

No. 29634

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**MEXICO
and
CUBA**

**Agreement on cooperation in combating international drug
trafficking. Signed at Havana on 27 June 1990**

Authentic text: Spanish.

Registered by Mexico on 3 March 1993.

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**MEXIQUE
et
CUBA**

**Accord relatif à la coopération de lutter contre le trafic inter-
national de stupéfiants. Signé à Havane le 27 juin 1990**

Texte authentique : espagnol.

Enregistré par le Mexique le 3 mars 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE UNITED MEXICAN STATES AND
THE REPUBLIC OF CUBA ON COOPERATION IN COMBATING
INTERNATIONAL DRUG TRAFFICKING

The United Mexican States and the Republic of Cuba (hereinafter referred to as the Parties),

Deeply concerned over the extent and the growing spread of international drug trafficking, which seriously threatens the health and well-being of human beings and undermines the economic, cultural and political foundations of society,

Prompted by the spirit of the recommendations of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control adopted at Vienna on 26 June 1987 and of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted at Vienna on 20 December 1988,²

Recognizing that it is the collective responsibility of all States to eradicate drug trafficking, and that to that end concerted action is needed within the framework of bilateral and multilateral cooperation,

Determined to offer each other the mutual cooperation needed to combat international drug trafficking effectively,

Have agreed as follows:

Article I

SCOPE OF THE AGREEMENT

1. The purpose of this Agreement is to promote cooperation between the Parties to enable them to combat international drug trafficking more effectively.
2. The Parties shall adopt the necessary measures in fulfilling obligations they have assumed under this Agreement, including measures of a legislative and administrative nature, in accordance with the fundamental provisions of their respective domestic laws.
3. The Parties shall comply with their obligations under this Agreement in accordance with the principles of sovereign equality, self-determination, respect for the territorial integrity of States and non-intervention in the internal affairs of other States.
4. Neither Party shall, in the territory of the other Party, exercise jurisdiction or perform functions which are exclusively reserved for the authorities of that other Party by its sovereignty and domestic law.

¹ Came into force on 1 July 1991, the date on which the Parties informed each other of the completion of their respective constitutional procedures, in accordance with article IX.

² United Nations, *Treaty Series*, vol. 1582, No. I-27627.

Article II

SCOPE OF THE COOPERATION

The cooperation referred to in this Agreement shall include activities conducted in each of the States which are in keeping with their respective laws and are aimed at:

(a) Regulating the production, import, export, storage, distribution and sale of raw materials, chemical products, solvents and other precursor chemicals whose use could be diverted to the illicit production of narcotic drugs and psychotropic substances;

(b) Establishing systems for the exchange of information about dealing with international drug trafficking while fully respecting the jurisdiction of national authorities;

(c) Reinforcing and expanding effective legal means of cooperating bilaterally in criminal matters with a view to suppressing criminal activities connected with international drug trafficking;

(d) Offering each other, under this Agreement, the broadest possible reciprocal legal assistance in judicial investigations, proceedings and activities relating to international drug trafficking;

(e) Establishing and maintaining channels of communication between their competent agencies and services in order to facilitate a rapid and reliable exchange of information on all aspects of international drug trafficking.

Article III

MECHANISMS FOR COOPERATION

For the purposes of article II of this Agreement, the Parties agree to establish a Mexico-Cuba Committee for Cooperation against International Drug Trafficking.

Article IV

COMPOSITION OF THE MEXICO-CUBA COMMITTEE FOR COOPERATION

1. The Committee shall be composed of the coordinating authorities of the Parties, both operational and consultative. The operational authorities shall, in the case of the United Mexican States, be the Office of the Attorney-General of the Republic and, in the case of the Republic of Cuba, the Ministry of the Interior.

The consultative authorities shall be the Ministries of Foreign Affairs of the Parties.

2. The coordinating authorities of both Parties may ask public and private institutions in their respective States, whose activities are related to the subject of this Agreement, to provide any specialized advice and technical assistance required of them.

Article V

FUNCTIONS OF THE COMMITTEE

1. The main function of the Committee shall be to make recommendations, with the consensus of the coordinating authorities of the two Parties, to the respective Governments regarding the most effective way of cooperating with each other to give full effect to the obligations assumed under this Agreement.

(a) For the purpose of implementation, the recommendations of the Committee shall require the approval of the Governments of the Parties, conveyed through the diplomatic channel in a Memorandum of Understanding. Each Memorandum of Understanding shall be considered to be an annex to this Agreement.

(b) Each Memorandum of Understanding shall be implemented by the Committee's operational coordinating authorities in their respective States, in strict compliance with the provisions of article I of this Agreement.

2. In performing its main function, the Committee shall carry out other supplementary functions in order to ensure, as part of the battle against international drug trafficking, the most effective application of other bilateral agreements in force between the Parties.

Article VI

REPORTS OF THE COMMITTEE

1. Every two years, the Committee shall prepare a report on the implementation of this Agreement for submission to the Governments of the Parties, giving an account of the status of bilateral cooperation in combating drug trafficking.

2. The Parties agree that the reports referred to in this article shall be the overall basis on which their respective Governments shall act individually, bilaterally and multilaterally when evaluating the Parties' efforts in the battle against drug trafficking, using the said reports in dealings with their own competent national authorities, in their mutual relations and in international fora, especially those established by the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and recommended in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control.

Article VII

MEETINGS OF THE COMMITTEE

1. The Committee shall meet every two years at a place and date to be agreed upon, through the diplomatic channel, by the coordinating authorities; the Parties shall alternately host such meetings.

2. During its meetings, the Committee shall adopt its reports and all its recommendations and decisions by mutual agreement between the coordinating authorities.

Article VIII

UNILATERAL MEASURES

The Parties undertake to submit for approval in advance to the cooperation machinery established by this Agreement any unilateral action in this field which has or may have a negative impact on the other Party, in the spirit of cooperation governing relations between the two.

Article IX

ENTRY INTO FORCE

This Agreement shall enter into force on the date on which the Governments of the Parties have notified each other through the diplomatic channel that they have complied with all their respective constitutional requirements and procedures.

Article X

TERMINATION

Either Party may terminate this Agreement at any time, provided that it gives prior notice in writing through the diplomatic channel. In such a case, the Agreement shall terminate 90 business days after the date on which such notice is given.

Article XI

REVIEW

Every two years, the Parties shall review the manner in which this Agreement has been implemented and possible areas of cooperation to which it might be extended, and the resulting modifications or amendments shall enter into force as provided in article IX.

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

DONE at Havana, on 27 June 1990, in duplicate originals in the Spanish language, both texts being equally authentic.

For the United Mexican States:
[RAÚL CASTELLANOS JIMÉNEZ]

For the Republic of Cuba:
[RAÚL VIEIRA LINARES]