

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

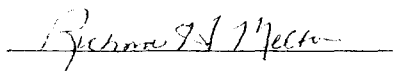
1. This Memorandum of Understanding shall enter into force when signed by authorized representatives of both governments. Either party may terminate this Memorandum by giving the other party 90-day prior written notice of the intention to do so. Termination of this Memorandum shall cancel any obligations 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.

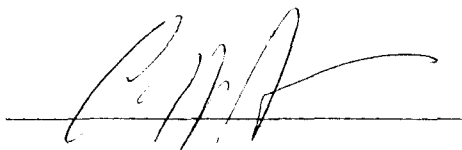
DONE in the city of Brasilia, this 2nd day of August, 1993, in two originals in the English and Portuguese languages with both texts being equally authentic.

For the Government
of the United States of America:



RICHARD H. MELTON
Ambassador

For the Government
of the Federative Republic of Brazil:



CELSON AMORIM
Acting Minister
of External Relations