

**NARCOTIC DRUGS**

**Aerial Interception Assistance**

**Agreement Between the  
UNITED STATES OF AMERICA  
and MEXICO**

Effected by Exchange of Notes at  
Washington March 2 and 4, 2011



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

**MEXICO**

**Narcotic Drugs: Aerial Interception Assistance**

*Agreement effected by exchange of notes at  
Washington March 2 and 4, 2011;  
Entered into force March 4, 2011.*

The Department of State presents its compliments to the Embassy of Mexico and refers to the ongoing counter-narcotics cooperation between the Government of the United States of America and the Government of the United Mexican States, specifically cooperation for the promotion of safety and security in civil aviation.

The Government of the United States of America intends to provide assistance to the Government of the United Mexican States in locating, identifying, tracking, and sharing information for the interception of suspect civil aircraft in Mexico's airspace as part of the cooperative effort to facilitate the interruption of transnational organized crime routes and facilitate the arrest of persons involved in organized crime.

In accordance with international law, the Government of the United States of America proposes the following provisions with regard to the use of any such assistance provided by the Government of the United States of America as part of this cooperation:

- (a) The Government of the United Mexican States will carry out air interception activities consistent with applicable domestic law and the provisions of the treaties binding to the United Mexican States and the United States of America;
- (b) The Government of the United Mexican States will not:
  - Damage, destroy, or disable civil aircraft in service;
  - Threaten to damage, destroy, or disable civil aircraft in service.This will not be interpreted as a waiver or restriction of the right of the Government of the United Mexican States to use weapons in the context of an act of self-defense pursuant to applicable international law.
- (c) The Government of the United Mexican States will issue a communication instructing all Mexican authorities involved in aerial interception, that notwithstanding any other provision regarding the interception of Civil Aircraft, they shall not damage, destroy, disable, or threaten any civil aircraft in service. Mexican authorities shall only apply procedures for the interception of Civil Aircraft that are in conformance with this agreement.
- (d) The Government of the United Mexican States will issue a public statement indicating that civil aircraft in service will not be damaged, destroyed, disabled, or threatened;
- (e) The Government of the United Mexican States will inform the Government of the United States of America of any civil aircraft in service that is fired upon. This obligation will be applicable whenever the Mexican authorities conduct an interception operation based on information provided by the United States of America.

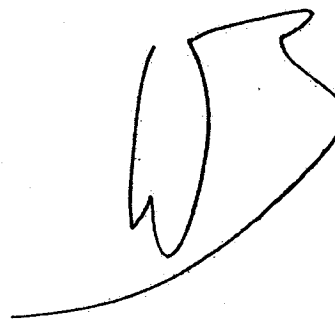
For purposes of this Diplomatic Note:

1. An aircraft is considered to be "in service" from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight, while the aircraft is in flight, and until twenty-four hours after any landing, and the interception procedure established by the Government of the United Mexican States will apply to aircraft "in service."
2. An aircraft is considered to be "in flight" from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation and, in the case of a forced landing, the flight will be deemed to continue until the competent authorities take over responsibility for the aircraft and for persons and property on board.
3. The two Governments will work in a coordinated fashion in the framework of shared responsibility in defining strategies to strengthen and improve information-sharing mechanisms and bilateral cooperation actions in this field.
4. Either of the two Governments may terminate or suspend these provisions regarding their cooperation at any time by sending the other Government 30 days' written notice.

If the foregoing terms are acceptable to the Government of the United Mexican States, this Note and your Note in reply communicating your agreement will constitute an agreement between the two Governments, which will enter into force on the date of your reply.

Department of State,

Washington, March 2, 2011.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

La Embajada de México presenta sus saludos al Departamento de Estado y se refiere a su Nota del 2 de marzo de 2011, referente a la cooperación en materia de intercepción aérea, la cual se transcribe a continuación:

"El Departamento de Estado saluda atentamente a la Embajada de México y se refiere a la cooperación actual en materia de antinarcóticos entre el Gobierno de los Estados Unidos de América y el Gobierno de los Estados Unidos Mexicanos, específicamente a la cooperación para el fomento de la seguridad en la aviación civil<sup>1</sup>.

El Gobierno de los Estados Unidos de América pretende continuar suministrando asistencia al Gobierno de los Estados Unidos Mexicanos para la localización, identificación, rastreo e intercambio de información para la intercepción de aeronaves civiles sospechosas en el espacio aéreo de México, como parte de los esfuerzos de cooperación para facilitar la interrupción de rutas de la delincuencia organizada transnacional y el arresto de personas involucradas con el crimen organizado.

De conformidad con el derecho internacional, el Gobierno de los Estados Unidos de América propone los siguientes términos para la utilización de la asistencia suministrada por el Gobierno de los Estados Unidos de América, como parte de esta cooperación:

- (a) El Gobierno de los Estados Unidos Mexicanos llevará a cabo las actividades de intercepción aérea con apego a la legislación interna aplicable y a lo dispuesto en los tratados vinculantes para los Estados Unidos Mexicanos y los Estados Unidos de América.
- (b) El Gobierno de los Estados Unidos Mexicanos no habrá de:
  - Dañar, destruir o inhabilitar aeronaves civiles en servicio, o
  - Amenazar con dañar, destruir o inhabilitar aeronaves civiles en servicio.

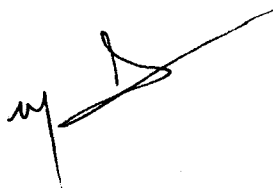
Esto no se interpretará como una renuncia o restricción al derecho del Gobierno de los Estados Unidos Mexicanos para usar armas en el contexto de un acto de defensa propia, conforme al derecho internacional aplicable.

<sup>1</sup> Para los propósitos de la presente Nota, la frase "seguridad en la aviación civil" abarca los conceptos en inglés tanto de "safety in civil aviation" como "security in civil aviation".

- (c) El Gobierno de los Estados Unidos Mexicanos emitirá una comunicación instruyendo a todas las autoridades mexicanas involucradas en la intercepción aérea a, sin perjuicio de cualquier otra disposición relacionada con la intercepción de aeronaves civiles, no dañar, destruir, inhabilitar o amenazar cualquier aeronave civil en servicio. Las autoridades mexicanas deberán aplicar únicamente procedimientos para la intercepción de aeronaves civiles que sean consistentes con este acuerdo.
- (d) El Gobierno de los Estados Unidos Mexicanos emitirá un aviso público informando que las aeronaves civiles en servicio no serán dañadas, destruidas, inhabilitadas o amenazadas.
- (e) El Gobierno de los Estados Unidos Mexicanos informará al Gobierno de los Estados Unidos de América sobre cualquier aeronave civil en servicio que hubiere recibido un impacto de arma de fuego. Esta obligación será aplicable siempre que las autoridades mexicanas realicen una operación de intercepción con base en información proporcionada por el Gobierno de los Estados Unidos de América.

Para los propósitos de la presente Nota Diplomática:

1. Se considera a una aeronave "en servicio" desde que el personal de tierra o la tripulación comienza las operaciones previas a un determinado vuelo, mientras la aeronave se encuentra en vuelo, y hasta veinticuatro horas después de cualquier aterrizaje; el procedimiento de intercepción establecido por el Gobierno de los Estados Unidos Mexicanos se aplicará a aeronaves "en servicio".
2. Se considera que una aeronave se encuentra "en vuelo" desde el momento en que se cierran todas las puertas externas después del embarque, hasta el momento en que se abra cualquiera de dichas puertas para el desembarque; en caso de aterrizaje forzoso, se considerará que el vuelo continúa hasta que las autoridades competentes se hagan cargo de la aeronave y de las personas y bienes a bordo.
3. Los dos Gobiernos trabajarán de manera coordinada en un marco de responsabilidad compartida, en la definición de estrategias que fortalezcan y mejoren los mecanismos de intercambio de información y las acciones de cooperación bilateral en la materia.
4. Cualquiera de los dos Gobiernos podrá dar por terminadas o suspender las disposiciones aplicables a su cooperación, en cualquier momento, mediante notificación escrita enviada al otro Gobierno con treinta (30) días de anticipación.



Si los anteriores términos son aceptables para el Gobierno de los Estados Unidos Mexicanos, la presente Nota y su Nota de respuesta comunicando su conformidad, constituirán un acuerdo entre ambos Gobiernos, el cual entrará en vigor a partir de la fecha de su nota de respuesta.”

La Embajada se complace en comunicar al Departamento de Estado la aceptación del Gobierno de los Estados Unidos Mexicanos a los términos de su Nota, por lo que su Nota y la presente Nota de respuesta constituyen un acuerdo entre ambos Gobiernos, el cual iniciará su vigencia a partir de la fecha de esta Nota.



**EMBAJADA DE MEXICO  
WASHINGTON, D. C.**

Washington, D.C., a 4 de marzo de 2011.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

**Al Departamento de Estado,  
Washington D.C.**

A smaller handwritten signature in black ink, appearing as a series of connected loops and a horizontal line.



## UNOFFICIAL TRANSLATION

01554

The Embassy of Mexico presents its compliments to the Department of State and refers to the Department's Note of March 2<sup>nd</sup>, 2011, regarding the cooperation in aerial interception which reads as follows:

“The Department of State presents its compliments to the Embassy of Mexico and refers to the ongoing counter-narcotics cooperation between the Government of the United States of America and the Government of the United Mexican States, specifically cooperation for the promotion of safety and security in civil aviation.

The Government of the United States of America intends to provide assistance to the Government of the United Mexican States in locating, identifying, tracking, and sharing information for the interception of suspect civil aircraft in Mexico's airspace as part of the cooperative effort to facilitate the interruption of transnational organized crime routes and facilitate the arrest of persons involved in organized crime.

In accordance with international law, the Government of the United States of America proposes the following provisions with regard to the use of any such assistance provided by the Government of the United States of America as part of this cooperation:

- (a) The Government of the United Mexican States will carry out air interception activities consistent with applicable domestic law and the provisions of the treaties binding to the United Mexican States and the United States of America;
- (b) The Government of the United Mexican States will not:
  - Damage, destroy, or disable civil aircraft in service;
  - Threaten to damage, destroy, or disable civil aircraft in service.

This will not be interpreted as a waiver or restriction of the right of the Government of the United Mexican States to use weapons in the context of an act of self-defense pursuant to applicable international law.

- (c) The Government of the United Mexican States will issue a communication instructing all Mexican authorities involved in aerial interception, that notwithstanding any other provision regarding the interception of Civil Aircraft, they shall not damage, destroy, disable, or threaten any civil aircraft in service. Mexican authorities shall only apply procedures for the interception of Civil Aircraft that are in conformance with this agreement.

- (d) The Government of the United Mexican States will issue a public statement indicating that civil aircraft in service will not be damaged, destroyed, disabled, or threatened;
- (e) The Government of the United Mexican States will inform the Government of the United States of America of any civil aircraft in service that is fired upon. This obligation will be applicable whenever the Mexican authorities conduct an interception operation based on information provided by the United States of America.

For purposes of this Diplomatic Note:

1. An aircraft is considered to be "in service" from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight, while the aircraft is in flight, and until twenty-four hours after any landing, and the interception procedure established by the Government of the United Mexican States will apply to aircraft "in service."
2. An aircraft is considered to be "in flight" from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation and, in the case of a forced landing, the flight will be deemed to continue until the competent authorities take over responsibility for the aircraft and for persons and property on board.
3. The two Governments will work in a coordinated fashion in the framework of shared responsibility in defining strategies to strengthen and improve information-sharing mechanisms and bilateral cooperation actions in this field.
4. Either of the two Governments may terminate or suspend these provisions regarding their cooperation at any time by sending the other Government thirty (30) days' written notice.

If the foregoing terms are acceptable to the Government of the United Mexican States, this Note and your Note in reply communicating your agreement will constitute an agreement between the two Governments, which will enter into force on the date of your reply."

The Embassy is pleased to communicate to the Department of State that the Government of the United Mexican States accepts the terms of the Department's Note and, accordingly, the Department's Note and this Note in reply constitute an agreement between the two Governments, which will enter into force on the date of this Note.

Washington, D.C., March 4, 2011

**To the Department of State  
Washington, D.C.**