

No. 55234*

**Peru
and
United States of America**

Agreement to combat abuse, production and illicit traffic in drugs between the Republic of Peru and the United States of America. Lima, 23 July 1996

Entry into force: *10 September 1996 by notification, in accordance with article IX*

Authentic texts: *English and Spanish*

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Note: *See also annex A, No. 55234.*

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**Pérou
et
États-Unis d'Amérique**

Accord visant à combattre les abus, la production et le trafic illicite de stupéfiants entre la République du Pérou et les États-Unis d'Amérique. Lima, 23 juillet 1996

Entrée en vigueur : *10 septembre 1996 par notification, conformément à l'article IX*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Pérou, 26 juin 2018*

Note : *Voir aussi annexe A, No. 55234.*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT TO COMBAT ABUSE, PRODUCTION AND
ILLCIT TRAFFIC IN DRUGS
BETWEEN THE REPUBLIC OF PERU AND
THE UNITED STATES OF AMERICA

The Government of the Republic of Peru and the Government of the United States of America,

AWARE that production, processing, commercialization and abuse of drugs constitutes a problem which affects humanity at large and their two countries in particular, and which constitutes a threat to their national security, the health and safety of their citizens, and a growing danger to the domestic and global environment;

INTERESTED in developing cooperation to prevent and combat production, illicit traffic and abuse of drugs through harmonization of policies and implementation of concrete programs, which envision coordinated actions oriented to attack the causes of the problem, equally from the side of supply and that of demand;

RECOGNIZING the efforts made by the Governments of both countries to prevent and combat the production, illicit traffic and abuse of drugs, and related criminal activities;

AWARE of the need to establish adequate mechanisms of bilateral and multilateral cooperation on the basis of principles of international law and, in particular, the common responsibility and participation of both countries in the struggle against drugs at international level in proportion to their economic capabilities;

MOTIVATED by the objective that the cooperation envisioned in this Agreement be complementary to that which both Parties offer in compliance with international obligations in accordance with the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed at Vienna on December 20, 1988, the World Program of Action of the United Nations approved by the General Assembly in 1990; and the conceptual advances in approaches to this subject at regional level in the Declaration of San Antonio, in the Declaration of Principles and Plan of Action of the Summit of the Americas in Miami, and in the context of the Interamerican Commission on Drug Abuse Control (CICAD);

Have decided to conclude this Agreement:

ARTICLE I

The objective of this Agreement is to constitute the commitment to continue joint efforts by the Governments of Peru and the United States of America, hereinafter denominated the "Parties", to harmonize policies and implement specific programs that will permit the most effective actions in regard to the prevention and control of the production, illicit traffic and abuse of drugs, and the preservation of public health.

ARTICLE II

The Parties shall comply with their obligations derived from this Agreement in conformity with the principles of international law, and, in particular those of self-determination, non-intervention in internal affairs, juridical equality and respect for the territorial integrity of states, and considering applicable constitutional, legal and administrative provisions of each country.

A Party will not exercise in the territory of the other Party competencies or functions which correspond to the authorities of the other Party for reasons of sovereignty or internal law.

Similarly, all activities consequent upon the implementation of this Agreement shall be carried out in accordance with the applicable laws and regulations of Peru and the United States of America.

ARTICLE III

The basic national policies which guide the Parties in their implementation of this Agreement are, for the Government of Peru, the National Plan for Drug Prevention and Control, approved by Supreme Decree No. 82-94-PCM of October 1994, as may be updated from time to time by the Government of Peru, and for the Government of the United States, the National Drug Control Strategy of the United States, as published by the Office of National Drug Control Policy in February 1995, as may be updated from time to time by the Government of the United States.

Diplomatic communications on behalf of concerned agencies or institutions of the Parties concerning the subjects of this Agreement are the responsibility of, for the Government of Peru, the Directorate General for Special Questions (DGAE) of the Ministry of Foreign Relations, and for the Government of the United States of America, the Bureau of International Narcotics and Law Enforcement Matters (INL) of the Department of State and the Embassy of the United States in Peru.

ARTICLE IV

To accomplish the objectives of this Agreement, the Parties shall implement joint activities and reciprocal activities.

Joint activities are those which competent agencies or institutions of the Parties implement in a coordinated manner in the process of development and in the implementation of agreed measures to accomplish the purposes of this Agreement.

Reciprocal activities are those which the Parties are obliged to offer, at the request of the other, to secure expeditious processing and free communication between competent agencies or institutions of each Party in conformity with the internal laws and provisions of pertinent authorities of each country.

ARTICLE V

The Parties agree upon the following joint activities:

- a) To coordinate, formulate and implement joint strategies for the prevention, control and suppression of the production and illicit traffic in narcotics, psychotropic substances and other illicit drugs and related criminal offenses, including those relating to precursors or essential chemicals typically employed in their processing;
- b) To coordinate and formulate joint strategies for the prevention and control of production and traffic in natural raw materials, with priority to the strategy of alternative development, and to the preservation of public health;
- c) To coordinate and formulate joint strategies for the prevention of abuse of licit and illicit drugs, and the treatment and rehabilitation of drug addicts and drug abusers;
- d) Endeavor toward harmonization of their norms and juridical procedures in this regard, to the extent permitted by their internal juridical systems;
- e) Coordinate positions and join assessments as to the focus and treatment of this subject in pertinent international fora;
- f) Promote the application and implementation of the different international instruments in force concerning this subject, to which they are both party;
- g) Establish procedures and internal mechanisms necessary to permit effective implementation of the commitments undertaken in conformity with this Agreement.

ARTICLE VI

The Parties, at the request of the other, agree to provide reciprocal actions including exchange of information or personnel for training, or for mutual technical or scientific assistance, in the following areas:

- a) National programs relating to drugs, legislation and jurisprudence in this field, as well as penal sentences prescribed for drug traffickers and perpetrators of related offenses;
- b) Identification of producers, suppliers and trafficking individuals or groups, and their methods of action, and police and judicial records in their possession concerning drug traffickers and perpetrators of related offenses;
- c) Detection, tracking and interdiction of vessels, aircraft and other means of transportation suspected of illicit transportation of drugs or raw materials, precursors or essential chemicals, in order that the appropriate national authorities may take such measures as they consider necessary, in accordance with the international practices and their internal laws;
- d) Study and evaluation of the situation and internal characteristics of drug abuse, including measures of prevention applied in their respective territories;
- e) Training of personnel of specialized technical agencies of the other country, in order to improve their participation in prevention and the struggle against illicit traffic and abuse of drugs in their respective territories;

f) Import and export between the Parties of natural raw materials and precursors or essential chemicals typically employed in the processing of illicit drugs;

g) Diversion to illegal use of precursors or essential chemicals typically employed in the processing of illicit drugs, routes for their commercialization and methods of operation in their trafficking;

h) Money laundering, including acquisition, possession and transfer of assets derived from the production or illicit trafficking in drugs or their raw materials;

i) Procedures for requests or interrogatories by judicial authorities in proceedings against trafficking individuals or groups or against whoever violates laws against the production and illicit traffic, and related offenses, and abuse of drugs.

Information which is provided reciprocally by the Parties by virtue of the provisions of this article shall be contained in official documents of their respective public services, which shall have a privileged character and shall not be destined for publication.

ARTICLE VII

In order to attain the objectives established in this Agreement, the Parties agree to hold periodic meetings of their representatives in order to:

a) Evaluate the effectiveness of implementation of activities undertaken in accordance with this Agreement and recommend measures necessary for their optimum implementation.

b) Identify new areas as the subjects of cooperation, define the objectives which may be accomplished in those areas and define the most appropriate mechanisms for their precise implementation.

c) Examine any issue related to implementation of this Agreement.

ARTICLE VIII

Implementation of this Agreement shall be accomplished by means of specific agreements which may be concluded between the Ministry of Foreign Relations of Peru - Directorate General for Special Questions -- and the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State of the United States of America and the Embassy of the United States of America in Peru by means of exchanges of diplomatic notes, with prior consultation with sectors concerned.

The Government of the United States shall inform the Government of Peru with the greatest notice that may be possible concerning human, material and financial resources which may possibly be made available annually for programs of bilateral antidrug cooperation. In this regard, any project shall be the subject of a specific agreement which shall be concluded by mutual agreement of the Parties, with consideration to the requirements of the recipient agency or agencies of Peru.