

No. 32475

**BRAZIL
and
UNITED STATES OF AMERICA**

**Memorandum of Understanding on narcotics control (with
annexes). Signed at Brasília on 20 August 1993**

Authentic texts: Portuguese and English.

Registered by Brazil on 31 January 1996.

**BRÉSIL
et
ÉTATS-UNIS D'AMÉRIQUE**

**Mémorandum d'accord sur le contrôle des stupéfiants (avec
annexes). Signé à Brasília le 20 août 1993**

Textes authentiques : portugais et anglais.

Enregistré par le Brésil le 31 janvier 1996.

MEMORANDUM OF UNDERSTANDING¹ ON NARCOTICS CONTROL BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL AND THE EMBASSY OF THE UNITED STATES OF AMERICA

The Government of the Federative Republic of Brazil
and
The Government of the United States of America
(hereinafter called the "Parties")

DESIRING to strengthen cooperation between the two countries in the combatting of illicit drugs,

RECOGNIZING the importance that both countries attribute to the subject and

ATTRIBUTING particular importance to the implementation of the 1986 Mutual Cooperation Agreement,

HAVE COME to the following understanding:

I. General

A. In accordance with the 1986 Mutual Cooperation Agreement, the Parties jointly agree to establish and to support a project designed to limit and reduce the production, processing, trafficking, and consumption of narcotics within Brazil and the transit of narcotics through Brazil. To accomplish this goal, the two governments will provide such resources and take such actions as specified in this Memorandum of Understanding (hereinafter referred to as the Memorandum) to the extent authorized by the respective legislative processes of both countries.

B. The actions to be taken and the resources to be provided by the GOB and the USG in support of this project as set forth below are accepted by the signatories as firm commitments unless otherwise amended by joint agreement. Funds granted by the USG by the terms of this Memorandum are specified in the Annexes A, B, and C.

C. The Ministry of Foreign Affairs, representing the GOB and the Embassy of the United States, representing the USG, agree to support all provisions of this Memorandum from the date of signing through the final contribution date, except as this Memorandum may be jointly amended or terminated.

D. Implementation of this Memorandum will be by the Narcotics Affairs Section (NAS) of the Embassy of the United States of America and the Narcotics Enforcement Division of the Brazilian Federal Police Department.

¹ Came into force on 20 August 1993 by signature, in accordance with article V.

II. Project Description

A. This project is designed to enhance the GOB's capability to suppress the cultivation, processing, trafficking, consumption, and export of illicit cocaine and its by-products. Toward these goals, the USG and the GOB will take actions and commit resources as authorized by their respective legislative processes to establish and/or improve capabilities of existing narcotics law enforcement agencies in Brazil and the authorities under which they function.

B. The life of this project is for one year and will use USG fiscal year 1993 funds. Continued USG support beyond the one-year period of this Memorandum depends on satisfactory progress during the year and the availability of funds authorized yearly by the United States Congress and approved by the United States Department of State, Bureau of International Narcotics Matters (INM).

III. Project Goal and Achievement Verification

The specific goal of this project is to reduce the trafficking of illegal cocaine and its by-products through Brazil and to reduce its production, processing, and consumption in Brazil. It is also intended to support the GOB's efforts to control the illegal diversion of chemicals used in the production of cocaine. Progress toward achievement of the project goal will be measured in terms of related facts occurring from the date of implementation of the project. Methods of verification of project achievement include liaison and observation by cooperating personnel of the two governments, and by official Brazilian records of arrests and convictions of narcotics law violators and seizures and destruction of illicit cocaine and its by-products.

IV. Standard Provisions

A. Financing

Disbursements of USG grant funds for procurement of goods and services will be made as charges against sub-obligating documents prepared and issued by the Narcotics Affairs Section (NAS) or by INM.

B. Title

Title to all property, such as boats, vehicles and other items, procured through financing by the USG will be in the appropriate Brazilian entity, unless otherwise specified in the applicable procurement document.

C. Use of Property/Personnel

1. Any equipment or goods purchased through financing by the USG shall be devoted to execution of the project objectives. The GOB shall return to the USG any property that it obtains through financing by the USG that is not used in accordance with this provision.
2. The GOB shall select and nominate suitable candidates for narcotics control training funded under the terms of this Memorandum. The GOB agrees to retain personnel who have received narcotics training from the United States in a narcotics enforcement assignment for a minimum of two years after completing such training, except in special cases where there is mutual agreement.

D. Evaluation

1. For this project, as well as other projects still being conducted with USG assistance from previous years, the Parties shall have the right to periodically: a) examine any property purchased under this project to determine that such property is being used in accordance with the terms of the project, and b) request and receive any records and accounts relating to funds under this Memorandum that may have been used to purchase properties and contract services to determine that such funds, services or properties are being used properly in accordance with the terms of the project. Review of related property and records will terminate by mutual agreement.
2. The parties agree to jointly monitor the progress of the life of the project.
3. Each party will furnish the other with available, pertinent information as necessary to evaluate the effectiveness of project operations under the terms of this Memorandum. At the termination of the project, a completion report shall be issued as an integral part of this process. The completion report will include summary of United States and Brazilian project contributions, a record of activities performed and objectives achieved and related basic data.

E. Applicable Laws

All activities resulting from this Memorandum will be developed in accordance with the laws and regulations in force in both countries.

F. Taxes, Duties

Importation fees and customs duties applying to any material or equipment entered in Brazil under this memorandum will be governed by paragraph 2 of Article III of the 1986 Agreement.

V. Termination

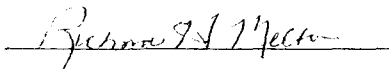
1. This Memorandum of Understanding shall enter into force when signed by authorized representatives of both governments. Either party may terminate this Memorandum by giving the other party 90-day prior written notice of the intention to do so. Termination of this Memorandum shall cancel any obligations of the two parties to make contributions pursuant to this Memorandum, except for payments relative to non-cancelable commitments assumed with third parties before the 90-day written notice to terminate this Memorandum.

VI. Final Provision

The Embassy of the United States of America, in cooperation with the Assistant Secretary of State for Narcotics Matters, will carry out the functions of the United States Government under this Memorandum. The USG may assign these responsibilities to other agencies or officials without affecting the rights or obligations of any party to this Memorandum.

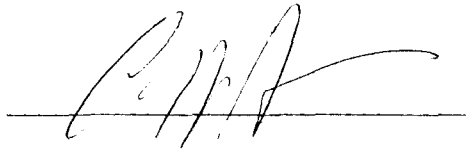
DONE in the city of Brasilia, this 2^o day of August, 1993, in two originals in the English and Portuguese languages with both texts being equally authentic.

For the Government
of the United States of America:



RICHARD H. MELTON
Ambassador

For the Government
of the Federative Republic of Brazil:



CELSO AMORIM
Acting Minister
of External Relations

ANNEX A
PROJECT RESOURCE INPUTS
FY 1993

COUNTRY: BRAZIL
TITLE: NARCOTICS CONTROL
PROJECT: FEDERAL POLICE ENFORCEMENT
NUMBER: 1911-31022.2-0102 US\$400,000

OBJECTIVE: To provide the Brazilian Federal Police officials involved in narcotics law enforcement (DPF/DRE) with essential operations support to conduct effective investigative and interdiction operations against international cocaine traffickers and processors.

U.S. CONTRIBUTION

Operations Support/General

- Organized Crime Investigations \$225,000
To support investigations conducted by the DPF/DRE, based on information acquired independently or through the U.S. Drug Enforcement Administration (DEA), against cocaine traffickers leading to their arrest and the seizure of significant quantities of cocaine HCl and paste and the destruction of cocaine processing laboratories.
- Chemical Control 50,000
To support a project to detect, monitor, and seize major diversions of precursor chemicals from both domestic and foreign sources that are used in the manufacture of cocaine HCl. Support includes funding for data input operators.
- Amazon Survey 50,000
To support an information monitoring program that detects penetrations in the States of Amazonas, Acre, Rondonia, and Foraima by traffickers from neighboring countries, and allows the DPR/DRE to gather information regarding transshipment of cocaine and diverted chemicals and any processing laboratories.
- Canine 75,000
To support care and maintenance of dogs and kennels and provide per diem and travel for quarterly monitoring visits to field kennels by Brasilia kennel instructors.

BRAZILIAN CONTRIBUTION

Narcotics control personnel screened for professional aptitude and integrity; salaries and allowances; personnel equipment; office facilities; basic administrative equipment and supplies; maintenance for office, field, and technical equipment funded by the USG.

ANNEX B
PROJECT RESOURCE INPUTS
FY 1993

COUNTRY: BRAZIL
TITLE: NARCOTICS CONTROL
PROJECT: FEDERAL POLICE ENFORCEMENT/MAJOR INTERNATIONAL
CARTELS

NUMBER: 1911-31022.2-0102 \$400,000

OBJECTIVE: To provide the Brazilian Federal Police officials involved in narcotics law enforcement (DPF/DRE) with essential equipment and operations support to conduct effective investigative and interdiction operations against specific high-level international narcotics cartel leaders and their operations. This project includes intelligence assistance from the U.S. Drug Enforcement Administration (DEA).

U.S. CONTRIBUTION

| | |
|-----------------------|-------------|
| A. Operations Support | US\$300,000 |
| B. Equipment | US\$100,000 |

BRAZILIAN CONTRIBUTION

Narcotics control personnel screened for professional aptitude and integrity; salaries and allowances; personnel equipment; office facilities; basic administrative equipment and supplies; maintenance for office, field, and technical equipment funded by the USG.

ANNEX C
PROJECT RESOURCE INPUTS
FY 1993

COUNTRY: BRAZIL

TITLE: NARCOTICS CONTROL

PROJECT: FEDERAL POLICE ENFORCEMENT/RIVERINE

NUMBER: 1911-31022.2-0102 US\$500,000

OBJECTIVE: To provide the Prazilian Federal Police officials involved in narcotics law enforcement (DPF/DRE) with essential equipment, training, and operations support to conduct intelligence gathering and interdiction operations in Brazil's northern and western rivers with the aim of stemming the movement of cocaine and illegally diverted chemicals. This project includes intelligence assistance from the U.S. Drug Enforcement Administration (DEA).

OPERATIONAL OBJECTIVES AND MILESTONES

The Riverine program's first objective is to collect and analyze intelligence. The second objective is to conduct riverine and ground-based interdiction operations based on this intelligence. Intelligence production and analysis will come from DPF efforts and DEA-generated information from Brazil and neighboring countries as well.

- With NAS and DEA assistance, the DPF/DRE will establish boat units in the areas of Manaus, Santarem, and Guajara-Mirim. Manaus will function as the primary boat unit.

- By June 30, 1993, using assets already at its disposal, the DPF/DRE primary riverine unit in Manaus will be operational. Principal assets include the mother ship "Tai," at least two Boston Whaler boats, and radio transmitting and receiving equipment sufficient to began intelligence gathering operations. Additional equipment will be ordered by July 30.

- By July 30, the boat units in Belem and Guajara-Mirim will submit operational plans based on equipment needs. Additional units in Santarem and Macapa will become operational as funding permits.

- To provide training in specific areas identified by DPF/DRE and NAS. Advanced piloting and logistics training will be conducted by mid-June in Manaus and a training review survey will be conducted by the end of June.

- To provide equipment specific to the riverine program that would enhance the riverine units' abilities to conduct successful intelligence and interdiction operations. By August 30, equipment needs will be reviewed and agreed upon. Included in this review will be the possibility of relocation

of USG-purchased Boston Whaler boats. Future purchase of additional boats will be determined by a finding of adequate use of the Boston Whaler boats in operations against cocaine trafficking.

- To plan intelligence-based interdiction operations against specific targets using the rivers.

-To provide manpower support for specific operations in areas where boat units are small, such as Guajara-Mirim. NAS will provide transportation and per diem expenses to support specific efforts.

-To determine progress of program, DPF/DRE, DEA, and NAS will review riverine program on a monthly basis. Release of fund increments will be contingent on accomplishment of agreed upon goals.

U.S. CONTRIBUTION

- | | |
|-----------------------|-------------|
| A. Operations Support | US\$300,000 |
| B. Equipment | US\$100,000 |
| C. Training | US\$ 50,000 |
| D. Reserve | US\$ 50,000 |
- (To provide for special projects or needs, as determined by DPF/DRE and NAS.)

BRAZILIAN CONTRIBUTION

Narcotics control personnel screened for professional aptitude and integrity; salaries and allowances; personnel equipment; office facilities; basic administrative equipment and supplies; maintenance for office, field, and technical equipment funded by the USG.

MEMORANDUM OF UNDERSTANDING ON NARCOTICS CONTROL
 BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
 THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL

| | | | | | | | | |
|--|------------------------|----------|----------------------------|---------------|---|----------|------------------------------------|---------------|
| The above-named parties hereby mutually agree to carry out a project in accordance with the terms set forth herein and the terms set forth in any annexes attached or checked below: <input checked="" type="checkbox"/> PROJECT DESCRIPTION <input checked="" type="checkbox"/> STANDARD PROVISIONS Annexes <input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E | | | | | 1. Project No. 0102 | | Page 1 of 1 | |
| | | | | | 2. Agreement No. N/A | | 3. Original or Revision No. N/A | |
| This Project Agreement is further subject to the terms of the following Agreement between the two Governments as modified and supplemented. <input type="checkbox"/> GENERAL AGREEMENT FOR TECHNICAL COOPERATION <input checked="" type="checkbox"/> OTHER AGREEMENT 1986 Mutual Cooperation Agreement on Narcotics | | | | | 4. Project Title NARCOTICS CONTROL | | | |
| | | | | | 5. Appropriation Symbol 19-1131022.2 | | 6. Allotment Symbol 0106 | |
| 7. Fiscal Year | Previous Total this FY | Increase | Decrease | Total this FY | Previous Total | Increase | Decrease | Total to Date |
| 1993 | N/A | N/A | N/A | \$1,300,000 | (A) | (B) | (C) | (D) |
| (a) Total Costs for Federal Police Enforcement Project only. | | | | | - | - | - | \$1,300,000 |
| (b) Personnel Services (other than direct hire) | | | | | | | | |
| (c) Commodity Costs | | | | | | | | |
| (d) Participant Costs | | | | | | | | |
| (e) Other Costs | | | | | | | | |
| 8. Date of Original Agreement September 3, 1986 | | | 9. Date of Revision N/A | | 10. Sub-Obligation Terminal Date N/A | | | |
| | | | | | 11. Funds Available _____ (B&F Office) _____ (Date) | | | |
| 13. For the Cooperating Government or Agency | | | | | 12. For the Embassy of the United States of America | | | |
| SIGNATURE <u>[Signature]</u> DATE <u>20/08/93</u> | | | | | SIGNATURE <u>[Signature]</u> DATE <u>20 Aug 93</u> | | | |
| TITLE <u>ACTING MINISTER OF FOREIGN AFFAIRS</u> | | | | | TITLE <u>AMBASSADOR</u> | | | |

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