

MEMORANDUM OF UNDERSTANDING

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA

AND

THE GOVERNMENT OF THE REPUBLIC OF MOZAMBIQUE

ON

DRUG DEMAND REDUCTION AND PREVENTION OF ILLICIT

TRAFFICKING IN NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES

AND

PRECURSOR CHEMICALS AND RELATED MATTERS

PREAMBLE

The Government of the Republic of India

And

The Government of the Republic of Mozambique (hereinafter referred to individually as "Party" and collectively as the "Parties").

CONSIDERING that the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 form the basis for national and international drug control;

AFFIRMING their commitment to the Declaration adopted by the Special Session of the UN General Assembly in June 1998 on Drug Abuse and Illicit Trafficking as an expression of political will of nations to combat the drug menace;

SHARING a deep concern over the illicit cultivation, production, processing and trafficking in illicit narcotic drugs, psychotropic substances and precursor chemicals;

RECOGNIZING that the medical use of narcotic drugs and psychotropic substances continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs and psychotropic substances for such purposes;

REAFFIRMING their joint determination to combat the drug menace;

TAKING into consideration their constitutional, legal and administrative systems and respect for the national sovereignty of their respective State;

2/15/98

Have agreed as follows:

ARTICLE-I
(DEFINITIONS)

For the purpose of this Memorandum of Understanding, the following expressions should be understood as follows:

1. Narcotic Drugs and Psychotropic Substances are substances scheduled or described in the Single Convention on Narcotic Drugs, 1961 as amended by the Protocol of 1972 and Convention on Psychotropic Substances, 1971.
2. Precursors, Essential Chemicals and Solvents are those substances included in the Tables referred to in Article 12 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 or any other substances as may be mutually agreed upon.
3. "Drugs" means all substances defined in paragraphs 1 of this Article.
4. "Illicit trafficking of drugs" means the activities set forth in article 3, paragraphs 1 and 2, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988.
5. "Related offences" means offences perpetrated for the purpose of furthering the illicit trafficking of drugs or chemical precursors; facilitating it or ensuring its impunity, or allowing its perpetrators- or third parties aware of the illicit nature of the activities in question or who have shown deliberate recklessness - to gain profit or advantage from it in any way whatsoever.
6. "Controlled delivery" means the special investigative technique that involves, for the competent services, allowing illicit or suspect consignments of drugs to pass through the territory of one of the Parties with a view to identifying the perpetrators and beneficiaries of this illegal trafficking and its modus operandi, under the supervision of their competent authorities of the two Parties and in compliance with their international commitments and national laws.

ARTICLE-II
(OBJECTIVES)

1. In furtherance of the objectives of this MoU, subject to their domestic laws and international obligations, the Parties shall cooperate and provide mutual assistance to the widest possible extent:

- a) In preventing, suppressing and investigating of illicit drug trafficking, as well as in combating related offences
- b) In reducing the demand for drugs through prevention, awareness education and community based programs, treatment and rehabilitation;
- c) In tracing, identifying, seizing and confiscating of proceeds of illicit drug production, trafficking and related activities;
- d) In exchanging of literature on existing laws, rules, procedures and best practices and methods concerning abuse and trafficking in narcotic drugs, psychotropic substances and precursor chemicals;
- e) In combating illicit cultivation of plants containing narcotic drugs and/or psychotropic substances;
- f) In complying with the administrative and control mechanisms laid down by the International Narcotic Control Board (INCB) governing activities related to the legitimate international trade in narcotic drugs, psychotropic substances and precursor chemicals in order to prevent their diversion;
- g) In providing mutual legal assistance when appropriately justified and deemed necessary by the requested State;
- h) In appropriate use of controlled delivery, on case-by-case basis, with the view to identifying persons involved in the illicit trafficking of drugs including diversion of precursor, essential chemicals and solvents.

ARTICLE-III
(RESPONSIBILITY OF THE PARTIES)

- 1. The Parties shall make all possible efforts, consistent with their domestic laws, to take appropriate actions in their territories to cooperate with each other in taking the following measures:
 - a) Exchange information of operational (including personal data), technical and general nature and intelligence between the competent authorities of the Parties and also exchange information concerning convicted persons in crime having bilateral or International ramifications;
 - b) Exchange information on best methods and practices or experiences adopted by the Parties concerning the demand and supply reduction of narcotic drugs and psychotropic substances and precursor chemicals;

- c) Share and exchange the best practices and experiences for training of officers in the fields of drug demand and supply reduction;
- d) Promptly exchange information about the arrest on drug charges of the citizens of one Party in the territory of the other, and to provide further information on investigations, prosecutions and related matters falling within the scope of this MoU;
- e) Communicate operational intelligence through the fastest means of communication, via telephone, telefax/fax and e-mail, information of detailed nature may be communicated through correspondence;
- f) Exchange information normally in the formats at Appendices I & II relating to cases of illicit trafficking in drugs, psychotropic substances and precursor chemicals and persons involved therein. Any other information of significance may be exchanged in any other format as and when necessary as mutually agreed;
- g) Convey information between the Parties under this MoU in English.

2. The receiving Party shall not use information received from the other Party, for any purpose other than that for which information was requested and provided; and the receiving Party shall be bound not to share such information with a third Party/Parties without prior written consent of the Party which provided the information.

2a The Parties shall ensure respect for the confidentiality of information, intelligence and documents received, if they have been subject to particular protection on the Part of the Issuing Party or if the later considers that their dissemination is not appropriate.

2b Transfer between the Parties of personal data shall take place in strict compliance with the national legislation of each Party.

3. Information and assistance under this Memorandum of Understanding shall be provided upon request or on the initiative of either party. Request for information and/or assistance shall be submitted in writing or using technical means of text transfer. In case of urgency either party may, however, contact the concerned authorities of the other Party verbally, upon which the communication would be confirmed in writing preferably within the seven days of receiving such communication. In using technical means of text transfer, or in case of doubts raised about the authenticity or content of the request received, the requested competent authority may demand a written confirmation from the requesting competent authority.

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4. If needed, the requested competent authority may ask for further information, essential for adequately carrying out the request.
 5. The requested competent authority shall take all the steps necessary to carry out the request promptly and to the fullest extent possible. In cases in which it is not possible to carry out a request within the time limit which the requesting authority may have set, the requested authority shall notify the requesting authority thereof, explaining the cause of delay.
 6. If the execution of the request is not within the competence of the requested competent authority, the latter shall immediately pass it on to the corresponding competent authority of its state and inform the requesting competent authority.
 7. The requested competent authority may in compliance with the domestic laws allow authorized representatives of the requesting competent authority to be present in the process of carrying out the request in its territory.
 8. Either party may deny a request for cooperation, in whole or in part, if the request affects its sovereignty, endangers its national security or violates its laws and regulations.
 9. The forms of cooperation in the areas covered by this MoU may be supplemented by common agreement between the parties.

ARTICLE-IV
(RELATION WITH OTHER INTERNATIONAL TREATIES AND AGREEMENTS)

This Memorandum of Understanding shall not affect the rights and obligations of the Parties arising from other international agreements, conventions, bilateral and multilateral agreements or arrangements which may be binding on one or both the Parties.

ARTICLE-V
(IMPLEMENTATION)

1. For effective implementation of this Memorandum of Understanding, the Parties may meet periodically or whenever considered necessary by mutual consent.
 2. Each Party shall bear its own costs related to implementation of this Memorandum of Understanding unless otherwise agreed in each specific case.
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ARTICLE-VI
(NEW METHODS)

The Competent Authorities of the Parties shall cooperate in working out and in introduction of new methods to control illegal transactions in narcotic drugs, psychotropic substances, precursor and the treatment and social rehabilitation of addicts and shall exchange information on techniques and modern equipments used by the Parties in the field of crime surveillance, crime detection and prevention and crime investigation.

ARTICLE-VII
(AREAS OF COOPERATION)

The Parties, through their competent authorities, agree to explore the possibility of cooperation in training of personnel, exchange of specialists and experts in the field. They also agree to exchange national lists of narcotic drugs, psychotropic substances and precursor chemicals and inform each other of any changes in such lists.

1) This cooperation shall notably include the following areas:

- a) Suppression of the illicit production and trafficking of drugs and related activities.
- b) Control and surveillance of production and combating of illicit trafficking in chemical precursors;
- c) Prevention of drug consumption, notably through education and awareness-raising of populations;
- d) Dedicated public health and social policy efforts benefitting populations affected by drugs;
- e) Conducting coordinated or joint actions in the fight against illicit trafficking of drugs and chemical precursors;
- f) Implementation of international, multilateral and regional cooperation efforts and support for initiatives which could contribute positively to the handling these subjects.

2) Technical cooperation efforts may notably take the following forms:

- a. Dissemination of information and best practices;
- b. Exchange of specialized documentation;
- c. Organization of meetings, seminars and conferences for operators;
- d. Holding of fact-finding visits and expertise missions;

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- e. Hosting of trainees in the framework of training implemented by a service of the other Party or designed on an ad hoc basis.

The financial terms applicable to the field of technical cooperation shall be set out by common agreement between the Parties during the drawing up of each effort.

- 3) This cooperation shall be established on the basis of principles of equality, sovereignty and reciprocity, in compliance with international obligations signed up to by each party.
- 4) The scope of this MoU may be extended to other areas by common agreement between the parties.

ARTICLE-VIII (COMPETENT AUTHORITIES)

For the purpose of implementation of this Memorandum of Understanding and exchange of any information, the Competent Authorities shall be:

- a) For the Republic of India- As given in Appendix-III
b) For the Republic of Mozambique- As given in Appendix IV.

ARTICLE-IX (AMENDMENT AND REVISION)

- 1) Either party may request in writing a revision, modification or amendment of all or any part of this Memorandum of Understanding.
- 2) Any revision, modification or amendment mutually agreed to by the parties will be reduced into writing and will form part of this Memorandum of Understanding.
- 3) Such revision, modification or amendment will continue to have effect from such date as may be mutually agreed to by the parties.
- 4) Any revision, modification or amendment will not prejudice the rights and obligations arising from or based on this Memorandum of Understanding before or up to the date of such revision, modification or amendment.
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ARTICLE-X
(SETTLEMENT OF DISPUTES)

Any dispute arising out of the interpretation or implementation of this Memorandum of Understanding shall be settled amicably through consultations or negotiations between the Parties through diplomatic channels.

ARTICLE-XI
(ENTRY INTO FORCE)

1. This Memorandum of Understanding shall enter into force 30 days after completion of the legal procedures necessary for its entry into force by both Parties and shall remain valid till its revocation at least with three months advance written notification.
2. Either Party may at any time terminate this Memorandum of Understanding by giving six months prior written notice to the other Party indicating its intentions to terminate this Memorandum of Understanding. The Memorandum of Understanding shall cease to have effect on expiry of the notice period.
3. In witness whereof the undersigned being duly authorized thereto by their respective Governments have signed this Memorandum of Understanding.

DONE at Maputo on this seventh day of July in the year two thousand sixteen in three (3) originals: in English, Hindi and Portuguese languages all texts being equally authentic. In the event of any divergence of interpretation, the English version shall prevail.

For the Government of the
Republic of India

For the Government of the
Republic of Mozambique

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(Amar Sinha)
Secretary (Economic Relations)
Ministry of External Affairs,
Government of India, New Delhi

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APPENDIX-I

(Article III of the Memorandum of Understanding)

CASES OF ILLICIT TRAFFIC IN DRUGS

Reference

Date:

Sender :

1. Name of the Seizing agency
2. Type of drugs seized
3. Quantity
4. Chemical Analysis report
5. Place of seizure
6. Date of Seizure
7. Packing, labeling & trade marks
8. Particulars of conveyance used
9. Name and Nationality of the custodian/Owner of the conveyance
10. Name of Company, air-line, ship
11. Mode of concealment.
12. Route
13. Place of production/processing
14. Place where drug contraband obtained
15. Origin/source
16. Destination
17. Any equipment / accessories seized
18. Any other information

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APPENDIX-I I

PROFORMA FOR REPORTING ON PERSON(S) INVOLVED IN
NARCOTICS TRAFFICKING / SMUGGLING

(In cases implicating more than one person necessary to use separate form for each)

1. Name and aliases used
2. Father's name
3. Sex
4. Age
5. Date and Place of birth
6. Nationality
7. Passport No.
8. Place/Date of issue
9. Occupation
10. Address
11. Extent of involvement
12. Previous involvements
13. Associates
14. Arrested/Detained
15. Place of arrest
16. Judicial or administrative
Measures taken
17. Attach photocopy of the
first page of passport

SUMMARY OF THE CASE

(Please indicate details of the case necessary for furtherance of investigation)

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APPENDIX- III

(Article VIII of the Memorandum of Understanding)

COMPETENT AUTHORITIES FOR THE REPUBLIC OF INDIA
(As mentioned in Article VIII of the Memorandum of Understanding)

1. The Director General
Narcotics Control Bureau
1st Floor, West Block No.1, Wing No. 5
R. K. Puram, New Delhi- 110066
INDIA
Tel. 91- 11- 2617 2089
FAX 91- 11- 2610 5747 2618 5240

(All operational matters relating to illicit trafficking in narcotic drugs, psychotropic substances and precursor chemical including coordination with other field agencies)

2. The Joint Secretary (Revenue)
Ministry of Finance
Department of Revenue
North Block
New Delhi- 110011
INDIA
Telefax. 91 11 2309 4595
(National Laws, Rules, Procedures concerning Drug Administration)

3. Joint Secretary (Social Defence Division)
Ministry of Social Justice & Empowerment
6th Floor, A Wing, Shastri Bhawan,
New Delhi.
Tel. No. 91-11-23381643
Fax- 91-11-23384918
(Drug demand reduction & drug abuse matters)

4. The Narcotics Commissioner
Central Bureau of Narcotics
19, The Mall, Morar
Gwalior- 474006 (Madhya Pradesh)
INDIA

(484)

Tel. 91 751 2368121
91 751 2369437
FAX 91 751 2368577
Email: narcom@sancharnet.in

(Licit manufacture/ international trade in narcotic drugs, psychotropic substances and precursor chemicals and diversion thereof)

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APPENDIX-IV
(Article VIII of the Memorandum of Understanding)

COMPETENT AUTHORITIES FOR THE GOVERNMENT OF THE
REPUBLIC OF MOZAMBIQUE

(As mentioned in Article VIII of the Memorandum of Understanding)

1. Criminal Investigation Department
Ministry of Interior
Av. Olof Palme N. 46/48, 5th Floor
Maputo, Mozambique
Tel/Fax N. (+258) 21321268
Email: mintdnpic@gmail.com

2. Department of International Relations
Ministry of Interior
Av. Olof Palme N. 46/48, 5th Floor
Maputo, Mozambique
Tel/Fax N. (+258) 21327244