

No. 51711*

**United States of America
and
Jamaica**

Exchange of notes constituting an agreement between the United States of America and Jamaica regarding the Cooperating Nation Information Exchange System. Kingston, 26 August 2005 and 23 September 2005

Entry into force: *23 September 2005 by the exchange of the said notes, in accordance with their provisions*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 4 March 2014*

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**États-Unis d'Amérique
et
Jamaïque**

Échange de notes constituant un accord entre les États-Unis d'Amérique et la Jamaïque relatif au Système d'échange d'informations entre nations coopérantes. Kingston, 26 août 2005 et 23 septembre 2005

Entrée en vigueur : *23 septembre 2005 par l'échange desdites notes, conformément à leurs dispositions*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 4 mars 2014*

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[ENGLISH TEXT – TEXTE ANGLAIS]

I

Embassy of the United States of America

Note No. 225/05

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and Foreign Trade of the Government of Jamaica and has the honor to refer to the ongoing counter-drug cooperation between the Government of the United States of America and Jamaica. Specifically, via the Government of the United States of America's Department of Defense Cooperating Nation Information Exchange System (hereinafter "CNIES"), the Government of the United States of America provides Government of Jamaica with real-time radar track data.

To ensure that such data and other interception-related assistance is employed consistent with relevant U.S. criminal law, the Embassy proposes to formalize a mutual understanding of the nature and import of this data and the conditions governing

the use of that data and other interception-related assistance.

The text of this mutual understanding follows:

"The Government of the United States of America is willing to provide assistance in locating, identifying, tracking, and intercepting civil aircraft in Jamaica's airspace in order to facilitate the interruption of illicit drug trafficking routes and the arrest of illicit drug traffickers.

In consideration of the ongoing, mutually beneficial relationship between our two Governments in the field of law enforcement efforts to combat illicit drug trafficking, the Embassy of the United States of America proposes on behalf of the Government of the United States of America as follows:

I. Definitions

The term "U.S. Government assistance" as used in this Note shall include, but not be limited to: funding; intelligence; information; radar data (including data derived from the Cooperating Nation Information Exchange System (or "CNIES")); logistical support; command, control, and communications support; equipment; maintenance; and training provided by the Government of the United States of America.

The term "CNIES data" means data displaying the position of air and surface Tracks of Interest ("TOIS") based on geographic filters. The CNIES data includes both automatically-displayed relocatable over the horizon radar track information that has not been reviewed to ascertain the legal or illegal nature of the flight and TOIS that have been located and identified by other air surveillance systems or tracking aircraft as suspected narco-trafficking aircraft.

Consistent with Article 2 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal, September 23, 1971, to which both the Government of the United States of America and the Government of Jamaica are parties, the terms "in flight" and "in service" are used in this Note as follows:

(1) An aircraft is considered to be "in flight" at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over responsibility for the aircraft and for persons and property on board.

(2) An aircraft is considered to be "in service" from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (1) above.

The term "interception" means the act by a Jamaican aircraft of approaching and remaining near an aircraft, with the goal of identifying that aircraft, and, if necessary, directing it back to its planned route, directing it beyond the borders of Jamaican airspace, escorting it out of restricted, prohibited, or dangerous airspace, or instructing it to land.

II. Interception of Aircraft

The Government of Jamaica shall, when intercepting civil aircraft in flight, consistently and strictly adhere to the safety procedures in Annex 2 to the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (the "Chicago Convention") and amendments thereto. Further, the Government of Jamaica shall ensure that all Jamaican personnel (whether in the air, in a command and control center, or elsewhere) involved in the interception of civil aircraft are familiar with such procedures. The Government of Jamaica, when intercepting civil