

**AGREEMENT BETWEEN**

**THE GOVERNMENT  
OF THE REPUBLIC OF SOUTH AFRICA**

**AND**

**THE GOVERNMENT  
OF THE FEDERATIVE REPUBLIC OF BRAZIL**

**ON CO-OPERATION AND MUTUAL ASSISTANCE IN THE FIELD  
OF COMBATTING THE PRODUCTION OF AND ILLICIT TRAFFIC  
IN NARCOTICS AND PSYCOTROPIC SUBSTANCES  
AND RELATED MATTERS**

**PREAMBLE**

The Government of the Republic of South Africa and the Government of the Federative Republic of Brazil (herein after referred to as "the Contracting Parties") acknowledging the cordial relations which exist between them and their peoples;

**CONSIDERING** the Contracting Parties are conscious that the improper use and the illicit traffic in narcotics and psychotropic substances represent a great risk to the health and the well-being of their peoples, and a problem which affects the political, economic, social and cultural structures of their countries;

**HAVE AGREED** as follows:

**ARTICLE 1**

**LEGAL PROVISIONS**

- (1) This agreement shall in no way be construed as derogating from -
  - (a) The laws and regulations in force in each Contracting Party;
  - (b) any other agreement entered into by the Contracting Parties.

**ARTICLE 2**

**AREAS OF CO-OPERATION**

- (1) The Contracting 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 Contracting Parties shall, as far as possible, and subject to their respective laws and international obligations -
  - (a) exchange information on narcotraffickers and perpetrators of connected crimes;
  - (b) co-ordinate strategies and exchange information on national programmes 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) when required, 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 Contracting Party shall co-operate for the purpose of -
  - (a) creating mechanisms to ensure the execution of this agreement;
  - (b) developing joint programmes of action by competent organs of each state to achieve the objectives of this Agreement;
  - (c) evaluating the enforcement of such programmes 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 of the meetings 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.
- (3) The Contracting Parties shall co-operate in order to grant to each other assistance in the investigation and proceedings in respect of drug trafficking including the tracing, restraining and confiscation of the proceeds and instruments of drug trafficking.
- (4) In order to facilitate the execution of this Agreement, the Contracting 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 Contracting Parties may, designate other specialized personnel to provide advisory services to the officials referred to in this Article.

#### **ARTICLE 4**

##### **ACCESSION TO THE UNITED NATIONS CONVENTION**

The Contracting Parties shall endeavour to accede to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

#### **ARTICLE 5**

##### **CONFIDENTIALITY**

Recognising the need for confidentiality in the combating of crime, the Parties shall -

- (a) not communicate any information or request received in terms of this Agreement to any third party without the prior written consent of the other Contracting Party; and
- (b) adhere to the highest degree of confidentiality which either Contracting Party may determine.

## ARTICLE 6

### COMMUNICATION

- (1) Requests in terms of this Agreement shall be directed to the proper authority of each Contracting Party. In the case of the Republic of South Africa, the Director-General of the Department of Welfare and the National Commissioner of the South African Police Service are designated to co-ordinate requests which fall within the functional area of their respective departments. In the case of the Federative Republic of Brazil, the President of the Federal Council on Narcotics and Psychotropic Substances (CONFEN) and the Director-General of the Federal Police Department (DPF) are designated to co-ordinate requests which fall within the functional area of their respective agencies.
- (2) Subject to sub-Article (3) all communications in terms of this Agreements shall be in writing.
- (3) In urgent cases communications may be verbal, provided that the essential content thereof is immediately confirmed in writing.
- (4) Communication shall be conducted in the English language.

**ARTICLE 7**

**EXPENDITURE**

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

**ARTICLE 8**

**INTERPRETATION AND IMPLEMENTATION**

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

**ARTICLE 9**

**AMENDMENT**

- (1) This Agreement may be amended if the Contracting Parties agree thereto through diplomatic channels by notice in writing.
- (2) Any amendment mutually agreed to by the Contracting Parties, shall enter into force on the date on which the Contracting Parties have notified each other through diplomatic channels of its compliance with the constitutional requirements necessary for the implementation of the relevant amendment.

**ARTICLE 10**

**ENTERING INTO FORCE AND TERMINATION**

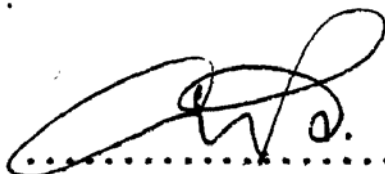
- (1) This Agreement shall enter into force on the date on which the Contracting Parties have notified each other in writing

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 Contracting Party: Provided that such termination shall not take effect until a period of six months has lapsed after written notification thereof to the other Contracting Party through diplomatic channels.

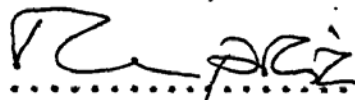
IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed the present Agreement in the English and Portuguese languages, both texts being equally authentic.

Done in Pretoria on November <sup>26</sup>....., 1996, in two originals in the English and Portuguese languages, all the texts being equally authentic.



ALFRED B NZO  
MINISTER OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF SOUTH AFRICA

FOR AND ON BEHALF OF THE  
GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA



LUIZ FELIPE LAMPREIA  
MINISTER OF FOREIGN RELATIONS  
OF THE FEDERATIVE REPUBLIC  
OF BRAZIL

FOR AND ON BEHALF OF THE  
GOVERNMENT OF THE FEDERATIVE  
REPUBLIC OF BRAZIL