

No. 31431

**CHILE
and
JAMAICA**

Agreement on prevention, control, surveillance and repression of the undue consumption and illicit traffic of drugs and psychotropic substances and their precursors and specific chemicals. Signed at Kingston on 24 April 1992

Authentic texts: Spanish and English.

Registered by Chile on 16 December 1994.

**CHILI
et
JAMAÏQUE**

Accord relatif à la prévention, au contrôle, à la surveillance et à la répression de la consommation abusive et du trafic illicite de stupéfiants et de substances psychotropes ainsi que de leurs précurseurs et de produits chimiques spécifiques. Signé à Kingston le 24 avril 1992

Textes authentiques : espagnol et anglais.

Enregistré par le Chili le 16 décembre 1994.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF JAMAICA AND THE GOVERNMENT OF THE REPUBLIC OF CHILE ON PREVENTION, CONTROL, SURVEILLANCE AND REPRESSION OF THE UNDUE CONSUMPTION AND ILLICIT TRAFFIC OF DRUGS AND PSYCHOTROPIC SUBSTANCES AND THEIR PRECURSORS AND SPECIFIC CHEMICALS

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

AWARE that the illegal cultivation, production, extraction, manufacture, transformation and trade of drugs and psychotropic substances, as well as the organization, facilitation and financing of illicit activities related to these substances and their raw materials, tend to undermine their economies and endanger their peoples' health, to the detriment of their socio-economic development;

REAFFIRMING the commitments undertaken by both States as Parties to the Single Convention on Narcotic Drugs of March 30, 1961, as amended by the Protocol of March 25, 1972,² and the Convention on Psychotropic Substances of February 21, 1971;³

BEARING IN MIND the provisions contained in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on December 19, 1988;⁴

¹ Came into force on 12 January 1994, the date of the last of the notifications by which the Contracting Parties informed each other of their approval, in accordance with article XV (1).

² United Nations, *Treaty Series*, vol. 520, p. 151; vol. 557, p. 280 (corrigendum to vol. 520, p. 309); 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. 1019, p. 175.

CONVINCED of the need to adopt supplementary measures to fight against all types of offences and connected activities related to the illicit consumption and traffic of drugs and psychotropic substances;

CONSIDERING the importance of establishing a rigorous surveillance in production, distribution and trade of drugs and psychotropic substances, as well as of raw materials, including the precursors and essential chemicals used in the illicit elaboration and transformation of said substances;

DESIROUS of establishing a permanent mechanism for direct communication between the competent authorities of both States for the exchange of prompt and reliable information on narcotraffic and all other activities covered by this Agreement and;

BEARING IN MIND their constitutional, legal and administrative positions and the respect for the rights attached to the sovereignty of both States, have agreed as follows:

ARTICLE I

The Contracting Parties commit themselves to undertake joint efforts, develop common policies and conduct specific programmes for the prevention, control, surveillance and repression of the undue consumption of, and illicit traffic in drugs and psychotropic substances and of the raw materials used in their manufacture in order to contribute to the eradication of the illicit production thereof. Likewise, joint efforts shall be carried out in the field of treatment and rehabilitation of drug addicts.

ARTICLE II

For the purposes of the present Agreement, the terms below shall have the following meanings:

- A. Drugs and psychotropic substances, are those enumerated in Single Convention on Narcotic Drugs of 1961, as amended by the Protocol of 1972, and in the Convention on Psychotropic Substances of 1971, both concluded in the scope of the United Nations, as well as any other substance that may be so considered pursuant to the internal legislation of each Contracting Party;
- B. "Precursors and chemicals" are those appearing in tables I and II of the standard regulation prepared by the panel of experts in the scope of the Organization of the American States and approved at the Meeting of Ixtapa, Mexico, of April 17 to 20, 1990;
- C. "National competent services" are the official entities in the territory of each Contracting Party responsible for the prevention and control of the undue use of drugs, for the repression of the illicit traffic of narcotic drugs and psychotropic substances, their raw materials, including their precursors and specific chemicals, and for the rehabilitation of drug addicts.

ARTICLE III

The Contracting Parties shall take steps to discourage the dissemination, publication, advertising, promotion and distribution of the material containing stimuli and messages that may favour the traffic and consumption of drugs and psychotropic substances, including their precursors and specific chemicals.

ARTICLE IV

The Contracting Parties shall make every effort to enhance and coordinate the efforts of the competent national services for the prevention of consumption, repression of traffic, control of drugs and psychotropic substances, their precursors and chemicals, the treatment and rehabilitation of drug addicts as well as for the reinforcement of such services with human, technical and financial resources, for the execution of the present Agreement.

ARTICLE V

The Contracting Parties shall adopt, in accordance with their internal legislation, such measures as may be appropriate to prosecute and punish the facilitation, organization and financing of activities related to the illicit traffic of drugs and psychotropic substances. Likewise, subject to said rules, they commit themselves to carry out a rigorous surveillance and strict control of the production, import, export, possession, distribution and sale of raw material, including the precursors and essential chemicals used in the manufacture of said substances, taking the necessary precautions to protect the amounts required to satisfy

the licit consumption for medical, scientific, industrial and commercial purposes.

ARTICLE VI

The Contracting Parties, in accordance with their internal legislation, shall establish direct communication concerning the discovery and subsequent detention of vessels, aircraft and other means of transportation suspected of illicitly carrying drugs or psychotropic substances or their raw materials, including the precursors and essential chemicals used in the manufacture and transformation of those substances. Therefore, the competent authorities of the Contracting Parties shall adopt such measures as they deem necessary, in accordance with their internal legislation.

ARTICLE VII

The Contracting Parties commit themselves to seize and confiscate, in accordance with their national legislation, the air, ground or sea transportation vehicles used in the illicit traffic, distribution, storage or transportation of drugs or psychotropic substances, including their precursors and the essential chemicals used in the illegal manufacture and transformation of these substances.

ARTICLE VIII

The Contracting Parties, in accordance with their internal legislation, shall adopt the necessary measures and provide each

other with technical assistance to carry out tracings and investigations in order to locate, seize and secure these assets acquired as a result of the illicit traffic of drugs and psychotropic substances and their raw materials, including the precursors and essential chemicals used in the manufacture and transformation of these substances.

ARTICLE IX

The Contracting Parties shall make every possible effort to provide their respective competent national services in charge of repressing illicit traffic, especially those appointed at bordering areas and at air and sea customs, with special permanent and updated training on the investigation, tracing and seizure of drugs and psychotropic substances as well as their raw materials, including the precursors and essential chemicals.

The Contracting Parties shall exchange experts of said services for updating the techniques and organization structures in the fight against illicit traffic of drugs and psychotropic substances.

ARTICLE X

The Contracting Parties, subject to the provisions contained in their respective legislation, shall exchange prompt and reliable information on:

- A. Internal trends in the consumption of and the extent of trafficking in drugs and psychotropic

- substances and of their raw material, including the precursors and specific chemicals;
- B. Their respective internal legislation concerning drugs and psychotropic substances and the organization of competent national services responsible for the prevention, treatment and rehabilitation of drug addicts;
 - C. Data relative to the identification of individual or associated producers, suppliers and dealers and to their methods of action;
 - D. The import and export of raw materials, including the precursors and essential chemicals used in the manufacture of drugs and psychotropic substances; the extent of these operations; the internal and external supply sources; trends and projections of the illicit consumption of such products, in order to facilitate identification of potential orders for illicit purposes;
 - E. Inspection and surveillance of the medical distribution and prescription of drugs and psychotropic substances; and
 - F. Scientific advances in the field of pharmacodependence.

The information to be exchanged by the Contracting Parties by virtue of the present Article, shall be contained in official documents of the respective coordinating authorities which will have a confidential character and shall not be intended for public notice.

ARTICLE XI

With a view to attaining the objectives contained in the present Agreement, the Contracting Parties have decided to create a Joint Commission which shall be composed of the coordinating authorities of both parties and shall have consultative and operational functions.

The coordinating authorities in the case of Jamaica shall be the Ministry of Foreign Affairs and Foreign Trade and the Attorney General's Department with respect to consultative functions, and the Ministry of National Security and Justice and the National Council on Drug Abuse with respect to operational functions. In the case of the Republic of Chile they shall be The Ministry of Foreign Affairs with respect to consultative functions and The National Council for the Control of Drugs with respect to operational functions.

ARTICLE XII

1. The Joint Commission shall have the following functions:
 - A. To elaborate plans for the coordinated prevention and repression of illicit traffic of drugs and psychotropic substances and their raw materials, including the precursors and specific chemicals, and for the rehabilitation of drug addicts.
 - B. To recommend to the respective Governments the appropriate actions to achieve the objectives of the present Agreement. The recommendations will

be developed through close cooperation between the coordinating authorities of each Contracting Party.

2. The Joint Commission, which is to elaborate its own regulations, shall be coordinated by the Ministries of Foreign Affairs of the Contracting Parties and meet alternately in Jamaica and in Chile at least once a year, although extraordinary meetings may be convened through diplomatic channels.

3. The Joint Commission may create sub-commissions for the development of the specific actions contained in the present Agreement, and working groups to analyze and study specific issues. The sub-commissions and working groups may make recommendations or propose such measures as they may deem necessary to the Joint Commission.

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

ARTICLE XIII

The Contracting Parties shall adopt such measures as may be necessary for the prompt processing between their respective judicial authorities, of letters rogatory related to actions brought on the illicit traffic of drugs and psychotropic substances, their precursors and specific chemicals, in accordance with the offences typified in the internal juridical ordinances of each Contracting Party.

ARTICLE XIV

The Contracting Parties shall seek to conclude an extradition Treaty within a reasonable time.

ARTICLE XV

1. The present Agreement shall be approved in accordance with the constitutional rules of both Contracting Parties and enter into force on the date of the last notice by either Party communicating to the other the approval thereof in accordance with the rules applicable to international treaties.

2. The present Agreement shall remain in force for two years and may be automatically extended for equal periods, unless otherwise denounced by either Contracting Party through diplomatic channel. The denunciation shall have effect ninety (90) days after notice thereof.

3. The present Agreement may only be amended by mutual consent of the Contracting Parties. Such amendments shall enter into force in the manner indicated in paragraph 1 of this Article.

Done in the city of Kingston on the 24th day of April, 1992, in two originals in the English and Spanish languages, both texts being equally authentic.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in KINGSTON, JAMAICA, on this 24th day of April 1992.

For the Government
of Jamaica:



For the Government
of the Republic of Chile:



¹ Illegible.

² Enrique Silva Cimma.