

Agreement
on Cooperation in Combating Illicit Traffic of Narcotic Drugs,
Psychotropic Substances, and Precursors between the Member States
of the Shanghai Cooperation Organization

The Member States of the Shanghai Cooperation Organization (SCO), hereinafter referred to as “the Parties”,

Expressing concern over the proliferation of illicit trafficking and abuse of narcotic drugs, psychotropic substances (hereinafter referred to as “narcotics”), and precursors,

Recognizing that illicit trafficking of narcotics and precursors poses a serious threat to the health and welfare of the peoples of the Parties,

Concerned over the rising trend of smuggling and illicit trafficking of narcotics and precursors in the territory of the Parties,

Considering that strengthening cooperation in combating illicit trafficking and abuse of narcotics is in the interests of the people of the Member States of the SCO,

Bearing in mind the Charter of the Shanghai Cooperation Organization of 2002, the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol to Amending the Single Convention on Narcotic Drugs of 1961, the Convention on Psychotropic Substances of 1971, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic substances of 1988, the Political Declaration and decisions adopted by the General Assembly during the UN 20th special session in 1998, and other UN resolutions and recommendations on this issue,

Based on the common interest of all Parties in adopting effective measures against illicit trafficking of narcotics and precursors,

Abiding by the national law and the universally recognized principles and norms of international law,

Have agreed as follows:

Article 1

The Parties shall cooperate in conformity with their respective national law, to formulate agreed strategies and joint measures of combating illicit trafficking of narcotics and precursors, coordinate their activities in this area in the framework of the SCO, mobilize all government bodies, non-governmental and other organizations, civil society, and employ the potential of mass media to prevent drug use and illicit trafficking of narcotics and precursors.

The Parties shall promote bilateral and multi-lateral international cooperation in combating illicit trafficking of narcotics and their precursors, and in prevention and control of drug use.

The Parties shall endeavor to act in concert at international fora on combating illicit trafficking in drugs and precursors, as well as interact with international organizations engaged in the fight against illicit drugs and their precursors.

Article 2

I. In their cooperation against illicit trafficking and abuse of narcotics and precursors, The Parties shall adhere to the basic principles as follows:

Controlling by the government of all forms of activities involving the circulation of narcotics and precursors;

Ensuring that offences involving illicit trafficking of narcotics and precursors shall be inevitably punished;

Prioritizing measures of prevention of drug use and offences related to illicit trafficking of narcotics and precursors;

Providing government support for research to develop new treatments for drug addiction and medical and social rehabilitation of drug addicts.

II. In conformity with their respective national law, the Parties may establish liability for non-medical use of narcotics as a measure preventing addiction and reducing the demand for narcotic drugs.

Article 3

The Parties shall cooperate in the following aspects of combating illicit trafficking and abuse of narcotics and precursors:

Analyzing the crime related to illicit trafficking of narcotics and their precursors;

Establishing strict control over the circulation of narcotics and their precursors;

Exercising agreed measures to implement the provision of the conventions and other international treaties aimed at combating illicit trafficking of narcotics and their precursors;

Organizing the cooperation between the competent authorities of the Parties in fighting against illicit trafficking of narcotics and precursors;

Developing joint programs to counter drug addiction and illicit trafficking of narcotics and precursors;

Improving the legal basis for the cooperation among the Parties in fighting against illicit trafficking of narcotics and precursors; harmonizing national legislation in this field in line with international treaties;

Preventing drug addiction; developing and utilizing new methods of treatment, social and medical rehabilitation of drug addicts;

Banning propaganda and advertising promoting the spread of drug addiction.

Article 4

1. The cooperation among the Parties in fighting against illicit trafficking and abuse of narcotics and precursors shall take the following forms:

a) Exchanging the information on combating illicit trafficking of narcotics and precursors including with respect to:

Any criminal offences related to illicit trafficking of narcotics and precursors, carried out or planned to be carried out in the territory of the Parties;

Persons suspected of involvement in trafficking of narcotic drugs and their precursors;

Specific facts and events related to the illegal movement or intentions regarding the illegal movement of drugs and their precursors from the territory of one Party into the territory of the other Party;

Structure, personal composition, scope of activities, organization of management and communications of criminal groups that are involved in illicit trafficking of drugs and precursors and whose activity is transnational in nature;

Past or planned contracts between individual persons and criminal groups engaged in illicit trafficking of narcotics and precursors and acting in the territory of the Parties;

Forms and methods of criminal activities related to illicit trafficking of narcotics and precursors;

Activities aimed at the legalization (laundering) of proceeds derived from illicit trafficking in drugs and precursors;

Forms and methods of identifying sources of drugs and their precursors in the illicit trafficking and measures preventing such trafficking;

Methods used by offenders to conceal and mask drugs and their precursors in

the illicit traffic, and methods of detecting them;

Other issues of mutual concern;

b) Carrying out by one Party at the request of the other Party of investigation for cases related to illicit trafficking of narcotics and their precursors;

c) Cooperating in carrying out activities aimed at combating illicit trafficking in narcotic drugs and precursors, including controlled delivery;

d) Exchanging experience, including through meetings, conferences and seminars;

e) Exchanging legislative and other normative legal acts, materials regarding the practice of their implementation, statistical data and methodological recommendations on combating illicit trafficking in narcotic drugs and precursors;

f) Training and development of relevant personnel;

g) Providing logistical and consulting assistance, as well as assistance in conducting examinations;

h) Conducting joint research on matters relating to combating illicit trafficking in narcotics and their precursors;

i) Exchanging, samples and results of examination of drugs and precursors seized from illegal trafficking, where appropriate;

j) Providing legal assistance pursuant to the international treaties involving the Parties;

k) Coordinating activities on matters arising in the course of cooperation, including establishment of working groups and exchange of representatives, including in the course of investigation;

l) Involving non-governmental organizations and citizens in the fight with the spread of drug addiction and development of a network of institutions of medical and social rehabilitation of drug addicts;

2. Specific forms of cooperation envisaged in subparagraph (f), (g), (h) of paragraph 1 of this Article and, in particular financing procedure, may be defined by separate agreements between the Parties.

3. This Agreement shall not prevent the Parties from elaborating and developing other mutually acceptable forms of cooperation.

Article 5

1. The cooperation envisaged by this Agreement shall be effected through direct contacts between the central competent authorities designated by the Parties in accordance with their national legislation.

The central competent authorities include:

Ministries of Foreign Affairs;

Agencies in charge of control over the circulation of narcotics and psychotropic substances;

Prosecutor General's Offices (prosecutor's office);

Ministries of Interior (public security);

National security agencies and special services;

Border control authorities;

Customs authorities;

Ministries of justice;

Ministries of health;

Ministries of education;

Other departments with function related to the implementation of this Agreement.

2. In order to implement this Agreement more efficiently, each Party shall designate an authority responsible for coordinating cooperation under this Agreement.

3. As appropriate, the Parties shall send to the Depositary of this Agreement through diplomatic channels information on central competent and authorized bodies indicating their postal addresses, phone numbers, fax numbers, e-mail addresses.

The Depositary of this Agreement shall notify the Parties of changes in the lists of central competent authorities and authorized bodies.

Article 6

In the framework of this Agreement, the competent authorities of the border regions in consultation with their central competent authority can cooperate directly. The procedure of their interaction shall be additionally agreed to by the central competent authorities of the Parties in accordance with national legislation of the Parties.

Article 7

1. The cooperation under this Agreement shall be initiated by a request for assistance or on the initiative of one of the Parties that presumes that such assistance is of interest to another Party.

The requests for assistance shall be issued in writing. In the event of an emergency, requests for assistance may be made orally, but shall be confirmed in written form within 72 hours following the oral request. In urgent cases it may be submitted orally to be confirmed in writing not later than in 72 hours with the use of technical means of text transmission, as appropriate.

Should there be any doubts concerning the authenticity or content of the request for assistance, the requesting Party may be asked to confirm the authenticity or to explain the substance of the document in writing.

2. The request for assistance shall include the following information:

- Names of the requesting and requested central competent authority;

- An indication of the purpose and justification of the request;
 - A description of assistance requested;
 - A desired timeframe for fulfilling the request;
 - Other information that may be useful for the timely and proper execution of the request;
 - An indication of the confidentiality of the request or individual actions requested, if needed;
 - The translation of the request into Russian and Chinese, if necessary.
3. Information received in the framework of the request shall be used only for the purposes specified in the request.

Article 8

1. The requested central competent authority shall take all necessary measures to ensure rapid and fullest possible execution of the request. The request shall be executed, as a rule, within a period not exceeding 30 days from the date of its receipt.

2. The requested central competent authority may request additional information needed in its opinion for the proper execution of the request.

3. The requested central competent authority may permit representatives of the requesting central competent authority to be present during the execution of the request in the territory of its state, provided it is consistent with its legislation.

Article 9

1. In case of failure or refusal to execute the request, the requested central competent authority shall immediately notify the requesting central competent authority in writing, report the reasons preventing the execution of the request, and return the request and all annexes thereto.

2. The request may be refused in whole or in part, if the requested central competent authority believes that its execution is likely to prejudice the sovereignty, security or other essential interests of its state, or is contrary to the law of this state.

3. If the requested central competent authority believes that the immediate execution of the request may interfere with the prosecution or other proceedings conducted in the territory of its state, it may postpone execution, or make it subject to conditions identified as necessary after consultations with the requesting central competent authority. If the requesting central competent authority concurs with the proposed conditions of assistance, it shall comply with these conditions.

Article 10

1. Each Party shall ensure the confidentiality of information and documents received, if they are restricted, or the forwarding Party considers their disclosure undesirable. The degree of confidentiality of information and documents shall be determined by the transmitting Party.

2. Information and documents obtained by a Party from another Party under this Agreement shall not be subject to transfer without prior written consent of the providing Party.

Article 11

In the framework of national legislation the Parties shall take measures needed for the appropriate use of the method of controlled delivery of narcotics and their precursors based on mutually acceptable agreements, in particular for the purpose of identifying persons involved in illicit trafficking thereof and their criminal prosecution.

Article 12

1. The parties shall bear their own costs associated with the implementation of this Agreement in its territory, unless agreed otherwise in each particular case.

2. The Parties shall bear all costs associated with the travel and accommodation of the representatives of its central competent authorities in the territory of the host Party.

3. The representatives of the central competent authorities of the requesting Party shall travel with prior agreement with the central competent authority of the requested Party.

Article 13

In order to review progress in the implementation of this Agreement and issues of improved cooperation under this Agreement, at least once a year the Parties shall hold meeting of the heads of the competent authorities, guided by the Regulation on meetings of heads of ministries and/or agencies of the SCO Member States, alternately on the territories of the Member States in alphabetical order of the Russian language.

As appropriate, the central competent authorities of the Parties may hold joint working meetings and/or consultations. Such meetings and/or consultations shall be held by mutual agreement and, as a rule, in the territory of the Party that offered it.

The SCO Secretariat shall be notified in advance of such Sessions, meetings and/or consultations, and upon their completion – of their outcome.

Article 14

1. The parties shall settle disputes that may arise in connection with the interpretation or application of this Agreement by consultation and negotiation.

2. This Agreement shall not affect the rights and obligations of the Parties under other international treaties to which they are parties to.

Article 15

In the implementation of cooperation under this Agreement, the Parties shall use Russian and Chinese as working languages.

Article 16

1. This Agreement shall enter into force on the date of the deposit with the Depositary of the fourth notification of the completion by the signatory Parties of internal procedures necessary for its entry into force.

For the Parties that have completed the necessary procedures later, it shall enter into force on the date of the deposit of relevant documents with the Depositary.

2. By the decision of the Parties this Agreement may be changed and amended by way of separate protocols that form an integral part of this Agreement and shall enter into force in accordance with the procedure set forth in paragraph 1 of this Article.

3. No reservations to this Agreement shall be permitted.

4. This Agreement shall be valid for five years from the date of its entry into force. In the future, this Agreement shall be automatically extended each time for a further period of five years, unless the Parties decide otherwise.

5. This Agreement shall be open to accession by other States that share its provisions and are ready to assume the obligations arising therefrom. For the acceding State this Agreement shall enter into force on the date of the deposit of the instrument of accession with the Depositary.

Article 17

The Secretariat of the SCO shall be the Depositary of this Agreement that send a certified copy thereof to the Parties.

Done at the city of Tashkent, on June 17, 2004, in a single original, in the Russian and Chinese languages, both texts being equally authentic.

signatures