

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

The Government of the United States of America and the Government of the Kingdom of Tonga (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. Armed and/or uniformed officers of the Kingdom of Tonga's Tonga Defence Services, Ministry of Fisheries and Ministry of Transport hereafter, "the embarked officers" may be embarked in selected United States Coast Guard law enforcement vessels or aircraft. When embarked, the United States Coast Guard shall facilitate regular communications between the embarked officers and their headquarters in the Kingdom of Tonga, and shall provide messing and quarters for the embarked officers aboard United States Coast Guard vessels in a manner consistent with the United States Coast Guard personnel of the same rank.
2. The embarked officers shall be empowered to grant United States Coast Guard vessels and aircraft, on behalf of the Government of the Kingdom of Tonga, authority to:
  - a. enter the territorial sea of the Kingdom of Tonga to assist the embarked officers to stop, board, and search vessels suspected of violating laws or regulations of the Kingdom of Tonga, and to assist in arrest of the persons on board and seizure of contraband and vessels;
  - b. assist the embarked officers in performing fisheries surveillance and law enforcement activities in the Exclusive Economic Zone of the

Kingdom of Tonga, including stopping, inspecting, detaining, directing to port and seizing vessels in accordance with the national laws and regulations of the Kingdom of Tonga;

- c. stop, board, and search vessels located seaward of any State's territorial sea and claiming registry or nationality in the Kingdom of Tonga to assist the embarked officers in the enforcement of applicable laws and regulations of the Kingdom of Tonga; and
  - d. employ reasonable force to stop non-compliant vessels subject to the jurisdiction of the embarked officers.
3. The embarked officers may assist United States Coast Guard personnel in the conduct of any boarding undertaken pursuant to the authority of the United States, including the right of visit boardings and boardings authorized by other flag and coastal States, as appropriate.
  4. Nothing in this Agreement precludes either Party from otherwise agreeing on operations or other forms of cooperation to suppress illicit transnational maritime activity, nor does it supersede any bilateral or multilateral agreement or other cooperative mechanism concluded by either party.
  5. 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 6.
  6. 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.
  7. 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 Nuku'alofa on this day, 24<sup>th</sup> August, 2009.

  
FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

  
FOR THE GOVERNMENT OF THE  
KINGDOM OF TONGA: