

**MARITIME MATTERS**

**Law Enforcement and Shiprider**

**Agreement Between the  
UNITED STATES OF AMERICA  
and SEYCHELLES**

Signed at Victoria July 27, 2021

Entered into force July 27, 2021



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

**AGREEMENT BETWEEN**  
**THE GOVERNMENT OF THE UNITED STATES OF**  
**AMERICA**  
**AND**  
**THE GOVERNMENT OF THE REPUBLIC OF SEYCHELLES**  
**CONCERNING COUNTER ILLICIT TRANSNATIONAL**  
**MARITIME ACTIVITY OPERATIONS**

The Government of the United States of America and the Government of the Republic of Seychelles (hereafter, collectively the "Parties" and individually a "Party"):

**AWARE** of the complex nature of the problem of detecting, deterring, and suppressing illegal activities at sea;

**RECALLING** the International Convention for the Safety of Life at Sea, done at London, November 1, 1974, with annex (hereinafter, "the SOLAS Convention");

**REAFFIRMING** the importance of international law, including customary international law as reflected in the United Nations Convention on the Law of the Sea, done at Montego Bay on December 10, 1982 (hereinafter, "the 1982 Law of the Sea Convention");

**HAVING REGARD** to the urgent need for international cooperation in suppressing illicit maritime drug traffic, which is recognized in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on December 20, 1988 (hereinafter, "the 1988 UN Drug Convention");

**HAVING FURTHER REGARD** to the urgent need for international cooperation to prevent and combat transnational organized crime, as reflected in the United Nations Convention against Transnational Organized Crime, done at Palermo on November 15, 2000 (hereinafter, "Palermo Convention");

**RECALLING** that the 1988 UN Drug Convention provides, *inter alia*, that the Parties shall consider entering into bilateral and regional agreements to carry out, or to enhance the effectiveness of, the provisions of Article 17 regarding illicit traffic by sea;

TDK

red

**HAVING FURTHER REGARD** to the urgent need for international cooperation in preventing proliferation of weapons of mass destruction, as reflected in United Nations Security Council Resolution 1540 of 2004, which affirmed that proliferation of nuclear, chemical, and biological weapons, and their means of delivery, constitutes a threat to international peace and security and reaffirmed the need for Member States to prevent proliferation in all its aspects of all weapons of mass destruction;

**RECALLING FURTHER** the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on January 13, 1993; the Treaty on Nonproliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968; 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 on April 10, 1972;

**RECALLING** the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, done at New York on August 4, 1995;

**RECOGNIZING** that both Parties intend to avoid in the implementation of this Agreement damage to the marine environment;

**DESIRING TO** promote greater cooperation between the Parties, and thereby enhance their effectiveness, in detecting illicit transnational maritime activity; and

**BASED ON** the principles of international law and respect for the sovereign equality of States, and in full respect of freedom of navigation and overflight and all the rights, freedoms, and other lawful uses of the sea as reflected in the 1982 Law of the Sea Convention;

Have agreed as follows:

### **I. Purpose and Scope**

1. The purpose of this Agreement is to strengthen cooperative law enforcement activities between the Parties for the purposes of detecting, identifying, combating, preventing, and interdicting illicit transnational maritime activities.

TK

nd



2. Operations to suppress illicit transnational maritime activity shall be carried out only against suspect vessels, including vessels without nationality and vessels assimilated to vessels without nationality.
3. This Agreement reflects the mutual consent of the Parties to carry out operations and other activities described herein to suppress illicit transnational maritime activity.

## II. Definitions

For the purposes of this Agreement:

1. The terms "internal waters," "territorial sea," "contiguous zone," "archipelagic waters," and "exclusive economic zone" have the same meanings as set forth in the 1982 Law of the Sea Convention;
2. "Illegal, Unreported, and Unregulated Fishing" or "IUU Fishing" refers to the activities set out in paragraph 3 of the 2001 Food and Agriculture Organization of the United Nations (FAO) International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing;
3. "Illicit transnational maritime activity" means drug trafficking, proliferation by sea of weapons of mass destruction (WMD) and their delivery systems and any related materials, and IUU Fishing, to the extent enforcement is authorized by the laws of both Parties;<sup>1</sup>
4. "Law enforcement aircraft" means aircraft of the Parties, including military aircraft and other aircraft clearly marked and identifiable as being on government service and authorized to that effect on which law enforcement or other officials of either or both Parties are embarked, and that are engaged in law enforcement operations or operations in support of law enforcement activities or, in the case of proliferation by sea of WMD, are engaged in or in support of interdiction operations;

<sup>1</sup> Many activities that fall within the definition of IUU Fishing are not transnational in nature or subject to criminal prosecution. However, for the ease of reference, IUU Fishing is included within the definition of "Illicit Transnational Maritime Activity." In addition, "enforcement authorized by the laws" of the United States should be understood to mean all enforcement actions, including, criminal, civil judicial, administrative, and forfeiture actions.

5. "Law enforcement authorities" means:
- a. For the Government of the United States of America, the United States Coast Guard and the Department of Homeland Security; and
  - b. For the Government of the Republic of Seychelles, the Home Affairs Department and the Seychelles People's Defence Forces (SPDF);
6. "Law enforcement officials" means:
- a. For the Government of the United States of America, uniformed or otherwise clearly identifiable members of the United States Coast Guard and in the case of WMD proliferation by sea interdiction operations, uniformed or otherwise clearly identifiable members of the United States Navy and the United States Marine Corps; and
  - b. For the Government of the Republic of Seychelles, uniformed or otherwise clearly identifiable members of the Seychelles People's Defence Forces or any other authorized officer designated by the Government of Seychelles;
7. "Law enforcement vessels" means warships and other vessels of the Parties, clearly marked and identifiable as being on government service and authorized to that effect, including any boat or aircraft embarked on such vessels, as well as third party vessels, aboard which law enforcement officials of either or both Parties are embarked;
8. "Proliferation by sea" means the transportation by ship of weapons of mass destruction, their delivery systems, and related materials to or from States or non-state actors of proliferation concern;
9. "Related materials" means materials, equipment, and technology, of whatever nature or type, that are related to and designed for use in the development, production, utilization, or delivery of weapons of mass destruction;
10. "Shiprider" means a law enforcement official of one Party authorized to embark on a law enforcement vessel or aircraft of the other Party;

11. "Suspect aircraft" means an aircraft used for commercial or private purposes in respect of which there are reasonable grounds to suspect that it is engaged in illicit transnational maritime activity;
12. "Suspect vessel" means a vessel used for commercial or private purposes for which there are reasonable grounds to suspect is engaged in illicit transnational maritime activity;
13. The "territory" of the Parties means:
  - a. For the Government of the United States of America, the territory, internal waters, territorial sea, and airspace over such territory and waters (i.e. its "national airspace"), in accordance with international law;
  - b. For the Government of the Republic of Seychelles, the territory, internal waters, archipelagic waters, territorial sea, and airspace over such territory, and waters (i.e. its "national airspace"), in accordance with international law;
14. "Vessel" means any type of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary, or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service;
15. "Waters" of a Party or a State, means the territorial sea of that State and, with respect to the Seychelles, its archipelagic waters, determined in accordance with international law as reflected in the 1982 Law of the Sea Convention and, where an operation relates to the sovereign rights or jurisdiction of the State with respect to fisheries resources, the exclusive economic zone and continental shelf of the State, in accordance with international law as reflected in the 1982 Law of the Sea Convention;
16. "Weapons of mass destruction" or "WMD" means nuclear, chemical, biological, and radiological weapons.

### **III. Combined Maritime Operations Program**

1. The Parties shall establish a combined maritime operations program between the law enforcement authorities of the United States of America and the law enforcement authorities of Seychelles.

TSC

126

2. The Parties may designate qualified law enforcement officials to act as shipriders. Subject to the laws of the Parties, these shipriders may, in appropriate circumstances:

- a. Embark on law enforcement vessels of the other Party;
- b. Authorize the pursuit, by the law enforcement vessel on which they are embarked, of suspect vessels fleeing into the territory of the shiprider's State. The shiprider shall promptly inform his governmental authorities of the pursuit and entry of suspect vessels into the territory;
- c. Request and authorize law enforcement officials to assist the shiprider in the conduct of boardings of vessels to enforce the laws of the shiprider's State;
- d. Enforce, seaward of the territorial sea of either Party, the laws of the shiprider's State where authorized to do so;
- e. Seaward of the territorial sea of either Party, authorize the law enforcement vessel on which they are embarked to assist in the enforcement of the laws of the shiprider's State;
- f. Authorize the law enforcement vessel on which they are embarked to conduct counter-illicit transnational maritime activity patrols in the territorial sea and, as applicable, the archipelagic waters of the shiprider's State;
- g. Enforce the laws of the shiprider's State in the Waters of that State, or seaward therefrom, in the exercise of the right of hot pursuit or otherwise in accordance with international law; and
- h. Authorize the law enforcement authorities aboard the law enforcement vessel on which the shiprider is embarked to assist in the enforcement of the laws of the shiprider's State in the Waters of the shiprider's State.

3. When a shiprider is embarked on the other Party's law enforcement vessel, and the enforcement action being carried out is pursuant to the shiprider's authority, any search or seizure of property, any detention of a person, and any use of force pursuant to this Agreement, whether or not involving weapons, shall be carried out by the shiprider, except as follows:

TDC

Red

- a. Crew members of the other Party's vessel may assist in any such action if expressly requested to do so by the shiprider and only to the extent and in the manner requested. Such request may only be made, agreed to, and acted upon in accordance with the applicable laws of both Parties; and
  - b. Such crew members may use force in self-defense, in accordance with the applicable laws and policies of their Government.
4. When a shiprider is embarked on the other Party's law enforcement vessel, and subject to the availability of appropriated funds and resources, the other Party shall facilitate regular communications between the shiprider and the shiprider's headquarters and shall provide messing and quarters for the shiprider in a manner consistent with law enforcement officials of the other Party of the same rank.

#### **IV. Operations in the Territorial Sea and Archipelagic Waters of the Parties**

1. Neither Party shall conduct counter-illicit transnational maritime activity operations in the territorial sea and archipelagic waters of the other Party without permission from that Party, granted by this Agreement or otherwise.
2. This Agreement constitutes permission by the Government of Seychelles for the Government of the United States of America to conduct counter illicit transnational maritime activity operations in the territorial sea and archipelagic waters of Seychelles if an embarked shiprider so authorizes, in accordance with Article III.2 or if a notification is provided by the Government of the United States to the Government of the Seychelles that the Government of the United States is proceeding pursuant to the following, unless or until an objection is received:
  - a. A suspect vessel, encountered seaward of the territorial sea of the Seychelles, flees into the territorial sea or archipelagic waters of the Seychelles, and is pursued therein by a law enforcement vessel of the United States, without a shiprider embarked, in which case any suspect vessel, other than a vessel flying the flag of the Seychelles, may be boarded and searched, and, if the evidence warrants, detained pending disposition instructions from Seychelles authorities; and

TDX

red



- b. A suspect vessel is detected in the territorial sea or archipelagic waters of the Seychelles, and no shiprider is available to embark on a law enforcement vessel of the United States, in which case the law enforcement vessel may enter the territorial sea and archipelagic waters of the Seychelles in order to investigate or board and search any suspect vessel, other than a vessel flying the flag of the Seychelles, and, if the evidence warrants, detain any such vessel pending disposition instructions from Seychelles authorities.
3. Nothing in this Agreement precludes Seychelles from otherwise expressly authorizing operations by the United States in its territorial sea or archipelagic waters or, in waters beyond the territorial sea of any State, aboard its flag vessels suspected of illicit transnational maritime activity.

#### **V. Overflight and Order-to-Land Operations and Procedures**

1. The Government of Seychelles shall permit law enforcement aircraft of the United States, pursuant to this Agreement, and subject to reasonable prior notice by the United States and subsequent clearance by Seychelles, to:
  - a. Transit the national airspace of Seychelles;
  - b. With due coordination, land and remain in national airports on the occasions and for the time necessary for proper performance of the operations necessary under this Agreement, including logistics items; and
  - c. Transmit orders from the competent authorities of either Party to suspect aircraft to land in the territory of Seychelles, subject to the laws of each Party.
2. In the interest of flight safety, the Parties shall observe the following procedures when transiting Seychelles' national airspace:
  - a. In the event of planned bilateral or multilateral law enforcement operations, the United States shall provide reasonable notice, communications channels, and a flight plan to competent authorities of Seychelles of planned flights by its aircraft over the territory, including the territorial sea and, as appropriate, archipelagic waters of Seychelles.

TB

6.6

- b. In the event of unplanned operations, which may include the pursuit of suspect aircraft over the territory, territorial sea or archipelagic waters of Seychelles pursuant to this Agreement, the law enforcement and appropriate aviation authorities of the Parties shall exchange information concerning communications channels and other information pertinent to flight safety.
- c. Any aircraft engaged in law enforcement operations or operations in support of law enforcement activities pursuant to this Agreement shall comply with such air navigation and flight safety rules as may be required by aviation authorities of the Parties, and with any written operating procedures that may be developed pursuant to this Agreement for flight operations within Seychelles' national airspace.

Except as otherwise provided in this Agreement, law enforcement aircraft of a Party shall not enter the national airspace of the other Party without express authorization of that Party.

#### **VI. Landing and Port Fees**

Vehicles, vessels, and aircraft operated by or for the United States shall not be subject to the payment of landing, terminal, parking, or port fees, or navigation or over-flight charges, or tolls or similar use charges including lighterage and harbor dues; however, the United States shall pay reasonable charges for services requested and received in the implementation of this Agreement.

#### **VII. Operations Seaward of the Territorial Sea**

1. Except as expressly provided herein, this Agreement does not limit boardings of vessels conducted by either Party in accordance with international law, seaward of any State's territorial sea, whether based on, *inter alia*, the right of visit, the rendering of assistance to persons, vessels, and property in distress or peril, the consent of the vessel master, or an authorization from the flag State to take law enforcement action.
2. Whenever law enforcement authorities of one Party encounter a suspect vessel flying the flag of the other Party or claiming the nationality of the other Party, located seaward of any State's Waters, the first Party may request the Government of the other Party:

FDK

RJ

- a. To confirm the claim of the nationality of the vessel; and
  - b. If such claim is confirmed:
    - i. To authorize the boarding and search of the suspect vessel, cargo and the persons found on board by such officials; and
    - ii. If evidence of illicit transnational maritime activity is found, authorize the law enforcement authorities of the requesting Party to detain the vessel, cargo and persons on board pending expeditious disposition instructions from the Government of the requested Party.
3. The Parties may agree upon standard forms for the transmission of requests, responses to requests, and reporting of information pursuant to this Agreement. Such standard forms may be adopted, revised, and updated by the mutual consent of the law enforcement authorities of the Parties. The Parties may establish direct operations-center-to-operations-center communications to implement the provisions of this Agreement.
  4. Any request made pursuant to this Article shall be supported by the basis on which it is claimed that the reasonable grounds for suspicion exist. A requested Party shall respond to requests pursuant to this Article as expeditiously as possible.
  5. Authorization to board and search shall be understood as having been granted if the Government of the other Party has not replied to the request for authorization within three hours.

#### **VIII. Jurisdiction Over Detained Vessels**

1. In all cases arising in the territory of a Party, or seaward of any Party's territorial sea (and, in the case of fisheries enforcement, beyond the jurisdiction in accordance with international law of any coastal State) in respect of a vessel having the nationality of a Party, that Party shall have the primary right to exercise jurisdiction over a detained vessel, cargo, and persons on board, including seizure, forfeiture, arrest, and prosecution, provided, however, that Party may, subject to its constitution and laws, waive its primary right to exercise jurisdiction or elect not to exercise jurisdiction and authorize the enforcement of the other Party's law against the vessel, cargo, and persons on board.



2. In cases arising in the contiguous zone of a Party, where applicable, not involving suspect vessels fleeing from the territory of that Party or suspect vessels claiming the nationality of that Party, in which both Parties have the authority to exercise jurisdiction to prosecute, the Party that conducts the boarding and search shall have the primary right to exercise jurisdiction in accordance with international law.
3. Instructions as to the exercise of jurisdiction pursuant to paragraph 1 of this Article shall be given promptly.
4. A Party's consent to the exercise of jurisdiction by the other Party may be granted verbally, however, as soon as possible, it shall be clearly communicated in writing through diplomatic channels, without prejudice to the immediate exercise of jurisdiction over the suspect vessel by the other Party.
5. Each Party agrees to permit the return of seaworthy vessels subject to its jurisdiction and take measures, consistent with the laws and regulations of the Party, to prevent any such vessel from again engaging in illicit transnational maritime activity.

#### **IX. International Maritime Interdiction Support**

1. A Party may permit, pursuant to a request from the other Party and for the time necessary for the proper performance of the operations required under this Agreement:
  - a. The temporary mooring of law enforcement vessels of the other Party at national ports for the purpose of resupplying fuel and provisions, medical assistance, minor repairs, weather avoidance, and other logistics and purposes related to this Agreement;
  - b. Entry by other means of additional law enforcement officials of the other Party;
  - c. Entry of suspect vessels not having the nationality of either Party escorted from waters seaward of either Party's territorial sea by law enforcement officials of the other Party, subject to the requesting Party complying with any obligations with respect to the flag State in accordance with international law;

- d. Law enforcement aircraft operated by the other Party to land and remain temporarily at airports in its territory for the purposes of resupplying fuel and provisions, medical assistance, minor repairs, weather avoidance, and other logistics and purposes related to this Agreement; and
  - e. Law enforcement aircraft operated by the other Party to disembark and embark in its territory law enforcement officials of the other Party, including additional law enforcement officials.
2. The Government of the Republic of Seychelles may permit, after request to and coordination with appropriate officials, on the occasions and for the time necessary for the proper performance of the operations required under this Agreement:
- a. The escort of persons, other than its nationals, from suspect vessels detained and escorted by law enforcement officials from the United States through and exiting out of the Seychelles territory; and
  - b. Law enforcement aircraft of the United States to disembark and embark in the territory of the Seychelles, persons other than its nationals, from suspect vessels, and depart its territory with such persons on board.

#### **X. Technical Law Enforcement Assistance and Cooperation**

- 1. The law enforcement authority of a Party may direct, upon the request of the other Party, its law enforcement officials to provide specialized assistance to the law enforcement officials of the requesting Party, such as for the boarding and search of suspect vessels in the other Party's Waters.
- 2. The Parties may consider the placement of liaison personnel and investigators within Embassy or military group personnel to facilitate law enforcement investigations, prosecutions, and information-sharing consistent with this Agreement.

TOL

61

## **XI. Conduct of Law Enforcement Officials**

1. Each Party shall ensure that its law enforcement officials, when conducting boardings and searches pursuant to this Agreement, act in accordance with its applicable national laws and with international law. Such boardings and searches should be conducted in accordance with applicable national policies and accepted international practices.
2. Boarding and search teams shall be guided by the following procedures in the conduct of operations:
  - a. Boardings and searches pursuant to this Agreement shall be carried out by law enforcement officials from law enforcement vessels or aircraft.
  - b. The boarding and search teams may operate from law enforcement vessels or aircraft of the Parties.
  - c. The boarding and search team may carry standard law enforcement arms.
  - d. When conducting a boarding and search, law enforcement officials shall take due account of the need not to endanger the safety of life at sea, the security of the suspect vessel and its cargo, and the importance of not prejudicing the commercial and legal interests of the flag State or any other interested State. Such officials shall also bear in mind the need for courtesy, respect, and consideration for the persons on board the suspect vessel.
3. When conducting aviation activities pursuant to this Agreement, the Parties shall not endanger the lives of persons on board and the safety of civil aircraft.

## **XII. Third Party Vessels and Aircraft**

Pursuant to appropriate coordination and prior approval by the Parties, vessels and aircraft of States other than the Parties, including warships and vessels clearly marked and identifiable as being on government service and authorized to that effect with which either of the Parties have agreements or arrangements for countering illicit transnational maritime activities are authorized to operate pursuant to this Agreement.

### **XIII. Use of Force**

1. All uses of force by a Party pursuant to this Agreement shall be in strict accordance with applicable laws of that Party and shall in all cases be reasonably necessary under the circumstances.
2. Neither Party shall use force against any civil aircraft in flight.
3. Nothing in this Agreement shall impair the exercise of the inherent right of self-defense by law enforcement or other officials of the Parties.

### **XIV. Exchange of Laws and Policies of Each Party**

1. To facilitate implementation of this Agreement, each Party shall endeavor to inform the other Party of its applicable laws and policies, particularly those pertaining to the use of force.
2. Each Party intends to inform all officials operating pursuant to this Agreement concerning the applicable laws and policies of both Parties.

### **XV. Exchange of Information and Notification on the Results of Enforcement Actions**

1. The law enforcement authorities of both Parties shall, where practicable and to the extent permissible under the laws and policies of the Parties, exchange operational information on the detection and location of suspect vessels and make best efforts to communicate with each other.
2. A Party conducting a boarding and search pursuant to this Agreement shall promptly notify the law enforcement authority of the other Party of the results thereof.
3. Each Party shall, on a periodic basis and consistent with its laws and regulations, make reasonable efforts to inform the other Party on the status of all investigations, prosecutions, and judicial proceedings resulting from enforcement action taken pursuant to this Agreement where evidence of illicit transnational maritime activities was found.

### **XVI. Points of Contact**

1. Each Party shall identify to the other Party, and keep current, the primary point or points of contact for shiprider coordination under Article III, for disposition instructions under Article IV, for notification of overflight and order-to-land operations and procedures under Article V, for disposition and jurisdiction instructions under Articles VII and VIII respectively, for requests for verification, boarding, and search under Article VII, for notification of results under Articles VII and XV, for request for mooring and entry under Article IX as necessary, for purposes of coordination and approval of third party vessels and aircraft under Article XII, and for requests for specialized assistance under Article X of this Agreement.
2. The Parties shall ensure that the primary point or points of contact have the capability to receive, process, and respond to requests and reports at any time.

## **XVII. Disposition of Seized Property**

1. Assets seized, confiscated, or forfeited in consequence of any law enforcement operation undertaken in the territory of a Party pursuant to this Agreement shall be disposed of in accordance with the laws of that Party. Except that vessels claiming nationality of the other Party, and boarded by law enforcement officials of that Party, shall be disposed of in accordance with the laws of that Party and in accordance with this Agreement.
2. Where the flag State Party consents to the exercise of jurisdiction by the other Party pursuant to Article VIII, assets seized, confiscated, or forfeited in consequence of any law enforcement operation shall be disposed of in accordance with the laws of the Party in whose favor jurisdiction is granted.
3. To the extent permitted by its laws and upon such terms as it deems appropriate, the seizing Party may, in any case, transfer forfeited assets or proceeds of their sale to the other Party. Each transfer generally will reflect the contribution of the other Party to facilitating or effecting the forfeiture of such assets or proceeds.
4. Nothing in this Agreement precludes the Parties from concluding any other agreement on the sharing of assets from combined law enforcement operations in accordance with this Agreement.

## **XVIII. Claims, Settlement of Disputes, Consultations, and Review**

### **1. Claims:**

- a. Any injury to or loss of life of a law enforcement official of a Party shall normally be remedied in accordance with the laws of that Party.
- b. Any other claim submitted for damage, injury, death, or loss resulting from an operation carried out under this Agreement shall be processed and considered by the Party whose officials are asserted by the claimant to be responsible for the acts or omissions out of which the claim arises, in accordance with the domestic laws of that Party, and if merited, resolved in favor of the claimant.



- c. If a Party suffers loss of property, or injury or death to their personnel, as a result of any action taken by the law enforcement or other officials of the other Party in contravention of this Agreement, the Parties shall, without prejudice to any other legal rights that may be available, consult at the request of either Party to resolve the matter and decide any questions relating to compensation in accordance with the laws of the Party whose officials are asserted to be responsible for the other Party's loss.
2. Disputes arising from the interpretation or implementation of this Agreement shall be settled by mutual agreement of the Parties through diplomatic channels.
3. The Parties agree to consult as necessary to evaluate the implementation of this Agreement and to consider enhancing its effectiveness. In case a difficulty arises concerning the operation of this Agreement, either Party may request consultations with the other Party to resolve the matter.

#### **XIX. Preservation of Legal Position**

Nothing in this Agreement shall:

1. Supersede any bilateral or multilateral agreement or other cooperative mechanism concluded by the Parties, unless otherwise provided for herein;
2. Compel or provide a basis for either Party to violate any provision of the Parties' domestic laws;
3. Prejudice in any manner the positions of either Party regarding the international law of the sea; nor affect claims to maritime entitlements of either Party or any third State; or
4. Preclude either Party from otherwise expressly authorizing other operations consistent with the purpose and scope of this Agreement.

TDL

156

## **XX. Amendments**

Each Party may, at any time after entry into force, propose an amendment to this Agreement by providing the text of such a proposal to the other Party. An amendment agreed to by the Parties shall enter into force on the date of the last note in an exchange of notes between the Parties or as otherwise agreed by the Parties.

## **XXI. Entry Into Force and Duration**

1. This Agreement shall enter into force upon signature by both Parties.
2. This Agreement may be terminated at any time by either Party upon written notification to the other Party through diplomatic channels. Such termination shall take effect one year from the date of notification.
3. 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 during the time it was in force.

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

DONE AT Victoria, Seychelles, this 27<sup>th</sup> day of July 2021, in duplicate, in the English language.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF  
AMERICA:

FOR THE GOVERNMENT OF  
THE REPUBLIC OF  
SEYCHELLES:



*Thomas Kohl*  
*Acting Deputy Chief of Mission*



*Errol Fonseka*  
*Minister for Internal Affairs*