

110TH CONGRESS
2^D SESSION

H. RES. 1505

Recognizing the United States-Bahamas Proliferation Security Initiative
Shipboarding Agreement.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2008

Ms. CLARKE submitted the following resolution; which was referred to the
Committee on Foreign Affairs

RESOLUTION

Recognizing the United States-Bahamas Proliferation
Security Initiative Shipboarding Agreement.

Whereas the United States and the Bahamas “Agreement on Cooperation to Suppress the Proliferation of Weapons of Mass Destruction, Their Delivery Systems, and Related Materials by Sea” will put into place procedures and identify points of contact to permit the inspection by either party of vessels flying their flags suspected of transporting proliferation-related cargo;

Whereas this agreement will promote the goal of the Proliferation Security Initiative (PSI) goal to stop shipments of weapons of mass destruction (WMD), their delivery systems, and related materials to and from states and non-state actors of proliferation concern;

Whereas this agreement will also serve to deter proliferators and help ensure that ships flying flags of the United States or the Bahamas will not become involved in the transport of proliferation-related cargo;

Whereas this agreement will enhance the reputation of the Bahamas' ship registry as a flag of quality and thereby increase its attractiveness to legitimate international commercial enterprises;

Whereas this agreement is the ninth bilateral shipboarding agreement the United States has signed under the auspices of the PSI;

Whereas taken together, the shipboarding agreements with the Bahamas, Liberia, Panama, the Marshall Islands, Belize, Cyprus, Croatia, Malta, and Mongolia cover a large portion of the world's cargo fleet, along with informal commitments among other PSI participating countries to expedite any request made by each other to board and inspect a ship flying their flag that is suspected of transporting proliferation-related cargo;

Whereas the shipboarding agreement with the Bahamas is important because of the size of its flag registry;

Whereas the Bahamas has the world's third largest flag registry of merchant ships, measured by gross tonnage, and serves as an open registry for ship owners from dozens of countries;

Whereas the Bahamas is demonstrating its continued commitment to nonproliferation and willingness to set an example for other countries with large flag registries;

Whereas the PSI is an informal effort among states around the world aimed at stopping trafficking of WMD, their

delivery systems, and related materials to and from states and non-state actors of proliferation concern;

Whereas the PSI is an innovative and proactive approach to preventing WMD proliferation that relies on cooperative actions by countries that are consistent with national legal authorities and relevant international law and frameworks;

Whereas more than 90 countries have endorsed the PSI and participate in its activities on a voluntary basis;

Whereas the PSI Statement of Interdiction Principles makes clear that all PSI activities are taken consistent with national legal authorities and relevant international law and frameworks;

Whereas this agreement strengthens the legal basis for the maritime interdiction of WMD-related items and conforms to both parties' domestic legal authorities and international law, including the United Nations Convention on the Law of the Sea;

Whereas the boarding procedures do not change existing international maritime law nor infringe upon the traditional principle of freedom of navigation;

Whereas the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the 2005 SUA Protocol), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, will, when it enters into force, create an international shipboarding regime that will provide an international legal framework to facilitate interdiction in international waters of WMD, their delivery systems, and related materials, as well as terrorist fugitives;

Whereas the 2005 SUA Protocol is currently before the Senate for its advice and consent to ratification;

Whereas the agreement establishes “24/7” points of contact for rapid communication in case of a suspect shipment;

Whereas if a United States or Bahamas-flagged vessel is suspected of carrying proliferation-related cargo, either one of the parties to the agreement can request the other to confirm the nationality of the shipment in question and authorize the boarding, search, and possible detention of the vessel and its cargo;

Whereas a shipboarding request can be made and implemented by either party;

Whereas the agreement applies to flagged vessels of either party located in international waters; and

Whereas the agreement does not apply to third-party vessels or to territorial waters: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) recognizes the United States and the Baha-
3 mas Proliferation Security Initiative Shipboarding
4 Agreement;

5 (2) is deeply concerned about the proliferation
6 of weapons of mass destruction (WMD), their deliv-
7 ery systems, and related materials, particularly by
8 sea, as well as the risk that such WMD may fall into
9 the hands of terrorists;

10 (3) acknowledges the widespread consensus that
11 proliferation and terrorism seriously threaten inter-
12 national peace and security;

1 (4) is convinced that illicit trafficking in WMD,
2 their delivery systems and related materials by
3 states and non-state actors must be stopped;

4 (5) reaffirms the importance of customary
5 international law of the sea as reflected in the
6 United Nations Convention on the Law of the Sea;
7 and

8 (6) commits to cooperation to stop the pro-
9 liferation by sea of WMD, their delivery systems,
10 and related materials.

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