

**AGREEMENT
BETWEEN THE
GOVERNMENT OF
THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF
THE COOK ISLANDS
CONCERNING
COOPERATION IN JOINT MARITIME SURVEILLANCE
OPERATIONS**

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

Bearing in mind the special nature of the problem of detecting illegal activity at sea, such as fisheries offences, illicit maritime drug traffic, and illegal migration;

Desiring to promote greater cooperation between the Parties, and thereby enhance their effectiveness, in detecting illegal activity at sea; and

Based on the principles of international law, respect for the sovereign equality of States, and in full respect of the freedom of navigation;

Have agreed as follows:

1. Up to two (2) officers of the Cook Islands (hereinafter, "Cook Islands authorised officers") designated pursuant to section 45 of the Marine Resources Act 2005 of the Cook Islands (hereinafter, "the Act") may be embarked on selected United States Coast Guard law enforcement vessels or aircraft operating in support of any planned operation. The United States Coast Guard shall facilitate regular communications between the Cook Islands authorised officers and their headquarters in Rarotonga, and shall provide messing and quarters for them aboard United States Coast Guard vessels in a manner consistent with United States Coast Guard personnel of the same rank.
2. Pursuant to section 45(1) of the Act, the Minister responsible for Marine Resources in the Cook Islands shall appoint the Commander and crew of the United States Coast Guard Cutters in which the Cook Islands authorised officers are embarked as authorised officers for the purpose of and to assist the Cook Islands authorised officers in performing fisheries surveillance and law enforcement activities in the Exclusive Economic Zone of Cook Islands, including stopping, inspecting, detaining, directing to port and seizing fishing vessels in accordance with the national laws and regulations of the Cook Islands.
3. The Cook Islands authorised officers shall not participate in any boarding undertaken solely pursuant to the authority of the United States, including right of visit boardings and boardings authorized by other flag and coastal States, as appropriate.
4. This Agreement shall enter into force upon signature by the Parties and shall continue until it is terminated by either Party in accordance with paragraph 5.
5. Either Party may terminate this Agreement at any time by giving written notice to the other Party through the diplomatic channel, such termination to take effect thirty (30) days following the date of notification.
6. This Agreement shall continue to apply after termination with respect to any administrative or judicial proceedings arising out of actions taken pursuant to this Agreement.

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

DONE in duplicate at Apia, Western Samoa this *25* day of *July*, 2008.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF
AMERICA:**

Handwritten signature of Hanson K Brown in cursive script.

**FOR THE GOVERNMENT OF
THE COOK ISLANDS:**

Handwritten signature of M. Rasmussen in cursive script.