

No. 29865

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**SPAIN
and
CHILE**

**Agreement concerning cooperation in legal matters. Signed at
Santiago on 14 April 1992**

Authentic text: Spanish.

Registered by Spain on 24 March 1993.

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**ESPAGNE
et
CHILI**

**Convention de coopération en matière juridique. Signé à San-
tiago le 14 avril 1992**

Texte authentique : espagnol.

Enregistrée par l'Espagne le 24 mars 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF SPAIN AND THE REPUBLIC OF CHILE CONCERNING COOPERATION IN LEGAL MATTERS

The Kingdom of Spain and the Republic of Chile,

Desiring to intensify their traditional relations of friendship and cooperation,

Aware of the importance of an efficient administration of justice in guaranteeing respect for human rights and fundamental freedoms,

In accordance with the provisions of the preamble to the General Treaty of Cooperation and Friendship, signed at Santiago on 19 October 1990,² and especially the provisions set forth in chapter V thereof,

Have agreed as follows:

Article I

The Contracting Parties shall promote cooperation in legal matters between Government agencies, universities, research centres, institutions and other public and private entities of both countries with a view to the implementation of programmes or projects of common interest.

Article II

Without prejudice to the extension of the scope of this Agreement to all sectors which they deem to be of mutual relevance, the Contracting Parties place on record their interest in promoting legal cooperation and information in the following specific areas:

(a) Structure and administration of the judiciary and the public prosecutor's office;

(b) Methods of appointment and training of members of the judiciary and the public prosecutor's office;

(c) Access to the justice system, especially for lower-income segments of society, with particular reference to such matters as the magistrates' or municipal courts and free judicial assistance;

(d) Training and advanced training of judges and other members of the judiciary and the public prosecutor's office;

(e) Modernization of proceedings, with the aim of enhancing the efficiency of the judicial system and guarantees of due process;

(f) Upgrading of the expert witness system.

¹ Came into force provisionally on 14 April 1992, the date of signature, and definitively on 27 January 1993, i.e., 30 days after the date of the last of the notifications (of 9 June and 28 December 1992) by which the Parties had informed each other of the completion of their respective constitutional and legal requirements, in accordance with article VI.

² United Nations, *Treaty Series*, vol. 1653, No. I-28441.

Article III

For the purposes of this Agreement, legal cooperation can take the following forms:

- (a) The joint or coordinated implementation of research and development programme;
- (b) Visits by experts;
- (c) The sending of studies or documentation required for the execution of specific projects;
- (d) The development of advanced training programmes in various areas of the judicial system;
- (e) The establishment and functioning of research and advanced training institutions;
- (f) The holding of seminars and conferences;
- (g) Information concerning specific aspects of their respective legal systems and those regional organizations of which both States are members;
- (h) The exchange of publications and studies;
- (i) The development of joint activities for cooperation with third countries;
- (j) Any other form agreed upon by the Parties.

Article IV

Financing of the activities provided for in this Agreement shall be determined by mutual agreement in the case of each cooperation programme or project.

Article V

The system of expert exchanges shall be governed, in accordance with the provisions of article 21 of the General Treaty on Cooperation and Friendship of 19 October 1990, by the rules set forth in the Basic Agreement on technical assistance signed by the Parties on 28 April 1969.¹

Article VI

1. With a view to ensuring the coordination of actions undertaken in compliance with this Agreement and providing the best conditions for its implementation, the Parties hereby establish, within the framework of the General Treaty on Cooperation and Friendship of 19 October 1990, a Legal Cooperation Subcommittee, comprising representatives of the Ministries of Justice and the Ministries of Foreign Affairs of both States, which shall meet every two years, alternately in Madrid and Santiago.

This Subcommittee shall have the following functions:

- (a) Determining and delineating areas of priority in which the execution of specific legal cooperation projects would be feasible;
- (b) Analysing, assessing, approving and revising legal cooperation programmes;

¹ United Nations, *Treaty Series*, vol. 1158, p. 335.

(c) Supervising the smooth operation of this Agreement and making such recommendations as it deems pertinent;

(d) Any other function entrusted to it by the High Commission.

2. Without prejudice to the provisions of paragraph 1 above, each of the Parties may submit to the other at any time specific legal cooperation projects for their study and approval within the Subcommittee. The Contracting Parties may also convene special meetings of the Subcommittee by mutual agreement whenever they deem it necessary.

Article VII

This Agreement shall apply provisionally from the time of its signature.

It shall enter into force 30 days following the final communication between the Parties relating to the completion of their respective constitutional and legal requirements.

Article VIII

This Agreement shall have a term of four years and shall be automatically renewed for similar periods unless one of the Parties notifies the other of its desire to terminate the Agreement at least six months prior to the proposed termination date.

Termination of the Agreement shall not affect the execution of programmes and projects already under way except as otherwise decided by the Contracting Parties.

DONE at Santiago on 14 April 1992, in duplicate, both texts being equally authentic.

For the Kingdom
of Spain:

[Signed]

TOMAS DE LA QUADRA-SALCEDO
Minister of Justice

For the Republic
of Chile:

[Signed]

FRANCISCO CUMPLIDO CERECEDA
Minister of Justice