



**ARMADA DEL ECUADOR  
DIRECCION GENERAL DE LA MARINA MERCANTE Y DEL LITORAL  
Guayaquil**

**OPERATIONAL PROCEDURES FOR BOARDING AND INSPECTING  
VESSELS SUSPECTED OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND  
PSYCHOTROPIC SUBSTANCES AND OF SMUGGLING MIGRANTS BY SEA**

1. This document represents the arrangement on Operational Procedures for Boarding and Inspecting Vessels Suspected of Illicit Traffic in Narcotic Drugs and Psychotropic Substances and of Smuggling Migrants by Sea (hereafter, the Procedures) concluded by the Bureau of the Merchant Navy and Coastal Affairs of Ecuador and the United States Coast Guard (hereafter, the Participants).
2. The United States of America and the Republic of Ecuador are parties to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereafter, the 1988 Convention). With illicit trafficking of narcotics and psychotropic substances by sea, the norms and procedures available to States Parties of the 1988 Convention legitimize and facilitate the cooperation necessary to respond to this threat.
3. The United States of America and the Republic of Ecuador are parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the 2000 United Nations Convention against Transnational Organized Crime (hereafter, the Protocol). The norms and procedures available to States Parties of the Protocol legitimize and facilitate the cooperation necessary to respond to the smuggling of migrants by sea.
4. As authorized by Article 17(9) of the 1988 Convention and Article 17 of the Protocol, bilateral agreements or arrangements can be concluded to carry out, or to enhance the effectiveness of, their cooperation.
5. According to the aforementioned international instruments, other applicable rules of international law, and both countries' legislation on sovereignty and jurisdiction over their maritime space, the Participants intend to apply these operational procedures when personnel of the Ecuadorian Navy or of the United States Coast Guard (hereafter, law enforcement officials) aboard warships of their country encounter a vessel exercising freedom of navigation in accordance with international law, and flying the flag or displaying marks of registry of the State of the other Participant, about which they have reasonable grounds to suspect the vessel is engaged in illicit traffic by sea of narcotics and psychotropic substances and/or smuggling of migrants by sea (hereafter, suspect vessel).
6. The Competent Authorities for executing these Procedures are the Director General of the Merchant Navy and Coastal Affairs of the Republic of



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Ecuador and the Assistant Commandant for Response of the United States Coast Guard, acting through their respective operations centers.

7. The Competent Authorities intend to use the model forms annexed to these procedures for communications pursuant to these procedures. The Competent Authorities may, by mutual concurrence, modify or replace in accordance with their laws the model forms annexed to these procedures.
8. Whenever law enforcement officials of one Participant (hereafter, the Requesting Participant) encounter a suspect vessel claiming registry or nationality in the other Participant (hereafter, the Requested Participant), they may request through their Competent Authority verification of the suspect vessel's registry, and in case it is confirmed, the Requested Participant's authorization to board and search the vessel. The operations centers of the Competent Authorities should use the following procedures:
  - a. The Requesting Participant's operations center should prepare and fax or e-mail Form 1 requesting verification of the vessel's nationality, setting forth the reasonable grounds for suspicion, and requesting authorization to board.
  - b. The Requested Participant's operation center should immediately send Form 2, acknowledging receipt of Form 1. If the Requesting Participant's operations center does not receive a Form 2 within 15 minutes of transmitting Form 1, then it should call the Requested Participant's operations center, orally confirm receipt, and request transmission of a Form 2, or resend Form 1 if it has not been received.
  - c. The Requested Participant should process the Form 1 request in accordance with its internal procedures, and reply to the Requesting Participant using a Form 3 as expeditiously as possible after receiving the Form 1.
  - d. If the Requested Participant confirms nationality and authorizes the boarding, then the Requesting Participant should conduct the boarding in accordance with the authorization granted and report the final results of the boarding to the Requested Participant using a Form 4. While the boarding is ongoing, the Requesting Participant should keep the Requested Participant updated on the status of the boarding via telephone, fax, or e-mail communication at least every six (6) hours. If the Requesting Participant finds evidence of illicit traffic by sea of narcotics and psychotropic substances or migrant smuggling by sea, it may request disposition instructions from the Requested Participant



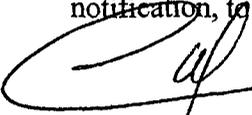
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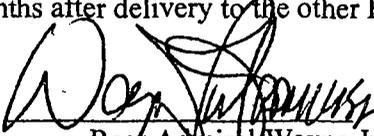
- using a Form 4 or through diplomatic channels, as may be appropriate.
- e. All forms should be signed by a responsible watch officer at the appropriate operations center. Correspondence or communication required for boarding requests, responses to boarding requests, reports on the results of boarding, or for routine repatriations of migrants should normally be handled between the respective operations centers.
  - f. If communications between the respective operations centers is disrupted, the Defense Attaché for the United States and/or the Ecuadorian Naval Attaché intend to relay information to the their respective competent authorities.
9. When the Requested Participant does not have sufficient information to confirm the nationality or registration of the suspect vessel, law enforcement officials of the Requesting Participant may, in accordance with international law and acting under its own responsibility, board the vessel to confirm its nationality
- a. If information on the nationality and registration of the suspect vessel is found, it should be provided in writing to the Requested Participant in accordance with these procedures, and the process may continue. Pending reply from the Requested Participant, the boarding personnel have the powers granted to them by international law to prevent the destruction of evidence, to maintain order on board, and to control the movement of the suspect vessel.
  - b. If, upon completion of the inspection, no additional information on the nationality of the vessel is found, the Requesting Participant may, acting under its own responsibility, proceed in accordance with international law.
10. When the Requesting Participant takes measures against a vessel that it has been authorized to board and inspect, it should be responsible for and ensure in accordance with Article 8 of the 2000 Protocol, Article 17(5) of the 1988 Convention and other applicable rules of international law that:
- a. The safety and humane treatment of the persons on board are protected;
  - b. The vessel and its cargo are not unduly endangered;



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- c. The commercial or legal interests of the State of the Requested Participant or of any other interested State are not harmed; and
  - d. To the extent permitted by available means, the measures adopted with respect to the vessel are environmentally sound.
11. When rescue is required owing to an imminent threat to the safety of human life at sea, law enforcement officials present on the scene may immediately render assistance in accordance with their responsibilities under applicable international law. A Participant taking action under this provision should report the situation to the other Participant as soon as the rescue has been completed.
  12. Narcotic drugs and psychotropic substances recovered by a participant on a suspect vessel are subject to the control and jurisdiction of the State of the flag of the vessel. The recovering Participant should make such contraband available to the Participant of the State of the flag of the suspect vessel as evidence for a criminal prosecution or other judicial proceeding as appropriate under its domestic laws.
  13. If the grounds for the measures taken under the 1988 Convention and the Protocol prove to be unfounded, then the Participants intend for the Requesting Participant to provide effective and timely recourse in respect of any claims for damages to the vessel for any loss or harm that results. The process for claims and disputes under these Procedures should be in accordance with the forms annexed to these Procedures. The Participants intend that all unforeseen situations under these Procedures should be resolved according to the norms contemplated in the 1988 Convention and the Protocol.
  14. The Participants intend for these Procedures to be effective upon signature by both Participants. The Participants may, however, suspend or cease cooperation under these Procedures unilaterally at any time by written notification, to take effect six months after delivery to the other Participant.

  
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Date  
Admiral Eduardo Navas Nájera  
Director General  
Bureau of the Merchant Navy and Coastal  
Affairs of Ecuador

  
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Date  
Rear Admiral Wayne Justice  
Director of Enforcement  
and Incident Management  
United States Coast Guard