



**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
AND
THE GOVERNMENT OF THE ARGENTINE REPUBLIC
ON
CO-OPERATION AND MUTUAL ASSISTANCE
IN THE FIELD OF COMBATING THE PRODUCTION OF AND
ILLICIT
TRAFFIC IN NARCOTICS AND PSYCHOTROPIC SUBSTANCES,
THE IMPROPER USE OF DRUGS
AND
RELATED MATTERS**

PREAMBLE

The Government of the Republic of South Africa and the Government of the Argentine Republic (hereinafter jointly referred to as the "Parties" and in the singular as a "Party") acknowledging the cordial relations which exist between them and their peoples;

Further acknowledging that both the Republic of South Africa and the Argentine Republic are being increasingly affected by the illicit traffic of narcotic drugs and psychotropic substances, that represents a great risk to the health and the wellbeing of their peoples;

Hereby agree as follows:

ARTICLE 1

LEGAL PROVISIONS

(1) The definitions in the United Nations Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, 1988 relating to "Narcotic Drug" and "Psychotropic Substance" shall apply to this Agreement.

(2) This Agreement shall in no way be construed as derogating from:

- (a) the domestic law in force in the territory of each Party;
- (b) any other agreement entered into by the Parties.

ARTICLE 2

AREAS OF CO-OPERATION

(1) The Parties shall co-operate and render mutual assistance in preventing the improper use of drugs, the rehabilitation of drug dependants, and combating the production of and illicit traffic in narcotics and psychotropic substances.

(2) The Parties shall, as far as possible, and subject to their domestic law and international obligations -

- (a) exchange information on narcotraffickers and perpetrators of connected crimes;

(b) co-ordinate strategies and exchange information on national programs regarding the prevention of the improper use of drugs, the rehabilitation of drug dependants, the control of carriers, the control of chemical substances utilized in the production and purification of drugs as well as the combating of the production of and illicit traffic in narcotics and psychotropic substances;

(c) exchange information and experiences about their respective legislation and jurisprudence pertaining to narcotics and psychotropic substances;

(d) exchange information on sentences pronounced against narcotraffickers and perpetrators of connected crimes;

(e) assist each other in combating such crimes and provide for controlled deliveries as defined in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, when the same may be necessary for this purpose.

ARTICLE 3

IMPLEMENTATION AND EXECUTION OF AGREEMENT

(1) Representatives of each Party shall co-operate for the purpose of -

(a) creating mechanisms to ensure the execution of this Agreement in co-ordination with the Department of Foreign Affairs of the Republic of South Africa and the Ministry of Foreign Affairs, International Commerce and Worship of the Argentine Republic;

(b) developing joint programs of action by competent organs of each state to achieve the objectives of this Agreement;

(c) evaluating the enforcement of such programs of action;

(d) formulating programmes for the rehabilitation of drug dependants and the prevention of the misuse of narcotics and psychotropic substances, and co-ordinating actions to combat illicit traffic in narcotics and psychotropic substances;

(e) discussing matters relating to the implementation of this Agreement and the development of other mutually acceptable forms of co-operation and assistance.

(2) The decisions taken for purposes of the co-operation contemplated in subarticle (1), shall be embodied in memoranda of understanding and shall, where applicable, contain a declaration of the objectives to be achieved, specific measurable goals, the contribution of each participant and a timetable for the execution of activities.

(b) co-ordinate strategies and exchange information on national programs regarding the prevention of the improper use of drugs, the rehabilitation of drug dependants, the control of carriers, the control of chemical substances utilized in the production and purification of drugs as well as the combating of the production of and illicit traffic in narcotics and psychotropic substances;

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(3) In order to facilitate the execution of this Agreement, the Parties may designate an official to serve as permanent liaison between the respective Government Departments or Agencies specializing in drug affairs. By means of appropriate consultations, the Parties may, designate other specialized personnel to provide advisory services to the officials referred to in this Article.

ARTICLE 4

CONFIDENTIALITY

Recognising the need for confidentiality in the combating of crime, the Parties shall, subject to their domestic law:

(a) refrain from communicating any information or request received in terms of this Agreement to any third party without the prior written consent of the other Party; and

(b) adhere to the highest degree of confidentiality which either Party may determine.

ARTICLE 5

COMMUNICATION

(1) Requests in terms of this Agreement shall be directed to the proper authority of each Party. The Secretary for Drug Addiction Prevention and Fight against Drug Trade (SEDRONAR) is the proper authority for the Argentine Republic. In the case of the Republic of South Africa, the National Commissioner of the South African Police Service and the Director-General of the Department of Welfare are designated to coordinate requests which fall within the functional area of their respective departments.

(2) Subject to sub-Article (3) all communications in terms of this Agreement shall be in writing.

(3) In urgent cases communications may be verbal, but the essential content thereof must immediately be confirmed in writing.

(4) Communication shall be conducted in either the Spanish or English language.

ARTICLE 6

EXPENDITURE

Any expenses incurred by a Party in terms of this Agreement, at the request of the other Party shall, upon proof of the expenses thus incurred be reimbursed by such other Party, unless the Parties have, in any particular case and in writing, agreed otherwise.

ARTICLE 7

INTERPRETATION AND IMPLEMENTATION

Any dispute with regard to the interpretation or implementation of this Agreement shall be resolved through the diplomatic channel.

ARTICLE 8

AMENDMENT

(1) This Agreement may be amended if the Parties agree thereto through the diplomatic channel by notice in writing.

(2) Any amendment agreed to by the Parties, shall enter into force on the date on which the Parties have notified each other through the diplomatic channel of their compliance with the constitutional requirements necessary for the implementation of the relevant amendment.

ARTICLE 9

ENTERING INTO FORCE AND TERMINATION

(1) This Agreement shall enter into force on the date on which the Parties have notified each other in writing of compliance with their respective constitutional requirements for the entry into force of this Agreement. The date of entry into force shall be the date of the last notification.

(2) This Agreement shall remain in force until terminated by either Party: Provided that such termination shall not take effect until a period of six months has lapsed after written notification thereof to the other Party through the diplomatic channel.

In witness whereof the undersigned, have signed and sealed this Agreement in two originals in the English and Spanish languages, both being equally authentic.

Done at Buenos Aires, on July 23, 1998.

FOR THE REPUBLIC OF SOUTH AFRICA

FOR THE ARGENTINE REPUBLIC


NELSON MANDELA


CARLOS SAUL MENEM