

MARITIME MATTERS

Shiprider

**Agreement Between the
UNITED STATES OF AMERICA
and PAPUA NEW GUINEA**

Signed at Port Moresby May 22, 2023

Entered into force August 16, 2023



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 UNITED STATES OF AMERICA
AND
THE INDEPENDENT STATE OF PAPUA NEW GUINEA
CONCERNING COUNTER ILLICIT TRANSNATIONAL MARITIME
ACTIVITY OPERATIONS

The United States of America (“United States”) and the Independent State of Papua New Guinea (“Papua New Guinea”) (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”);

NOTING the importance of international cooperation in suppressing illicit maritime drug traffic, as encouraged under the *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on December 20, 1988*;

FURTHER NOTING the benefits under international law of concluding bilateral or regional agreements or operational arrangements or understandings, aimed at establishing the most appropriate and effective measures to prevent the unsafe transport, and combat the smuggling, of migrants;

HAVING 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*;

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

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; and

CALLING FOR the effective domestic implementation of this Agreement, in accordance with their respective national laws,

Have agreed as follows:

Article 1
Purpose and Scope

1. The purpose of this Agreement is to strengthen Maritime Operations between the Parties, for the enforcement of laws and for the purposes of identifying, combating, preventing, and interdicting illicit transnational maritime activity, and other Maritime Operations as agreed by the Parties under this Agreement.
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.

Article 2
Definitions

For the purposes of this Agreement:

1. “**Authorities**” means:
 - a. For the United States, the United States Coast Guard; and
 - b. For Papua New Guinea, the Papua New Guinea Defence Force (**PNGDF**), and any other law enforcement agencies authorized in accordance with national law and designated by the Government of Papua New Guinea through diplomatic channels to act pursuant to this Agreement;
2. “**Illegal entry**” means crossing a Party’s international borders without complying with legal requirements for entry;
3. “**Illegal, Unreported, and Unregulated Fishing**” or “**IUU Fishing**” refers to the activities set out in paragraph 3 of the *2001 FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing*;

4. **“Illicit Transnational Maritime Activity”** means drug trafficking, migrant smuggling, the unsafe transportation of migrants, proliferation by sea of weapons of mass destruction and their delivery systems and any related materials, and IUU Fishing, to the extent enforcement is authorized by the laws of either Party;¹
5. **“Maritime Operations”** means operations between the Parties to identify, combat, prevent, and interdict illicit transnational maritime activity;
6. **“Migrant smugglers”** means persons engaged in smuggling of migrants;
7. **“Officials”** means:
 - a. For the United States, 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 Papua New Guinea, uniformed or otherwise clearly identifiable members of the Papua New Guinea Defence Force, and any other law enforcement official authorized in accordance with national law and designated by the Government of Papua New Guinea through diplomatic channels to act pursuant to this Agreement;
8. **“Official 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 Officials of either or both Parties are embarked, and that are engaged in Maritime Operations or other operations agreed to under this Agreement or, in the case of proliferation by sea of WMD, are engaged in or in support of interdiction operations;

¹ 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, administrative, and forfeiture actions.

- a. For the United States of America, aircraft operated by or on behalf of the United States Department of Defense, the United States Coast Guard, the United States Department of Justice, and/or any other agencies notified to the Ministry of Foreign Affairs of Papua New Guinea by the Government of the United States,
 - b. For Papua New Guinea, aircraft operated by the Papua New Guinea Defence Force (PNGDF) and/or any other agencies authorized in accordance with national law;
9. “**Official 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 platforms, aboard which Officials of either or both Parties are embarked;
 10. “**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;
 11. “**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 weapons of mass destruction;
 12. “**Shiprider**” means an Official of one Party authorized under its laws to embark on an Official Vessel or Official Aircraft of the other Party;
 13. “**Smuggling of migrants**” or “**migrant smuggling**” means the procurement or attempted procurement of the illegal entry of a person into the territory of a Party of which the person is not a national or a permanent resident, including where such conduct is intended to obtain a financial or other material benefit;
 14. “**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;

15. “**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;
16. The “**territory**” of a Party means:
 - a. For the United States, the land territory, internal waters, territorial sea, and airspace over such territory and waters (i.e., its “national airspace”), in accordance with international law;
 - b. For Papua New Guinea, the land territory, internal waters, territorial sea, archipelagic waters, and airspace over such territory and waters (i.e. its “national airspace”), in accordance with international law;
17. “**Unsafe transport of migrants**” means, with regard to transport by sea, the carriage of migrants on board a vessel that is:
 - a. Operating in conditions that violate fundamental principles of safety of life at sea, including but not limited to those of the SOLAS Convention; or
 - b. Not properly manned, equipped, or licensed for carrying passengers on international voyages, and that thereby constitutes a serious danger for the lives or the health of the persons on board, including the conditions for embarkation and disembarkation;
18. “**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;
19. “**Waters**” means the territorial sea of that State and, with respect to Papua New Guinea, 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. For the purposes of this Agreement, the conduct of activities to counter illicit transnational maritime activities in the territorial seas, internal waters, and archipelagic waters is subject to national law;

20. **“Weapons of mass destruction”** or **“WMD”** means nuclear, chemical, biological, and radiological weapons.

Article 3 **Maritime Operations Program**

1. The Parties shall establish a Maritime Operations program between the Authorities.
2. The Parties may designate qualified and authorized Officials to act as Shipriders. Subject to the laws of the Parties, these Shipriders may, in appropriate circumstances:
 - a. Embark on Official Vessels of the other Party;
 - b. Authorize the pursuit, by the Official Vessel on which they are embarked, of suspect vessels fleeing into the Waters of the Shiprider’s State;
 - c. Authorize Officials to assist the Shiprider in the conduct of boardings of vessels to conduct Maritime Operations;
 - d. Seaward of the Waters of either Party, authorize the Official Vessel on which they are embarked to conduct Maritime Operations;
 - e. Authorize the Official Vessel on which they are embarked to conduct counter-illicit transnational maritime activity patrols in the Waters of the Shiprider’s State;
 - f. Conduct Maritime Operations in the Waters of the Shiprider’s State, or seaward therefrom, in the exercise of the right of hot pursuit or otherwise in accordance with international law; and

- g. Authorize the Officials aboard the Official Vessel on which the Shiprider is embarked to assist in the enforcement action in the Waters of the Shiprider's State.

- 3. When a Shiprider is embarked on the other Party's Official vessel, and the Maritime Operations 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:
 - 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 and policies 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 Official Vessel, 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 Officials of the other Party of the same rank.

Article 4

Operations in the Waters of Papua New Guinea

- 1. Neither Party shall conduct Maritime Operations in the territorial sea and archipelagic waters of the other Party without permission from that Party, in accordance with this Agreement.

- 2. Subject to Article 4(1), this Agreement constitutes permission by Papua New Guinea for the Authorities of the United States to conduct counter-illicit transnational maritime activity operations in the Waters of Papua New Guinea where:
 - a. An embarked Shiprider authorizes;

- b. A suspect vessel, encountered seaward of the territorial sea of a Party, flees into the territorial sea or archipelagic waters of Papua New Guinea, and is pursued therein by an Official Vessel of the United States without a Shiprider embarked, in which case any suspect vessel may be boarded and searched, and, if the evidence warrants, detained pending disposition instructions from the Authorities of Papua New Guinea;
 - c. A suspect vessel is detected in the Waters of Papua New Guinea, and no Shiprider is available to embark on an Official Vessel of the United States, in which case the Official Vessel may enter the territorial sea of Papua New Guinea with the prior authorization of the Authority of Papua New Guinea, in order to investigate or board and search any suspect vessel, other than a flag vessel of Papua New Guinea, and, if the evidence warrants, detain any such vessel pending disposition instructions from the Authorities of Papua New Guinea;
 - d. A vessel is suspected of engaging in IUU fishing in the exclusive economic zone of Papua New Guinea, and no Shiprider is embarked on an Official Vessel of the United States, an Official Vessel of the United States may investigate or board and search such vessel, so long as it is not a flagged vessel of Papua New Guinea, and, if the evidence warrants, detain any such vessel pending disposition instructions from the Authorities of Papua New Guinea.
3. To give full effect to the purpose and objectives of this Agreement, Papua New Guinea may expressly authorize operations by the United States in Waters, or, in areas beyond the territorial sea of any State, aboard its flag vessels suspected of illicit transnational maritime activity.

Article 5
Overflight and Order-to-Land Operations and Procedures

1. Papua New Guinea may permit an Official Aircraft of the United States to:
 - a. transit the national airspace of Papua New Guinea;
 - b. 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 Papua New Guinea, subject to the laws of each Party.

2. In the interest of flight safety, the Parties shall observe the following procedures when transiting Papua New Guinea's national airspace:
 - a. In the event of planned bilateral or multilateral operations pursuant to this Agreement, the United States shall provide sufficient notice, communications channels, and a flight plan to the Civil Aviation Safety Authority of Papua New Guinea of planned flights by its Official Aircraft over the territory (including the territorial sea and archipelagic waters) of Papua New Guinea;
 - b. In the event of an unplanned operation, which may include the pursuit of suspect aircraft over the territory of Papua New Guinea pursuant to this Agreement, where the given urgency of the operation and the imminence of the threat it would not be practical to seek prior approval, the appropriate Authorities of the Parties shall exchange information concerning communications channels and other information pertinent to flight safety;
 - c. Any Official Aircraft engaged in operations in support of 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 developed pursuant to this Agreement for flight operations within Papua New Guinea's national airspace;

3. Except as otherwise provided in this Agreement, Official Aircraft of a Party shall not enter the national airspace of the other Party without express authorization of that Party.

Article 6

Landing and Port Fees and Pilotage

Vehicles, Official Vessels, and Official Aircraft operated by or for the United States, acting pursuant to this Agreement, shall not be subject to the payment of landing, parking, or port fees, or navigation or over-flight charges, or tolls or other use charges including light and harbor dues; however, the United States shall pay reasonable charges for services requested and received. Vessels owned or operated by the United States solely on United States Government non-commercial service may, at their own risk, decline pilotage at ports in Papua New Guinea.

Article 7

Operations Seaward of the Territorial Sea of the Parties

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 enforcement action to counter illicit transnational maritime activities.
2. Whenever Officials of either Party encounter a suspect vessel flying the flag of the other Party or claiming the nationality or registry of the other Party, located seaward of any State's territorial sea, the first Party may request the Government of the other Party:
 - 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 Officials 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 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 twelve hours.

Article 8

Jurisdiction Over Detained Vessels

1. In all cases arising in the Waters of a Party, or seaward of the Waters of a Party 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 the Party may, subject to its constitution and laws, waive its primary right to exercise jurisdiction or elect not to exercise jurisdiction and authorize enforcement action against the vessel, cargo, and persons on board.

2. Instructions as to the exercise of jurisdiction pursuant to paragraph 1 of this Article shall be given promptly.
3. A Party's consent to the exercise of jurisdiction by the other Party may be granted verbally, but 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.
4. Each Party agrees to permit the return of vessels they determine to be seaworthy subject to its jurisdiction and take measures, consistent with the laws and regulations of the Party, to prevent such vessel from again engaging in illicit transnational maritime activity.

Article 9
Procedures for Cases Involving
the Unsafe Transport of Migrants by Sea and
the Smuggling of Migrants

1. Each Party affirms that no person found on board a suspect vessel, including once such person has been disembarked, is to be returned involuntarily to a country in which:
 - a. that person has a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the Refugee Convention and related Protocol; and
 - b. it is more likely than not that the person would be tortured.
2. In all cases, including cases arising from operations to suppress unsafe transport of migrants by sea and smuggling of migrants in and over the waters of a Party, Papua New Guinea agrees, upon prior notification, to facilitate and accept without undue or unreasonable delay the return pursuant to this Agreement of migrants having Independent State of Papua New Guinea nationality, citizenship, or permanent residence, and, regardless of their nationality or country of origin, to give due consideration to any request by U.S. Authorities to accept the return of migrants found aboard vessels, wherever located, subject to the

jurisdiction of Papua New Guinea or operated by nationals of Papua New Guinea, or which departed from the territory of Papua New Guinea.

3. Each Party agrees, where appropriate and to the extent permitted by its law, to prosecute migrant smugglers and to confiscate vessels involved in smuggling of migrants.
4. Each Party agrees to take appropriate action against masters, officers, crewmembers, and other persons on board suspect vessels engaged in the unsafe transport of migrants by sea.
5. The relevant Party shall report unsafe or illegal practices associated with the smuggling or transport of migrants by sea and measures taken in accordance with the relevant guidance of the IMO, as appropriate.

Article 10
International Maritime Interdiction Support

1. One 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 Official 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 representatives of the other Party, subject to the prior approval and in accordance with the laws of the Shiprider's State;
 - c. Entry of suspect vessels not having the nationality of either Party escorted from waters seaward of either Party's territorial sea by Officials of the other Party, subject to that Party complying with any obligations with respect to the flag State in accordance with international law;

- d. An Official 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, and other logistics and purposes related to this Agreement; and
 - e. An Official Aircraft operated by the other Party to disembark and embark in its territory Officials of the other Party.
2. Papua New Guinea 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 Officials from the United States through and exiting out of the territory of Papua New Guinea; and
 - b. Official Aircraft of the United States to disembark and embark in the territory of Papua New Guinea persons, including migrants, other than its nationals, from suspect vessels, and depart its territory with such persons on board.

Article 11

Technical Law Enforcement Assistance and Cooperation

1. The Authorities of a Party may authorize, upon the request of the other Party, its Officials to provide specialized assistance to the Officials of the other Party, related to the boarding and search of suspect vessels in the other Party's waters.
2. The Parties shall consider the placement of liaison personnel and investigators within Embassy or military group personnel to facilitate investigations, prosecutions, and information-sharing consistent with this Agreement.

Article 12
Conduct of Officials

1. Each Party shall ensure that its 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 laws and 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 Officials from Official Vessels or Official Aircrafts.
 - b. The boarding and search teams may operate from Official Vessels or Official Aircraft of the Parties.
 - c. The boarding and search team may carry standard arms in accordance with applicable national laws and regulations.
 - d. When conducting a boarding and search, 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.

Article 13
Third Party Platforms

Vessels and aircraft, including warships and vessels clearly marked and identifiable as being on government service and authorized to that effect, of States other than the Parties with which either of the Parties has agreements or arrangements for countering illicit transnational maritime activities, may be authorized by agreement of the Parties, through mutually established operational procedures in accordance with Article 3, to operate pursuant to this Agreement.

Article 14
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 civil aircraft in flight.
3. Nothing in this Agreement shall impair the exercise of the inherent right of self-defense by Officials or any officials of the Parties.

Article 15
Exchange of Laws and Policies of Each Party

1. To facilitate implementation of this Agreement, each Party intends to inform the other Party of its applicable laws and policies, particularly those pertaining to the use of force and the determination of the status of migrants.
2. Each Party intends to inform all Officials or other representatives operating pursuant to this Agreement concerning the applicable laws and policies of both Parties.

Article 16
Exchange of Information and Notification on the Results of
Enforcement Actions

1. The Authorities of both Parties shall, where practicable and to the extent allowable 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 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 of 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.

Article 17
Points of Contact

1. Each Party shall identify to the other Party, and keep current, the points of contact for shiprider coordination under Article 3, disposition and jurisdiction instructions under Articles 7 and 8, requests for verification, boarding, and search under Article 7, notification of results under Articles 7 and 16, and requests for specialized assistance under Article 11 of this Agreement.
2. The Parties shall use their best efforts to ensure that the points of contact have the capability to receive, process, and respond to requests and reports at any time.

Article 18
Disposition of Seized Property

1. Assets seized, confiscated, or forfeited in consequence of any operation undertaken pursuant to this Agreement 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 the nationality of the

other Party, and boarded by Officials of that Party, shall be disposed of in accordance with the laws of that Party.

2. Where the flag State Party consents to the exercise of jurisdiction by the other Party pursuant to Article 8, assets seized, confiscated, or forfeited in consequence of any operation pursuant to this Agreement 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 should 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 or making any arrangement between them on the sharing of assets from combined operations.

Article 19

Claims, Settlement of Disputes, Consultations, and Review

1. Claims:
 - a. Any injury to or loss of life of an 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 during activities pursuant to this Agreement, as a result of any action taken by any 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.
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.

Article 20 Preservation of Legal Positions

Nothing in this Agreement shall:

1. Supersede any bilateral or multilateral agreement or other cooperative mechanism concluded between the Parties, unless otherwise provided for herein;
2. 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
3. Preclude either Party from otherwise expressly authorizing other operations consistent with the purpose and scope of this Agreement.

Article 21 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, noting that they have completed internal procedures necessary for entry into force of the amendment, or as otherwise agreed by the Parties.

Article 22
Entry Into Force and Duration

1. This Agreement shall enter into force on the date of the last note in an exchange of notes in which the Parties notify each other that their respective internal procedures necessary for entry into force have been completed.
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 Port Moresby, this 22nd day of May of 2023, in duplicate in the English language.

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



**FOR THE GOVERNMENT OF
THE INDEPENDENT STATE
OF PAPUA NEW GUINEA:**

