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**United States of America
and
Belize**

Agreement between the Government of the United States of America and the Government of Belize concerning cooperation to suppress the proliferation of weapons of mass destruction, their delivery systems, and related materials by sea. Washington, 4 August 2005

Entry into force: *19 October 2005 by notification, in accordance with article 17*

Authentic text: *English*

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**États-Unis d'Amérique
et
Belize**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de Belize concernant la coopération en vue de la répression par mer de la prolifération des armes de destruction massive, leurs systèmes de lancement et matières connexes. Washington, 4 août 2005

Entrée en vigueur : *19 octobre 2005 par notification, conformément à l'article 17*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT
OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF BELIZE
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 Belize (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 items of proliferation concern by States and non-state actors of proliferation concern must be stopped;

Supporting 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; and

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. “Proliferation by sea” means the illicit transportation by ship of weapons of mass destruction, their delivery systems, and related materials.
2. “Weapons of mass destruction” (WMD) means nuclear, chemical, biological and radiological weapons.
3. “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.
4. “Items of proliferation concern” means WMD, their delivery systems, and related materials.
5. “Security Force Officials” means:
 - (a) for the United States, uniformed or otherwise clearly identifiable members of the United States Coast Guard and the United States Navy, who may be accompanied by clearly identifiable law enforcement officials of the Departments of Homeland Security and Justice, and other clearly identifiable officials duly authorized by the Government of the United States of America and notified to the Competent Authority of the Government of Belize; and
 - (b) for Belize, uniformed or otherwise clearly identifiable members of the National Coast Guard Service, the Belize Defence Force, or the Belize Police Department, who may be accompanied by clearly identifiable public officers or by officers of a third State, duly authorized by the Government of Belize and notified to the Competent Authority of the United States.
6. “Security Force ships” means warships and other ships of the Parties, or of third States as may be identified by one Party and notified to the other Party, 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 ship and aircraft embarked on or supporting such ships.

7. “Suspect ship” means a ship used for commercial or private purposes in respect of which there are reasonable grounds to suspect it is engaged in proliferation by sea.

8. “International waters” means all parts of the sea not included in the territorial sea, internal waters and archipelagic waters of a State, consistent with the respective Constitutions of each Party and the United Nations Convention on the Law of the Sea.

9. “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 Belize, the Commandant Belize National Coast Guard Service (including any officer designated by the Minister responsible for the Belize National Coast Guard Service to perform such functions).

Article 2

Object and Purpose of Agreement

1. The object and purpose of this Agreement is to promote cooperation between the Parties to enable them to prevent the transportation by sea of items of proliferation concern.
2. The Parties shall carry out their obligations and responsibilities under this Agreement in a manner consistent with the principles of international law pertaining to the sovereign equality and territorial integrity of States, and in accordance with their Constitutions and applicable national laws.
3. The Parties shall cooperate with each other under this Agreement to the fullest extent possible consistent with the principles of international law, but subject to the availability of resources and in compliance with their Constitutions and applicable national laws.

Article 3

Cases of Suspect Ships

Operations to suppress proliferation by sea pursuant to this Agreement shall be carried out only against suspect ships having or otherwise claiming the nationality of one of the Parties, suspect ships without nationality, and suspect ships assimilated to ships without nationality, but not against a ship registered under the law of one of the Parties while bareboat chartered in another State not party to this Agreement.

Article 4
Operations in International Waters

1. **Authority to Board Suspect Ships.** Whenever the Security Force Officials of one Party (“the requesting Party”) suspect that a ship located in international waters is a suspect ship which claims nationality in the other Party (“the requested Party”), the requesting Party may request through the Competent Authority of the requested Party, in accordance with paragraph 2 of this Article, that it:

- (a) confirm the claim of nationality of the suspect ship; and
- (b) if such claim is confirmed:
 - (i) authorize the boarding and search of the suspect ship, cargo and the persons found on board by Security Force Officials of the requesting Party; and
 - (ii) if items of proliferation concern are found, authorize the Security Force Officials of the requesting Party to exercise control over the movement of the ship, as well as items and persons on board, pending instructions conveyed through the Competent Authority of the requested Party as to the actions the requesting Party is permitted to take concerning such items, persons and ships.

2. **Contents of Requests.** Each request should contain the name of the suspect ship, the basis for the suspicion, the geographic position of the ship, the IMO number if available, the homeport, the port of origin and destination, and any other identifying information.

If a request is conveyed orally, the requesting Party shall confirm the request in writing by facsimile or e-mail as soon as possible within two hours. The requested Party shall acknowledge to the Competent Authority of the requesting Party in writing by facsimile or e-mail, or orally and confirmed in writing, its receipt of any written or oral request as soon as possible within two hours upon receiving it.

3. **Responding to Requests.**

- (a) If the nationality is not verified, the requested State may refute the claim of the suspect ship to its nationality.
- (b) If the nationality is verified, the requested Party may, if satisfied that it is a suspect ship:
 - (i) decide to conduct the boarding and search with its own Security Force Officials;
 - (ii) authorize the boarding and search by the Security Force Officials of the requesting Party;