



AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA

AND

THE GOVERNMENT OF THE REPUBLIC OF CHILE

ON

CO-OPERATION AND MUTUAL ASSISTANCE

IN THE PREVENTION OF DRUG ABUSE AND  
COMBATING THE

ILLICIT TRAFFIC IN NARCOTIC DRUGS AND  
PSYCHOTROPIC

SUBSTANCES

## **PREAMBLE**

The Government of the Republic of South Africa and the Government of the Republic of Chile (hereinafter jointly referred to as the "Parties" and separately as a "Party");

RECOGNIZING the friendly relations existing between them and their nationals;

BEING AWARE that the abuse of and illicit traffic in narcotic drugs and psychotropic substances pose a serious threat to the health and well-being of their nationals and the international community, and adversely affect economic, social and cultural activities of their respective countries;

WITHIN THE FRAMEWORK of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, concluded in Vienna, on 20 December, 1988, hereinafter referred to as "the 1988 Convention";

DETERMINED TO make their best efforts to assist each other in the prevention and combating of drug abuse and illicit traffic in narcotic drugs and psychotropic substances;

HEREBY AGREE AS FOLLOWS:

## **ARTICLE I**

### **OBJECTIVES AND SCOPE OF CO-OPERATION**

- (1) The Parties shall co-operate and assist each other in order to prevent the abuse of drugs and psychotropic substances, to treat, rehabilitate and reintegrate drug abusers, and to prevent and combat the illicit traffic in drugs in accordance with their domestic law as well as their international obligations.

- (2) For the purposes of subArticle (1) the Parties shall -
- (a) exchange information, strategies and experience in domestic programs for the prevention of drug abuse, and in the treatment, rehabilitation and social reintegration of drug abusers;
  - (b) exchange information to aid in the investigation of crimes and the identification of persons involved therein, and regularly update data on all crimes related to drug abuse and illicit drug trafficking;
  - (c) exchange information to aid in the control and supervision of the trade in precursors and essential chemicals, thus preventing the diversion thereof;
  - (d) exchange information on technical and scientific methods and resources used in the combating, investigation and detection of the said crimes;
  - (e) exchange information on and experience in their respective laws, as amended, and administrative and judicial decisions on the matter;
  - (f) assist each other in such matters as are contained in the 1988 Convention as far as it is within the competency of the central authorities.

## **ARTICLE 2**

### **IMPLEMENTATION AND EXECUTION OF THE AGREEMENT**

- (1) The competent authorities shall co-ordinate their efforts in order to -
- (a) establish mechanisms to ensure the execution of this Agreement;
  - (b) develop, through the central authorities of each Party, joint programs aimed at fulfilling the objectives of this Agreement;

- (c) evaluate the implementation of the action programs referred to in paragraph (b);
  - (d) discuss issues related to the implementation of this Agreement and the development of such other kind of co-operation and assistance as the Parties may deem fit.
- (2) The decisions taken for the purpose of the co-operation contemplated in subArticle (1) shall be in writing and shall include, if appropriate, a list of objectives to be fulfilled, specific goals and evaluation criteria therefor, the contribution of each participant and a time schedule for the execution of activities.

## **ARTICLE 3**

### **CENTRAL AUTHORITIES**

- (1) The Parties designate the following central authorities, who may communicate directly for efficiency of co-operation:
- (a) In the case of the Republic of Chile, the central authority shall be the Ministry of Interior.
  - (b) In the case of the Republic of South Africa, the central authority shall be the Director-General of the Department of Welfare and Population Development and the National Commissioner of the South African Police Service within their respective spheres of competency.
- (2) The Ministries of Foreign Affairs of the Parties shall be responsible for co-ordinating the implementation and execution of this Agreement.

## **ARTICLE 4**

### **GENERAL PROVISIONS**

- (1) Requests for information shall, if possible, be processed pursuant to, and only to the extent that they are not inconsistent with domestic law of the requested Party.
- (2) Any information obtained by a Party shall be used solely for the purposes for which it was requested.
- (3) The requesting Party shall keep confidential the information provided under this Agreement and shall not disclose it to any third party without the consent of the requested Party.
- (4) The requesting Party may require that the requested Party maintain secrecy about the existence and content of the request, unless disclosure thereof be required to process it. In the event of the requested Party being unable to maintain secrecy, it shall promptly communicate such situation to the requesting Party.

## **ARTICLE 5**

### **COMMUNICATION**

- (1) Communications in terms of this Agreement shall be in writing.
- (2) In urgent cases communications may be verbal, but the essential content thereof must promptly be confirmed in writing.
- (3) Communications shall be conducted in either the Spanish or English language.

## **ARTICLE 6**

### **EXPENSES**

Ordinary expenses incurred in processing a request in terms of this Agreement shall be borne by the requested Party, unless otherwise agreed upon by the Parties. Should the request involve high or extraordinary expenses, the Parties shall consult each other in order to establish the terms and conditions under which the request shall be processed, and the way expenses shall be borne.

## **ARTICLE 7**

### **INTERPRETATION AND IMPLEMENTATION**

Any dispute related to the interpretation or implementation of this Agreement shall be settled through consultations and negotiations between the Parties through the diplomatic channel.

## **ARTICLE 8**

### **AMENDMENT**

- (1) This Agreement may be amended if agreed upon by the Parties and communicated in writing through the diplomatic channel.
- (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, that they have complied with the constitutional requirements set for implementing the relevant amendment.

## ARTICLE 9

### ENTRY INTO FORCE AND TERMINATION


- (1) This Agreement shall enter into force sixty days after the date of the last note exchanged by the Parties informing each other, through the diplomatic channel, of their compliance with the constitutional requirements prescribed by their domestic law.
- (2) This Agreement shall remain in force until terminated by either Party upon a six month written notice given to the other Party and effected through the diplomatic channel.

IN WITNESS WHEREOF, the undersigned being duly authorized thereto by their respective Governments, have signed and sealed this Agreement in two originals in the Spanish and English languages, both texts being equally authentic.

Done at ..... *PRETORIA* ....., on this *12<sup>th</sup>* day of *NOVEMBER* ... in this year one thousand nine hundred and ninety-eight.



FOR THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA



FOR THE GOVERNMENT OF THE REPUBLIC OF  
CHILE