of this Agreement shall be deposited with the Government of [name], which shall serve as the Depositary.
2. The Depositary shall transmit certified copies of the Agreement to all signatories.
3. The Depositary shall inform all signatories and parties to the Agreement of:
 - a. all designations of law enforcement authorities pursuant to Article 1 paragraph c;
 - b. all designations of authorities to whom requests for verification of registration are to be made, and for authorization to enter national waters and airspace and board and search, and for disposition instructions, pursuant to Articles 7 and 8.
 - c. of the officials to whom reports should be made pursuant to Article 11 paragraph 6, use of force, and Article 26, results of enforcement action.
 - d. all officials designated as being responsible for the designation of shipriders pursuant to

Article 16 paragraph 3.

e. all notification of elections not to provide advance authorization for pursuit or entry into territorial waters and airspace to effect boardings and searches pursuant to Article 18 paragraph 2.

f. all notification of elections to provide advance authorization for aircraft support pursuant to Article 19 paragraph 7.

g. all notifications of elections not to provide advance authorization for shipboardings pursuant to Article 21 paragraph 2;

h. all proposals to amend the Agreement made pursuant to Article 31.

i. all signatures, ratifications, acceptances, and approvals deposited pursuant to Article 33.

j. the dates of entry into force of the Agreement pursuant to Article 33.

k. all declarations made pursuant to Article 34.

l. all declarations of territorial applicability under Article 35.

m. all notifications of withdrawal pursuant to Article 36.

4. The Depositary shall register this Agreement with the United Nations pursuant to Article 102 of the Charter of the United Nations.

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

DONE AT , this day of 199 , in the English, French and Spanish languages, each text being duly authentic.

FOR THE GOVERNMENT OF ANTIGUA AND BARBUDA:

FOR THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS:

FOR THE GOVERNMENT OF BARBADOS:

FOR THE GOVERNMENT OF BELIZE:

FOR THE GOVERNMENT OF CANADA:

FOR THE GOVERNMENT OF COLOMBIA:

FOR THE GOVERNMENT OF COSTA RICA:

FOR THE GOVERNMENT OF CUBA:

FOR THE GOVERNMENT OF DOMINICA:

FOR THE GOVERNMENT OF THE DOMINICAN REPUBLIC:

FOR THE GOVERNMENT OF THE FRENCH REPUBLIC:

FOR THE GOVERNMENT OF GRENADA:

FOR THE GOVERNMENT OF GUATEMALA:

FOR THE GOVERNMENT OF GUYANA:

FOR THE GOVERNMENT OF HAITI:

FOR THE GOVERNMENT OF HONDURAS:

FOR THE GOVERNMENT OF JAMAICA:

FOR THE GOVERNMENT OF THE UNITED STATES OF MEXICO:

FOR THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS:

FOR THE GOVERNMENT OF NICARAGUA:

FOR THE GOVERNMENT OF PANAMA:

FOR THE GOVERNMENT OF SAINT KITTS AND NEVIS:

FOR THE GOVERNMENT OF SAINT LUCIA:

FOR THE GOVERNMENT OF SAINT VINCENT AND THE GRENADINES:

FOR THE GOVERNMENT OF SURINAME:

FOR THE GOVERNMENT OF TRINIDAD AND TOBAGO:

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF VENEZUELA: