

No. 31073

VENEZUELA
and
CHILE

Agreement on the prevention, control, verification and suppression of the illegal consumption of and illicit traffic in narcotic drugs and psychotropic substances. Signed at Santiago on 2 April 1993

Authentic text: Spanish.

Registered by Venezuela on 1 July 1994.

VENEZUELA
et
CHILI

Accord relatif à la prévention, au contrôle, à la surveillance et à la répression de l'utilisation illégale et du trafic illicite de stupéfiants et de substances psychotropes. Signé à Santiago le 2 avril 1993

Texte authentique : espagnol.

Enregistré par le Venezuela le 1^{er} juillet 1994.

[TRANSLATION]

AGREEMENT¹ ON THE PREVENTION, CONTROL, VERIFICATION
AND SUPPRESSION OF THE ILLEGAL CONSUMPTION OF
AND ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHO-
TROPIC SUBSTANCES BETWEEN THE REPUBLIC OF VENE-
ZUELA AND THE REPUBLIC OF CHILE

The Government of the Republic of Venezuela and the Government of the Republic of Chile, hereinafter referred to as the Contracting Parties,

Recognizing that the illicit cultivation, production, extraction, manufacture, transformation of and traffic in narcotic drugs and psychotropic substances and the organization, expediting and financing of illicit activities related to such substances and the associated raw materials tend to undermine their economies and endanger the health of their peoples, to the detriment of their socio-economic development,

Reaffirming the commitments both States have made as Parties to the Single Convention on Narcotic Drugs on 30 March 1961,² as amended by the Protocol of 25 March 1972,³ and to the South American Agreement on Narcotic Drugs and Psychotropic Substances of 27 April 1973,⁴

Bearing in mind the provisions of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 20 December 1988,⁵

Convinced of the need to adopt additional measures to combat all offenses and associated activities connected with the illicit consumption of and traffic in narcotic drugs and psychotropic substances,

Considering the advisability of establishing rigorous control over the production, distribution and marketing of narcotic drugs and psychotropic substances, and over raw materials including the precursors and essential chemicals used in the illicit manufacture and transformation of such substances,

Interested in establishing direct channels of communication between the competent bodies of the two States and an ongoing and prompt exchange of reliable information on trafficking and related activities, and

Mindful of their constitutional, legal and administrative provisions and the need to respect the rights inherent in the national sovereignty of the two States,

Have agreed as follows:

¹ Came into force on 22 September 1993, the date of the last of the notifications by which the Contracting Parties informed each other that it had been approved pursuant to the required constitutional and legal procedures, in accordance with article XIV (1).

² United Nations, *Treaty Series*, vol. 520, p. 151; vol. 557, p. 280 (corrigendum to vol. 520); vol. 570, p. 346 (procès-verbal of rectification of the authentic Russian text), and vol. 590, p. 325 (procès-verbal of rectification of the authentic Spanish text).

³ *Ibid.*, vol. 976, p. 3.

⁴ *Ibid.*, vol. 1039, p. 53.

⁵ *Ibid.*, vol. 1582, No. I-27627.

Article I

The Contracting Parties undertake to initiate (joint) measures, harmonize policies and carry out specific programmes for the control, verification and suppression of the illicit traffic in narcotic drugs and psychotropic substances and of the raw materials used in their manufacture and transformation, in order to help eliminate the illicit production of these substances. Measures shall also be applied with a view to preventing drug consumption and treating and rehabilitating drug addicts.

Article II

For purposes of this Agreement:

(a) The term “narcotic drugs and psychotropic substances” means those listed in the Single Convention on Narcotic Drugs of 1961, as amended by the Protocol of 1972, the Convention on Psychotropic Substances of 1971¹ and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, together with any other substance considered as such under the national legislation of each Contracting Party;

(b) The term “precursors and essential chemicals” means those listed in tables I and II in the annex to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

(c) The term “competent national bodies” means the official agencies in the territory of each of the Contracting Parties which are responsible for combating the illicit use of narcotic drugs and psychotropic substances, for suppressing the illicit traffic in narcotic drugs and psychotropic substances and for preventing drug abuse and rehabilitating and treating drug addicts.

Article III

The Contracting Parties, in accordance with their domestic law, shall adopt measures to control the dissemination, publication, publicizing, propaganda and distribution of any subliminal, auditory, printed or audiovisual inducements or messages which might promote traffic in or use of narcotic drugs and psychotropic substances.

Article IV

The Contracting Parties shall intensify and coordinate efforts by the competent national bodies to prevent consumption, suppress traffic, provide treatment and rehabilitation for addicts and control narcotic drugs and psychotropic substances and shall strengthen such bodies by providing human, technical and financial resources for the implementation of this Agreement.

Article V

The Contracting Parties, in accordance with their domestic law, shall adopt appropriate measures to prosecute and punish the expediting, organization and financing of activities related to the illicit traffic in narcotic drugs and psychotropic substances. While awaiting passage of such measures, they also undertake to implement rigorous supervision of and exercise strict control over the production, importation, exportation, possession, distribution and sale of raw materials, including pre-

¹ United Nations, *Treaty Series*, vol. 1019, p. 175.

cursors and essential chemicals used in the manufacture and transformation of such substances, taking the necessary supervisory measures to protect and provide the quantities needed for lawful medical, scientific, industrial and commercial purposes.

Article VI

The Contracting Parties, in accordance with their domestic law, shall establish direct means of communication regarding detection and possible detention of ships, aircraft or other modes of transport suspected of illicitly transporting narcotic drugs and psychotropic substances or the associated raw materials, including the precursors and essential chemicals used in the illicit manufacture and transformation of such substances. The competent authorities of the Contracting Parties shall, accordingly, adopt such measures as may be considered necessary, in accordance with their domestic law.

Article VII

The Contracting Parties undertake to apprehend and confiscate, in accordance with their domestic law, any air, land or sea transport vehicle used in the illicit traffic, distribution, storage or transport of narcotic drugs and psychotropic substances, including the precursors and essential chemicals used in the illicit manufacture and transformation of such substances.

Article VIII

The Contracting Parties, in accordance with their domestic law, shall take the necessary steps and shall give each other technical assistance in carrying out inquiries and investigations for the purpose of preventing and controlling the acquisition, possession and transfer of assets derived from the illicit traffic in narcotic drugs and psychotropic substances and the associated raw materials, including precursors and essential chemicals used in the manufacture and transformation of such substances, as well as in locating and seizing such assets.

Article IX

The Contracting Parties shall provide their respective national competent bodies responsible for suppressing illicit traffic, in particular those deployed in border areas and air and sea customs offices, with special, ongoing and up-to-date training in conducting investigations, searches and seizures in matters relating to narcotic drugs and psychotropic substances and the associated raw materials, including precursors and essential chemicals.

The Contracting Parties shall exchange experts from the said bodies in order to update organizational techniques and structures to combat the illicit traffic in narcotic drugs and psychotropic substances.

Article X

The Contracting Parties, subject to the provisions of their respective legislation, shall engage in a prompt exchange of reliable information on:

(a) The national situation and trends in the consumption of and traffic in narcotic drugs and psychotropic substances;

(b) Their domestic laws concerning narcotic drugs and psychotropic substances and governing the organization of the competent national bodies responsible for the prevention of drug abuse and the treatment and rehabilitation of drug addicts;

(c) Information concerning the identification of individual producers, providers and traffickers or their associates and their methods of operation;

(d) Importation or exportation of raw materials, including the precursors and essential chemicals used in the manufacture and transformation of narcotic drugs and psychotropic substances; the volume of such operations; domestic and foreign sources of supply; trends and projections of the illicit use of such products, with a view to identifying more easily any purchase orders for illicit purposes;

(e) Control and supervision of the distribution and prescription for medical purposes of narcotic drugs and psychotropic substances; and

(f) Scientific advances in the field of drug addiction.

The information exchanged between the Contracting Parties under the terms of this article shall be in the form of official documents issued by the competent national bodies of each Contracting Party. They shall be confidential and may in no case be made public.

Article XI

With a view to achieving the objectives set out in this Agreement, the Contracting Parties have decided to establish a Joint Commission, composed of representatives of the competent national bodies and of the Ministries of Foreign Affairs of both States.

1. The Joint Commission shall have the following mandate:

(a) To recommend to the respective Governments relevant measures for achieving the objectives of this Agreement, which shall be carried out through close cooperation between the competent national bodies of each Contracting Party;

(b) To evaluate the results of such measures and to formulate plans for the coordinated prevention and suppression of the illicit traffic in narcotic drugs and psychotropic substances and the rehabilitation of drug addicts;

(c) To submit to the Contracting Parties such recommendations as may be considered appropriate for the better implementation of this Agreement.

2. The Joint Commission, which shall establish its own regulations, shall be coordinated by the Ministries of Foreign Affairs of the Contracting Parties and shall meet alternately in Venezuela and Chile at least once a year, without prejudice to the fact that special meetings may be convened through the diplomatic channel.

3. The Joint Commission may establish joint subcommissions to carry out the specific measures provided for under this Agreement and working groups to analyse and study specific topics. The subcommissions and working groups may formulate recommendations and propose measures as they see fit, for the consideration of the Joint Commission.

4. The results of the Joint Commission's work shall be submitted to the Contracting Parties, through their respective Ministries of Foreign Affairs.

Article XII

The Contracting Parties shall adopt the necessary measures for the rapid processing by their respective judicial authorities of letters of request concerning proceedings which may result from drug abuse and illicit trafficking in narcotic drugs

and psychotropic substances, as established in the domestic legal system of each of the Contracting Parties.

Article XIII

The Contracting Parties shall attempt, to the extent allowed by their laws, to standardize the criteria and procedures concerning the extradition of persons tried and convicted of illicit drug trafficking, the determination of repeat offenses and the protection of property.

They shall also inform each other of final or binding judgements handed down for crimes involving illicit traffic in narcotic drugs and psychotropic substances when such judgements are against nationals of the other Contracting Party.

Article XIV

1. This Agreement shall be adopted pursuant to the constitutional and legal requirements of both Contracting Parties and shall enter into force on the date of the later of the notifications by which the Contracting Parties inform each other that it has been approved in accordance with the norms applicable to international treaties.

2. This Agreement shall remain in force for a period of two years, renewable automatically for periods of the same duration unless one of the Contracting Parties denounces it through the diplomatic channel. The denunciation shall take effect 90 days after the receipt of such notification.

3. This Agreement may be amended solely by agreement between the Contracting Parties. The amendments shall enter into force as provided for under paragraph 1 of this article.

IN WITNESS WHEREOF, this Agreement has been signed in Santiago, Chile, on 2 April 1993, in two original copies in the Spanish language, both texts being equally authentic.

For the Government
of the Republic of Venezuela:
FERNANDO OCHOA ANTICH
Minister for Foreign Affairs

For the Government
of the Republic of Chile:
ENRIQUE SILVA CIMMA
Minister for Foreign Affairs