

No. 51490

**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 to suppress the proliferation of weapons of mass destruction, their delivery systems, and related materials by sea. Honolulu, 13 August 2004

Entry into force: *provisionally on 13 August 2004 by signature*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America,
25 November 2013*

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

Accord de coopération entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République des Îles Marshall relatif à la répression de la prolifération par mer des armes de destruction massive, de leurs vecteurs et des matériels connexes. Honolulu, 13 août 2004

Entrée en vigueur : *provisoirement le 13 août 2004 par signature*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis
d'Amérique, 25 novembre 2013*

[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 TO SUPPRESS THE PROLIFERATION
OF WEAPONS OF MASS DESTRUCTION,
THEIR DELIVERY SYSTEMS,
AND RELATED MATERIALS BY SEA**

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

Deeply concerned about the proliferation of weapons of mass destruction (WMD), their delivery systems, and related materials, particularly by sea, as well as the risk that these may fall into the hands of terrorists;

Recalling the 31 January 1992 United Nations Security Council Presidential statement that proliferation of all WMD constitutes a threat to international peace

and security, and underlines the need for Member States of the UN to prevent proliferation;

Also recalling United Nations Security Council Resolution 1540 (2004), which calls on all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Recalling further the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris 13 January 1993; the Treaty on Nonproliferation of Nuclear Weapons, done at Washington, London and Moscow 1 July 1968; and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London and Moscow 10 April 1972;

Further recalling the International Ship and Port Facility Security Code, adopted by the International Maritime Organization on 12 December 2002;

Acknowledging the widespread consensus that proliferation and terrorism seriously threaten international peace and security;

Convinced that trafficking in these items by States and non-state actors of proliferation concern must be stopped;

Guided by the Statement of Interdiction Principles for the Proliferation Security Initiative;

Inspired by the efforts of the International Maritime Organization to improve the effectiveness of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome 10 March 1988;

Reaffirming the importance of customary international law of the sea as reflected in the 1982 United Nations Convention on the Law of the Sea, done at Montego Bay, 10 December 1982;

Committed to cooperation to stop the flow by sea of WMD, their delivery systems, and related materials to or from States or non-state actors of proliferation concern;

Have agreed as follows:

Article 1

Definitions

In this Agreement, unless the context otherwise requires:

1. “United States” means the Government of the United States of America.
2. “Marshall Islands” means the Government of the Republic of the Marshall Islands.
3. “Proliferation by sea” means the transportation by ship of weapons of mass destruction, their delivery systems, and related materials to or from States or non-state actors of proliferation concern.
4. “Weapons of mass destruction” (WMD) means nuclear, chemical, biological and radiological weapons.
5. “Related materials” means materials, equipment and technology, of whatever nature or type, that are related to and destined for use in the development, production, utilization or delivery of WMD.
6. “Items of proliferation concern” means WMD, their delivery systems, and related materials.
7. “States or non-state actors of proliferation concern” means those countries or entities that should be subject to interdiction activities because they are or are believed to be engaged in: (1) efforts to develop or acquire WMD or their delivery systems; or (2) trafficking (either selling, receiving, or facilitating) of WMD, their delivery systems, or related materials.
8. “Security Force” means:
 - a. for the United States, the United States Coast Guard and the United States Navy; and
 - b. for the Marshall Islands, the National Police Force of the Marshall Islands.
9. “Security Force Officials” means:
 - a. for the United States, uniformed or otherwise clearly identifiable members of the U.S. Security Force, who may be accompanied by uniformed or otherwise clearly identifiable members of the

Departments of Homeland Security and Justice, and others duly authorized by the United States and notified to the Competent Authority of the Marshall Islands; and

- b. for the Marshall Islands, uniformed or otherwise clearly identifiable members of the law enforcement authorities of the Marshall Islands Security Force.
- 10. “Security Force vessels” means warships and other vessels of the Parties, or of third States as may be agreed upon by the Parties, on which Security Force Officials of either or both Parties may be embarked, clearly marked and identifiable as being on government service and authorized to that effect, including any vessel and aircraft embarked on or supporting such vessels.
 - 11. “Warship” means ships belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew that is under regular armed forces discipline.
 - 12. “Suspect vessel” means a vessel used for commercial or private purposes in respect of which there are reasonable grounds to suspect it is engaged in proliferation by sea.
 - 13. “International waters” means all parts of the sea not included in the territorial sea, internal waters and archipelagic waters of a State, consistent with international law.
 - 14. “Competent Authority” means for the United States, the Commandant of the United States Coast Guard (including any officer designated by the Commandant to perform such functions), and for the Marshall Islands, the Commissioner of Maritime Affairs of the Office of the Maritime Administrator (including any officer designated under Marshall Islands law to perform such functions) appointed under Sections 103, 104 and 105 of Title 47 (The Maritime Act 1990, as amended) of the Laws of the Marshall Islands.