

**AGREEMENT ESTABLISHING  
THE MICRONESIAN REGIONAL TRANSNATIONAL CRIME UNIT**

Whereas, the Palikir Communiqué signed on August 2, 2017, by the Micronesian Presidents' Summit ("MPS") mandated for a binding agreement that serves as framework establishing the objectives, operation and management of the Micronesian Regional Transnational Crime Unit ("MTCU").

Now, therefore, the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau, as Parties, have adopted the following agreement to be the legally binding framework establishing the MTCU:

**Article 1  
Establishment of the MTCU**

1. This Agreement establishes the MTCU comprised of the Attorney Generals of the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau.
2. The MTCU is officially referred to as the Micronesian Regional Transnational Crime Unit. The terms and provisions of this Agreement shall govern the MTCU.
3. In the actual performance of the duties and activities envisioned in this Agreement, and in the course of implementing decisions made in accordance with this Agreement, the Attorney Generals may from time to time designate most senior staff of their respective offices to carry out the task.

**Article 2  
Purposes of MTCU**

1. The purposes of the MTCU are as follows:
  - a. Cooperate on relevant matters described in article 3;
  - b. Serve as criminal law enforcement network that analyses trends of criminal activities in the region, risks and vulnerability against transnational crimes and terrorism, and collaboration and sharing of information throughout the membership; and
  - c. Provide high-level policy recommendations to the MPS on matters involving strengthening of criminal law enforcement, joint exercises and cross training, sharing of intelligence information; and cooperation on illegal asset recovery.

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2. The purpose of the MTCU could be modified and expanded by decision of the Parties or by express mandate of the MPS.

### **Article 3 Areas of Cooperation**

The MTCU shall provide mutual assistance and undertake collaboration among its membership on the following areas:

1. Preventing, investigating and prosecuting illegal, unreported and unregulated (IUU) fishing activities in the respective national sovereign jurisdiction, pursuant to this Agreement and or to be Niue Treaty Multilateral Subsidiary Agreement;
2. Combatting money-laundering, terrorism, and related offenses and mutual cooperation on the recovery of funds or proceeds of these crimes;
3. Exchanges of any information that could be relevant in an inquiry, criminal investigation and prosecution and, where feasible, assist each other in any way possible leading towards a successful criminal investigation or prosecution;
4. Prevention, detection and investigation of suspected trafficking in person and human smuggling;
5. Exchange of information regarding drug trafficking and drug smuggling;
6. Collaboration on cybercrime capacity building, detection, prevention, awareness and prosecution; and
7. Sharing of information regarding national and regional trends of criminal activities.

### **Article 4 Members**

1. The MTCU shall be comprised of the Attorney Generals of the Federated States of Micronesia, Republic of Marshall Islands and Republic of Palau. During meetings, the members could authorize their designees to attend meetings and take part in a decision on their behalf.
2. The membership of the MTCU could be expanded at the discretion of the members.
3. The members shall consult among themselves regarding the sharing of cost of the activities associated with the operation of the MTCU.

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## **Article 5 Meetings**

1. The MTCU shall have annual meetings, which could be held back-to-back with the MPS.
2. Members may consult each other and decide to hold special meetings.
3. Any member may recommend such subject matter that is related to the purposes of the MTCU to be discussed during regular and special meetings.
4. Decisions of the MTCU shall be by consensus.
5. Outcome of meetings shall be reported to the MPS.
6. The chair of the MPS shall act as the chair of the MTCU for the purpose of meetings. However, by consensus, another member could be designated as chair at any time.

## **Article 6 Procedure of meetings**

1. The MTCU may establish such rules of procedure as are necessary governing its meetings not inconsistent with the terms of this Agreement. The absence of written procedures concerning meetings does not invalidate any action or decision taken by the members.
2. The MTCU may amend the rules of procedure from time to time whenever necessary.

## **Article 7 Secretariat and Headquarters**

1. The MTCU shall have a joint secretariat consisting of the designated representatives of its members.
2. Members shall be responsible for covering the costs associated with the responsibilities assigned to the Secretariat.
3. Members may agree on a secondment scheme, for the assignment and placement of their law enforcement officers to service in the Secretariat.
4. The function of the Secretariat includes the following:
  - a. Facilitate and arrange the meetings of the members;



- b. Coordinate the exchanges of information and the collaboration among members in accordance with the purposes of the MTCU;
- c. Coordinate the exchanges of information and the collaboration among members and other regional and international law enforcement agencies;
- d. Support members in any ongoing investigation;
- e. Recommend measures or decisions to the members; and
- f. Provide related services and other assistance as may be assigned by the members.


**Article 8  
Entry into Force**

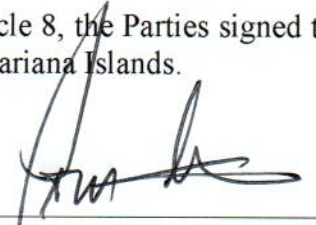
- 1. This Agreement enters into force upon notification by all the parties that their respective domestic processes in approving this Agreement have been complied with. Notification shall be provided to the depositary.
- 2. For the purpose of this Agreement, the depositary is the Attorney General of the Federated States of Micronesia.
- 3. Upon entry into force of this Agreement, the Attorney General of the Federated States of Micronesia shall designate and provide for the initial headquarters of the MTCU. Parties may at a later date, agree on a different location for the Headquarters.

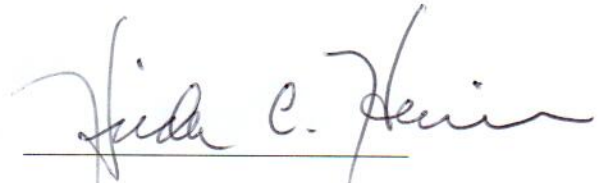
**Article 9  
Amendments**

- 1. Parties to this Agreement may amend any part hereof Agreement by consensus.
- 2. If consensus is not reached, then a decision shall be by majority.

Subject to entry into force in article 8, the Parties signed this Agreement on \_\_\_ April 2018 in Saipan, Commonwealth of the Mariana Islands.

  
 Republic of Palau  
 4/26/18

  
 Federated States of  
 Micronesia  
 4/26/18

  
 Republic of Marshall Islands  
 04/26/18