

No. 39296. United States of America and Panama

ARRANGEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PANAMA FOR SUPPORT AND ASSISTANCE FROM THE UNITED STATES COAST GUARD FOR THE NATIONAL MARITIME SERVICE OF THE MINISTRY OF GOVERNMENT AND JUSTICE. PANAMA, 18 MARCH 1991 [*United Nations, Treaty Series*, vol. 2212, I-39296.]

SUPPLEMENTARY ARRANGEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF PANAMA TO THE ARRANGEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PANAMA FOR SUPPORT AND ASSISTANCE FROM THE UNITED STATES COAST GUARD FOR THE NATIONAL MARITIME SERVICE OF THE MINISTRY OF GOVERNMENT AND JUSTICE. PANAMA CITY, 5 FEBRUARY 2002

Entry into force: 5 February 2002 by signature, in accordance with article XXV

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Nº 39296. États-Unis d'Amérique et Panama

ARRANGEMENT ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU PANAMA CONCERNANT L'APPUI ET L'ASSISTANCE DE LA GARDE CÔTIÈRE DES ÉTATS-UNIS RELATIFS AU SERVICE MARITIME NATIONAL DU MINISTÈRE DU GOUVERNEMENT ET DE LA JUSTICE. PANAMA, 18 MARS 1991 [*Nations Unies, Recueil des Traités*, vol. 2212, I-39296.]

ARRANGEMENT COMPLÉMENTAIRE ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU PANAMA À L'ARRANGEMENT ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DU PANAMA CONCERNANT L'APPUI ET L'ASSISTANCE DE LA GARDE CÔTIÈRE DES ÉTATS-UNIS RELATIFS AU SERVICE MARITIME NATIONAL DU MINISTÈRE DE L'INTÉRIEUR ET DE LA JUSTICE. PANAMA, 5 FÉVRIER 2002

Entrée en vigueur : 5 février 2002 par signature, conformément à l'article XXV

Textes authentiques : anglais et espagnol

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[ENGLISH TEXT – TEXTE ANGLAIS]

**SUPPLEMENTARY ARRANGEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF PANAMA
TO THE ARRANGEMENT
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF
AMERICA AND
THE GOVERNMENT OF PANAMA
FOR SUPPORT AND ASSISTANCE FROM THE UNITED STATES
COAST GUARD
FOR THE NATIONAL MARITIME SERVICE OF THE MINISTRY OF
GOVERNMENT AND JUSTICE**

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

Bearing in mind that the Arrangement between the Government of the United States of America and the Government of Panama for support and assistance from the United States Coast Guard for the National Maritime Service of the Ministry of Government and Justice, signed at Panama, March 18, 1991 (hereinafter, "the Arrangement"), establishes a program for conducting bilateral maritime police operations within the territorial waters of Panama to stop illegal activities, such as the international trafficking of drugs, illegal fishing and transportation of contraband;

Whereas the transnational character of illicit traffic by sea and by air in narcotics and related offenses gives rise to the need for major international cooperation in the suppression thereof, which is recognized in the 1961 Single Convention on Narcotic Drugs and its 1972 Protocol, in the 1971 Convention on Psychotropic Substances, 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 (hereinafter "the Law of the Sea Convention");

Recalling that Article 17 of the 1988 Convention provides, *inter alia*, that the Parties shall consider entering into bilateral and regional agreements to carry out, or to enhance the effectiveness of, the provisions of Article 17;

Desiring to promote greater and resolute cooperation between the Parties to combat illicit traffic by sea and by air in narcotics and related offenses;

Recalling the Treaty between the Parties on Mutual Assistance in Criminal Matters, with annexes and appendices, signed at Panama, April 11, 1991, that enables more effective cooperation between the Parties in

the investigation, prosecution and suppression of serious crimes, such as narcotic trafficking;

Recalling further the Inter-American Convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials, signed by Panama and the United States, on November 14, 1997; and

Recalling the annual programs of counter-narcotics assistance provided by the Government of the United States of America to the Government of Panama;

Have agreed as follows:

Article I Purpose and Scope

The Parties shall continue to cooperate in combating illicit traffic by sea and air in narcotics and related offenses to the fullest extent possible, consistent with available law enforcement resources and priorities related thereto.

Article II Definitions

For the purposes of this Supplementary Arrangement, unless the context otherwise requires:

(a) "illicit traffic" has the same meaning as in Article 1(m) of the 1988 Convention and includes illicit traffic by air.

(b) "illicit traffic" also includes other illegal activities prohibited by international law, including other international conventions to which both States are party, but only to the extent enforcement pursuant to this Supplementary Arrangement is authorized by the laws of both Parties.

(c) "Territory, waters and airspace of a Party" means:

(i) For the Republic of Panama: the territory under the sovereignty of Panama, those waters within 12 nautical miles of Panamanian territory, and the airspace over Panamanian territory and waters.

(ii) For the Government of the United States of America: the Commonwealth of Puerto Rico, the United States Virgin Islands, Navassa Island and other territories and possessions in the Caribbean Sea over which the United States exercises sovereignty, those waters

within 12 nautical miles of United States territory, and the airspace over such United States territory and waters.

(d) "continental territory" means the mainland territory of Panama situated within Panama's boundaries with bordering States and between its maritime coasts.

(e) "contiguous zone" has the same meaning as in Article 33 of the Law of the Sea Convention.

(f) "international waters" means all parts of the sea not included in the territorial sea and internal waters of a State.

(g) "international airspace" means the airspace situated over international waters.

(h) "law enforcement authority" means, for the Government of Panama, the National Maritime Service (hereinafter, "SNM") and National Air Service, (hereinafter, "SAN"), agencies of the Ministry of Government and Justice of Panama, and for the Government of the United States of America, the United States Coast Guard, an agency of the U.S. Department of Transportation.

(i) "law enforcement vessels" means armed and unarmed vessels belonging to the SNM and vessels of the United States Coast Guard, aboard which law enforcement officials are embarked, clearly marked and identifiable as being on government non-commercial service and authorized to that effect, including any boat or aircraft embarked on such vessels.

(j) "law enforcement aircraft" means aircraft belonging to the SAN and SMN, and aircraft of the United States Coast Guard, clearly marked and identifiable as being on government non-commercial service and authorized to that effect.

(k) "technical support vessels and aircraft" means vessels and aircraft of a Party, clearly marked and identifiable as being on government non-commercial service and authorized to that effect, which, though not belonging to its law enforcement authority, may be temporarily under its authority and control for the achievement of the purposes of this Supplementary Arrangement or which, though not under its temporary authority and control, support law enforcement officials, vessels and aircraft in the performance of their functions and responsibilities under this Supplementary Arrangement.

(l) "technical support vessels and aircraft of third States" means vessels and aircraft of States other than the Parties, clearly marked and

identifiable as being on government non-commercial service and authorized to that effect, with which the Republic of Panama or the United States of America has agreements or arrangements for combating illicit traffic, and which, when they are under the temporary authority and control of a law enforcement official of one of the Parties, may be authorized by agreement of the Parties, to be afforded the status of "technical support vessels" or "technical support aircraft" of the Party to which the law enforcement officials belong, and therefore be authorized to engage in operations under the terms and conditions of this Supplementary Arrangement.

(m) "law enforcement officials" means, for the Government of Panama, uniformed members of the SMN and SAN, and for the Government of the United States of America, uniformed members of the United States Coast Guard.

(n) "designated auxiliary personnel" means personnel of a Party who, while not law enforcement officials, support the law enforcement officials of that Party in the operations under this Supplementary Arrangement.

(o) "Shiprider Program" means the program of activities agreed upon for the performance of shipboarding pursuant to this Supplementary Arrangement.

(p) "shiprider" means a law enforcement official of one Party authorized to embark on a law enforcement vessel or aircraft of the other Party to exercise the authority and control and perform the functions set out in this Supplementary Arrangement.

(q) "Shiprider Program Coordinator" means the law enforcement official of a Party designated to organize its program activities with the other Party.

(r) "Liaison Office" means the point of contact designated by the Parties as responsible for guaranteeing communication between the law enforcement authorities of the Parties.

(s) "liaison official" means a law enforcement official of a Party, who may or may not be embarked on a vessel or aircraft of that Party, who has been designated to perform the functions of the Liaison Office of that Party.

(t) "suspect vessel or aircraft" means a vessel or aircraft used for commercial or private purposes in respect of which there are reasonable grounds to suspect it is engaged in illicit traffic.