

generally will reflect the contribution of the other Party to facilitating or effecting the forfeiture of such assets or proceeds.

Article 13 Claims

1. **Injury or Loss of Life.** Any claim for injury to or loss of life of a Security Force Official of a Party while carrying out operations arising from this Agreement shall normally be resolved in accordance with the laws of that Party.
2. **Other Claims.** Any other claim submitted for damage, harm, injury, death or loss resulting from an operation carried out by a Party under this Agreement shall be resolved in accordance with the domestic law of the Party to which the claim is brought and international law.
3. **Consultation.** If any damage, harm, injury, death or loss is suffered as a result of any action asserted to have been taken by the Security Force Officials of one Party in contravention of this Agreement, including action taken on unfounded suspicions, or if any improper, disproportionate or unreasonable action is asserted to have been taken by a Party, the Parties shall, without prejudice to any other legal recourse which may be available, consult at the request of either Party with a view to resolving the matter and deciding any questions relating to compensation or payment.

Article 14 Disputes and Consultations

1. **Disputes.** Disputes arising from the interpretation or implementation of this Agreement shall be settled by mutual agreement of the Parties. Where mutual agreement cannot be reached after a reasonable time, the Parties may, by mutual agreement, seek settlement of the dispute by another peaceful means of their own choice, including, but not limited to, arbitration.
2. **Evaluation of Implementation.** The Parties agree to consult as necessary to evaluate the implementation of this Agreement and to consider enhancing its effectiveness. The evaluation shall be carried out at least once a year.
3. **Resolving Difficulties.** In case a difficulty arises concerning operations under this Agreement, either Party may request consultations with the other Party to resolve the matter.

Article 15 Effect on Rights, Privileges and Legal Positions

Nothing in this Agreement:

- a. alters the rights and privileges due any person in any administrative or judicial proceeding conducted under the jurisdiction of either Party;

- b. shall be interpreted or applied in a manner that would derogate from the right of the national military authorities of a Party to engage in sea transport of any weapons, military materiel, or equipment for national defense purposes that is otherwise *consistent with international law, including international agreements to which that State is party.*

Article 16
Cooperation and Assistance

1. The Competent Authority of one Party ("the Requesting Party") may request, and the *Competent Authority of the other Party may authorize, Security Force Officials to provide technical assistance, such as specialized assistance in the boarding and search of suspect vessels, including vessels of the Requesting Party wherever located (provided that any activity in a marine area under the sovereignty of a third State has been authorized by that State), and for the boarding and search of suspect vessels located in the territory or waters of the requesting Party.*
2. Nothing in this Agreement precludes a Party from authorizing the other Party to suppress proliferation in its territory, waters or airspace, or to take action involving suspect vessels or aircraft claiming its nationality, or from providing other forms of cooperation to suppress proliferation.

Article 17
Entry into Force and Duration

1. **Entry into Force.** This Agreement shall enter into force upon an exchange of notes indicating that the internal procedures of each Party *necessary for its entry into force have been completed.*
2. **Termination.** This Agreement may be terminated by either Party upon written notification of such termination to the other Party through the diplomatic channel, termination to be effective ninety days from the date of such notification.
3. **Continuation of Actions Taken.** This Agreement shall continue to apply after termination with respect to any administrative or judicial proceedings regarding actions that occurred during the time the Agreement was in force.
4. **Proceedings Not Yet Commenced.** This Agreement shall continue to apply after termination for a period of twelve months with respect to any act or omission committed during the period in which the Agreement was in force and for which administrative or judicial proceedings have not been initiated.

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

DONE at Washington, this twenty-fifth day of July, 2005, in duplicate in the English and Greek languages, both texts being equally authentic. In case of divergence the English text shall prevail.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF CYPRUS:



APPENDIX: MODEL FORMS

Model Form: STEP 1

**Confirmation of Nationality
and**

**Request for Authorization to Board and Search Suspect Vessel
Pursuant to Article 4 of the Agreement**

Date/Time (GMT (Z)): _____

Reference (Vessel Name): _____

To: _____
(insert identification of the Competent Authority of Requested Party)

Telephone: _____

Fax: _____

e-mail: _____

From: _____
(insert identification of the Competent Authority of Requesting Party)

Telephone: _____

Fax: _____

e-mail: _____

If this box is checked, then this request confirms an urgent oral request made previously by [the United States of America directed to **select one:** *(the Minister of Foreign Affairs; the Ambassador to the United States of America; the Permanent Secretary of the Ministry of Foreign Affairs)* of the Republic of Cyprus] [the Republic of Cyprus directed to the United States Coast Guard National Command Center].

Pursuant to Article 4 of the Agreement between the Government of the United States of America and the Government of the Republic of Cyprus Concerning Cooperation to Suppress the Proliferation of Weapons of Mass Destruction, their Delivery Systems, and Related Materials by Sea (hereinafter, the "Agreement"), the Security Force Officials of [name of Requesting Party] have encountered a suspect vessel claiming nationality in [name of the Requested Party] located in international waters. Accordingly, [name of Requesting Party] invites [name of the Requested Party]'s attention to following information and requests.

1. Name/ hull number /flag of Security Force Vessel on scene: _____
2. Available Description of Suspect Vessel:
 - a. Vessel's name: _____
 - b. Claimed flag: _____

c. Call Sign: _____

d. IMO number: _____

e. Port & year of registry: _____

f. Type of vessel: (Check one)

Container

Tanker

Bulk carrier

Pleasure craft

Fishing vessel

Cruise ship

Other: _____

g. Length of vessel: _____

h. Last port of call (LPOC): _____

i. Date of LPOC: _____

j. Next port of call (NPOC): _____

k. Date of NPOC: _____

l. Claimed cargo: _____

m. Purpose of voyage: _____

3. Suspect vessel's position:

a. Latitude: _____

b. Longitude: _____

c. Geographic reference: _____

d. Course/Speed: _____ / _____

4. Persons on board, if known:

a. Number: _____

b. Name of Master: _____

c. Nationality of Master: _____

d. Master's date of birth: _____

5. Reasonable grounds to suspect that vessel is engaged in proliferation by sea: (include, if possible, a brief description of the suspect cargo, including any relationship to relevant multilateral or national export control lists, such as the Nuclear Suppliers Group Trigger List)

If this box is checked, relevant information is being provided through established information sharing channels.

6. Estimated duration indicated for the boarding based on current information (this is only an estimate and subject to substantial change depending on circumstances encountered; if this request is approved, the [name of Requesting Party] shall keep [name of Requested Party] apprised of developments and changed circumstances that may decrease or increase the duration of the boarding):

7. Action Request: The [name of Requesting Party] requests [name of the Requested Party]:

- a. Confirm the claim of nationality of the suspect vessel; and
- b. If nationality is confirmed:

(1) Authorize the boarding and search of the suspect vessel, cargo and the persons found on board by [name of the Requesting Party] Security Force Officials; and

(2) If evidence of proliferation is found, authorize the Security Force Officials of the [name the of Requesting Party] to detain the vessel, as well as items and persons on board, pending instructions conveyed through [name of the Competent Authority of the Requested Party] as to the actions the [name of the Requesting Party] is permitted to take concerning such items, persons and vessels.

Signature/Date/Time (GMT (Z)): _____

Model Form: STEPS 2-4
Response to Requests for
Confirmation of Nationality
and
Authorization to Board and Search Suspect Vessel
Pursuant to Article 4 of the Agreement

Date/Time (GMT (Z)): _____

Reference (Vessel Name): _____

To: _____
(insert identification of the Competent Authority of Requested Party)

Telephone: _____

Fax: _____

e-mail: _____

From: _____
(insert identification of the Competent Authority of Requesting Party)

Telephone: _____

Fax: _____

e-mail: _____

- If this box is checked, then this request confirms an urgent oral request made previously by [the United States of America directed to **select one:** *(the Minister of Foreign Affairs; the Ambassador to the United States of America; the Permanent Secretary of the Ministry of Foreign Affairs)* of the Republic of Cyprus] [the Republic of Cyprus directed to the United States Coast Guard National Command Center].

THIS SPACE INTENTIONALLY LEFT BLANK

STEP 2: CONFIRMATION OF NATIONALITY

In response to your request of [date/time GMT/Z from request form] for confirmation of nationality of [name of suspect vessel] pursuant to article 4 of the Agreement between the Government of the United States America and the Government of the Republic of Cyprus Concerning Cooperation to Suppress the Proliferation of Weapons of Mass Destruction, their Delivery Systems, and Related Materials by Sea (hereinafter, the "Agreement"), the [name of Requested Party] hereby:

- Confirms that the [name of suspect vessel] is presently lawfully registered in the [American Register of Ships] [Register of Cyprus Ships] and is entitled to fly the flag of the [name of Requested Party] (see section 2).
- Can neither confirm nor deny that [name of suspect vessel] is registered in Cyprus, but nevertheless stipulates that it does not object to the boarding and search by the Security Force Officials of the Requesting Party (see section 2).
- Denies that the [name of suspect vessel] is presently lawfully registered in the [American Register of Ships] [Register of Cyprus Ships] and therefore is NOT entitled to fly the flag of the [name of Requested Party].

THIS SPACE INTENTIONALLY LEFT BLANK

STEP 3: IF NATIONALITY IS CONFIRMED or STIPULATED, THEN COMPLETE STEP 3 --

Further to your request, the Government of the [name of the Requested Party] hereby:

CHECK ONLY ONE OF THE BOXES:

- Authorizes, **subject to completion of the procedures in Step 4 below**, the boarding and search of [name of suspect vessel] by Security Force Officials of [name of boarding Party] from [name and nationality of boarding platform] in international waters; and if evidence is found on board that the [name of suspect vessel] is engaged in proliferation by sea, detain the vessel as well as items and persons on board, pending instructions from [name of the Requested Party] regarding the actions the [name of Requesting Party] is permitted to take concerning the [name of suspect vessel], as well as items and persons on board.
- Authorizes the boarding and search of [name of suspect vessel] by Security Force Officials of [name of boarding Party] from [name and nationality of boarding platform] in international waters; and if evidence is found on board that the [name of suspect vessel] is engaged in proliferation by sea, detain the vessel as well as items and persons on board, pending instructions from [name of the Requested Party] regarding the actions the [name of Requesting Party] is permitted to take concerning the [name of suspect vessel], as well as items and persons on board. The Requested Party does not intend to transmit notice of authorization for the boarding to the Master. Accordingly, the requesting Party may execute this authorization forthwith.
- Is prepared to authorize the boarding and search of [name of suspect vessel] by Security Force Officials of [name of boarding Party] in international waters, but not from [name and nationality of boarding platform]. Please identify to [name of requested Party] an alternative platform, if available, and [name of requested Party] will consider the request and respond accordingly.
- Decides to conduct the boarding and search with its own Security Force Officials and proposes the following additional instructions:

- Decides to conduct the boarding and search together with the Security Force Officials of the Requesting Party and proposes the following rendezvous instructions:

- Denies authorization to stop, board, and search the [name of suspect vessel] on the following grounds:

CHECK THE APPROPRIATE BOX OR BOXES:

- According to the information officially submitted by to the Government of the [name of the Requested Party] there are not reasonable grounds to suspect that the said vessel is engaged in proliferation by sea.
- It was not possible for the Parties to mutually agree on certain additional conditions relating to the Authorization required by the Government of the [name of the Requested Party] in its capacity as the Requested Party.
- The Government of the [name of the Requested Party], in its capacity as the Requested Party, decided that under the present circumstances it is more appropriate and efficient to conduct the boarding and search of [name of suspect vessel] with its own Security Force Officials at a later date.
- Other: _____

- The present authorization is given to the [name of the Requesting Party] subject, in addition to the terms and safeguards of the Agreement, to the following additional conditions mutually agreed between the Parties:

- None*
- _____
- _____
- _____
- _____

STEP 4: INSTRUCTIONS REGARDING TRANSMITTAL OF NOTIFICATION TO THE MASTER

- The [name of the Requesting Party] shall notify the [name of the Requested Party] by [identify mode(s) of communication] of the time that it wishes to conduct the boarding and when notification to the Master should be given.
- Thereafter, [the name of the requested Party] shall notify the [name of the Requesting Party] by [identify mode(s) of communication] when it has transmitted to the Master of the suspect vessel notice that it has authorized the boarding.
- [Name of the requesting Party] may thereafter execute this authorization.

Signature/Date/Time (GMT (Z)): _____

Model Form: STEP 5
Arrangements for Transmittal of Notice to the Master of a Suspect Vessel
that the Flag State has Authorized a Boarding
Pursuant to the Agreement

Date/Time (GMT (Z)): _____

Reference (Vessel Name): _____

To: _____
(insert identification of the Competent Authority of Requested Party)

Telephone: _____

Fax: _____

e-mail: _____

From: _____
(insert identification of the Competent Authority of Requesting Party)

Telephone: _____

Fax: _____

e-mail: _____

STEP 5: INSTRUCTIONS REGARDING TRANSMITTAL OF NOTIFICATION TO THE MASTER:

- The [name of the Requesting Party] wishes to conduct the boarding at [date & time GMT (Z)].
- The [name of the Requesting Party] recommends notification of the boarding be transmitted to the Master be given [instructions on date & time GMT (Z)].

Absent exigent circumstances, the [name of the Requesting Party] shall await notification from [name of the requested Party] by [identify mode(s) of communication described by the Requested Party in Step 4 above] that it has transmitted to the Master of the suspect vessel notice that it has authorized the boarding.

Signature/Date/Time (GMT \ (Z)): _____

Model Form: STEP 6

**Confirmation of Transmittal of Notice to the Master of a Suspect Vessel
that the Flag State has Authorized a Boarding
Pursuant to the Agreement**

Date/Time (GMT (Z)): _____

Reference (Vessel Name): _____

To: _____
(insert identification of the Competent Authority of Requested Party)

Telephone: _____

Fax: _____

e-mail: _____

From: _____
(insert identification of the Competent Authority of Requesting Party)

Telephone: _____

Fax: _____

e-mail: _____

**STEP 6: CONFIRMATION OF TRANSMITTAL OF NOTIFICATION
TO THE MASTER:**

- The [name of the Requested Party] confirms that it has transmitted to the Master of the suspect vessel notice that it has authorized the boarding. Consequently, the [name of the Requesting Party] may exercise the previous authorization granted to board the suspect vessel.

Signature/Date/Time (GMT \Z): _____

Model Form: STEP 7
Report of Results of Boarding and Search of Suspect Vessel
Pursuant to Article 4 of the Agreement

Date/Time (GMT (Z)): _____

Reference (Vessel Name): _____

To: _____
(insert identification of the Competent Authority of Requested Party)

Telephone: _____

Fax: _____

e-mail: _____

From: _____
(insert identification of the Competent Authority of Requesting Party)

Telephone: _____

Fax: _____

e-mail: _____

In accordance with authorization previously granted pursuant to article 4 of the Agreement between the Government of the United States America and the Government of the Republic of Cyprus Concerning Cooperation to Suppress the Proliferation of Weapons of Mass Destruction, their Delivery Systems, and Related Materials by Sea (hereinafter, the "Agreement"), the Security Force Officials of [name of Requesting Party] boarded the suspect vessel [name of suspect vessel]. Accordingly, [name of Requesting Party] invites [name of the Requested Party]'s attention to following information and requests:

1. Boarding logistics:
 1. Time boarding commenced (GMT (Z)): _____
 2. Position at time of boarding: _____
 3. Resistance or opposition to boarding: _____
 4. Number of persons in boarding team: _____
2. Evidence of proliferation by sea:
 - The boarding yielded no evidence of proliferation by sea.
 - The boarding yielded the following evidence that the vessel is engaged in proliferation by sea:

5. Intentions/request for disposition instructions:

- Due to the absence of evidence of proliferation by sea, the [name of Requesting Party] intends to conclude the boarding and release the vessel.

- Based on the evidence described above, the [name of Requesting Party] requests from [name of Requested Party] authorization to divert and direct the suspect vessel to [name of place or port] to continue the boarding and space/cargo accountability dockside. Pursuant to authority previously granted, the [Requesting Party] will detain the vessel as well as items and persons on board, pending instructions from the [name of the Requested Party] regarding the actions the [name of Requesting Party] is permitted to take concerning the [name of suspect vessel], as well as items and persons on board.

- Based on the evidence that the vessel is engaged in proliferation by sea set forth above, the [name of Requesting Party] requests from [name of Requested Party] disposition instructions with respect to *the vessel, cargo, and persons on board*. Pursuant to authority previously granted, the [Requesting Party] will detain the vessel as well as items and persons on board, pending instructions from the [name of the Requested Party] regarding the actions the [name of Requesting Party] is permitted to take concerning the [name of suspect vessel], as well as items and persons on board.

Signature/Date/Time (GMT \Z): _____

