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### Commission on Narcotic Drugs

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Item 4 of the provisional agenda\*

**Follow-up to the twentieth special session of the General Assembly**

### The world drug problem

#### Third biennial report of the Executive Director\*\*

#### *Summary*

In the Political Declaration adopted by the General Assembly at its twentieth special session (Assembly resolution S-20/2, annex), the Assembly called upon all States to report biennially to the Commission on Narcotic Drugs on their efforts to meet the goals and targets set at that session for the years 2003 and 2008. In its resolution 42/11, the Commission requested the Executive Director to submit biennial reports for its examination at its regular sessions in 2001, 2003, 2005, 2007 and 2008. The Commission considered the first and second biennial reports, respectively, at its forty-fourth and forty-sixth sessions.

The present report is based on the information received from Governments in their responses to the third biennial reports questionnaire, covering the period from June 2002 to June 2004. This report also contains information on the implementation of Commission resolution 46/4, entitled "Supporting the international drug control system through joint action".

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\* E/CN.7/2005/1.

\*\* The present document draws on the assessments contained in documents E/CN.7/2005/2/Add.1-6, the preparation of which was affected by the late submission of replies to the biennial reports questionnaire for the third reporting period (2002-2004).



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## **I. Introduction**

1. At its twentieth special session, the General Assembly adopted a Political Declaration, the Declaration on the Guiding Principles of Drug Demand Reduction and measures to enhance international cooperation to counter the world drug problem, including: (a) the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors; (b) measures for the control of precursors; (c) measures to promote judicial cooperation; (d) measures to counter money-laundering; and (e) the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development (resolutions S-20/2, annex, S-20/3, annex, and S-20/4 A to E, respectively). In its resolution 54/132 of 17 December 1999, the Assembly adopted the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction, annexed to that resolution. The ministers and other government representatives attending the forty-sixth session of the Commission on Narcotic Drugs adopted the Joint Ministerial Statement (A/58/124, sect. II.A), in which they reaffirmed their commitment to implement the outcome of the twentieth special session of the General Assembly.

## **II. Mandate of the Commission on Narcotic Drugs and action taken by the General Assembly**

2. In the Political Declaration, the General Assembly called upon all States to report biennially to the Commission on Narcotic Drugs on their efforts to meet the goals and targets set at the twentieth special session for the years 2003 and 2008 and requested the Commission to analyse those reports in order to enhance the cooperative effort to combat the world drug problem. As requested by the Assembly in its resolutions 54/132, 55/65 of 4 December 2000, 56/124 of 19 December 2001, 57/174 of 18 December 2002 and 58/141 of 22 December 2003, the Secretary-General submitted to the Assembly annual reports on the implementation of the outcome of the twentieth special session. In response to Assembly resolution 57/174, the Secretary-General prepared in 2003 a report containing a quinquennial evaluation of the implementation of the outcome of the twentieth special session (A/58/253). In its resolutions 58/141 and 59/163 of 20 December 2004, the Assembly reaffirmed its commitment to the outcome of its twentieth special session and the importance of the commitments of Member States in meeting the targets set at that session for 2003 and 2008.

3. The Commission, in its resolution 42/11, requested the Executive Director to cover in his biennial reports the efforts of Governments to meet the objectives and target dates of the twentieth special session, based on a comprehensive, confidential and balanced treatment of information covering all aspects of the drug problem. In its resolution 44/2, the Commission requested the Executive Director, *inter alia*, to provide in the biennial reports a balanced and integrated approach to the world drug problem and to refer in the reports to the difficulties encountered by Governments in their efforts to meet the goals and targets agreed upon at the twentieth special session.

4. The Commission, in its resolution 42/11, requested Member States to transmit to the Executive Director by 30 June their replies to the biennial reports questionnaire. By 30 June 2004, 26 States<sup>1</sup> had submitted responses to the biennial reports questionnaire for the third reporting period. By 8 November 2004, a total of 93 States<sup>2</sup> had sent responses, on the basis of which the third biennial report of the Executive Director was prepared. At the second intersessional meeting of the Commission, on 30 September 2004, those States that had not yet sent their responses to the biennial reports questionnaire were urged to do so as soon as possible, as the serious delays in the submission of those responses would mean that the Executive Director would not be able to circulate his biennial report to Member States on time. Most of the replies to the questionnaire for the third reporting period had been submitted more than four months after the deadline of 30 June 2004.

### **III. Overview and analysis of responses by Governments**

5. The Commission examined the first biennial report (E/CN.7/2001/2) and the consolidated first biennial report (E/CN.7/2001/16) at its forty-fourth session, in 2001 and the second biennial report (E/CN.7/2003/2 and Add.1-6) at its forty-sixth session, in 2003. The main document of the third biennial report (E/CN.7/2005/2) provides an overview and analysis of the responses to the biennial reports questionnaire; its addenda (E/CN.7/2005/2/Add.1-6) provide a more detailed analysis of the efforts by Governments to implement the action plans and measures emanating from the twentieth special session of the General Assembly: (a) the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction; (b) the Action Plan on International Cooperation on the Eradication of Illicit Crops and on Alternative Development; (c) judicial cooperation; (d) the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors; (e) control of precursors; and (f) countering money-laundering.

6. The response rate for the third reporting period (2002-2004) was lower than that for the second reporting period (2000-2002) but similar to that for the first reporting period (1998-2000). The first biennial report (E/CN.7/2001/2) was based on the information contained in 81 replies to the questionnaire (received by 8 November 2000) and the consolidated first biennial report, prepared following the forty-fourth regular session of the Commission for consideration at its reconvened session in December 2001, incorporated a further 28 replies (total: 109 replies). The second biennial report contained an analysis of the information provided in 117 replies. The present report has been prepared on the basis of the replies received from 93 States by 8 November 2004, with some States completing only certain parts of the questionnaire. As the success of the analysis through the biennial reports questionnaire relies upon a high level of response, both in terms of the number of States responding and the quality of the information provided, the Commission may wish to explore ways to ensure that, in the future, responses to the questionnaire will be more numerous, of higher quality and more timely.

7. The present report assesses the progress made by Governments in implementing the outcome of the twentieth special session of the General Assembly by comparing responses in the third reporting period with those of the previous reporting periods.<sup>3</sup> Only 60 countries responded to the questionnaire for all three

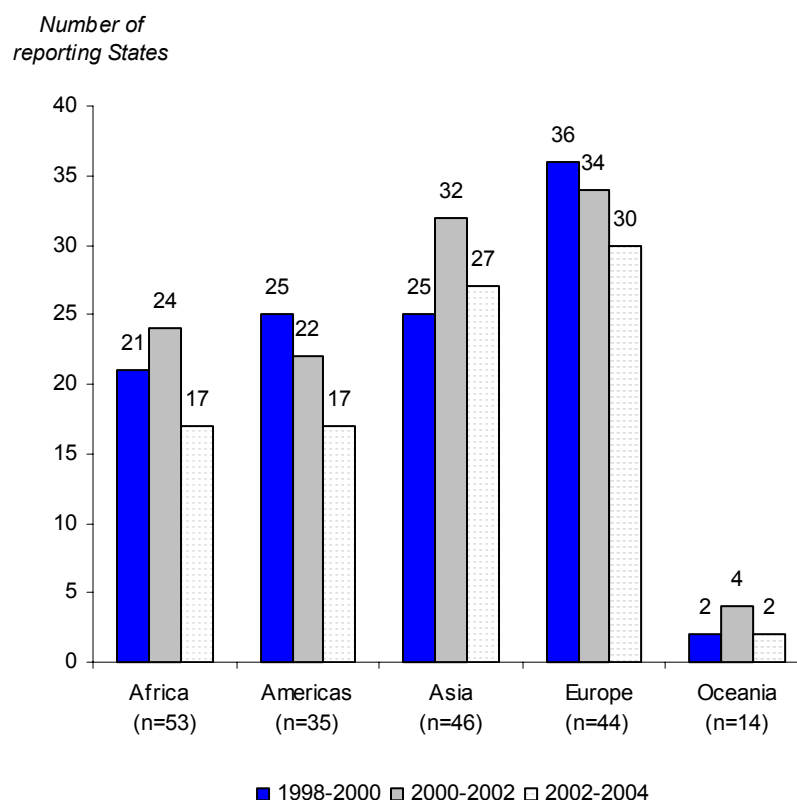
reporting periods (1998-2000, 2000-2002 and 2002-2004) and 72 responded to the questionnaire for both the second and third reporting periods. Figure I provides a regional breakdown of the total number of responses received for the three reporting periods. Where possible, the present document and its addenda (E/CN.7/2005/2 and Add.1-6) contain regional analyses of responses from those countries which returned the questionnaire for both the second and third reporting periods.

8. While several activities reported by Member States were undertaken to comply with earlier mandates, such as those arising from the international drug control treaties, the action plans and measures emanating from the twentieth special session have had a major impact in promoting national, regional and international initiatives to counter the world drug problem. The current reporting system, however, does not enable an assessment of the effectiveness and impact of individual actions.

Figure I

**States responding to the biennial reports questionnaire,<sup>a</sup> by region, 1998-2000, 2000-2002 and 2002-2004**

(n = number of States in the region that could have responded to the questionnaire)



<sup>a</sup> States responding to at least one part of the biennial reports questionnaire.

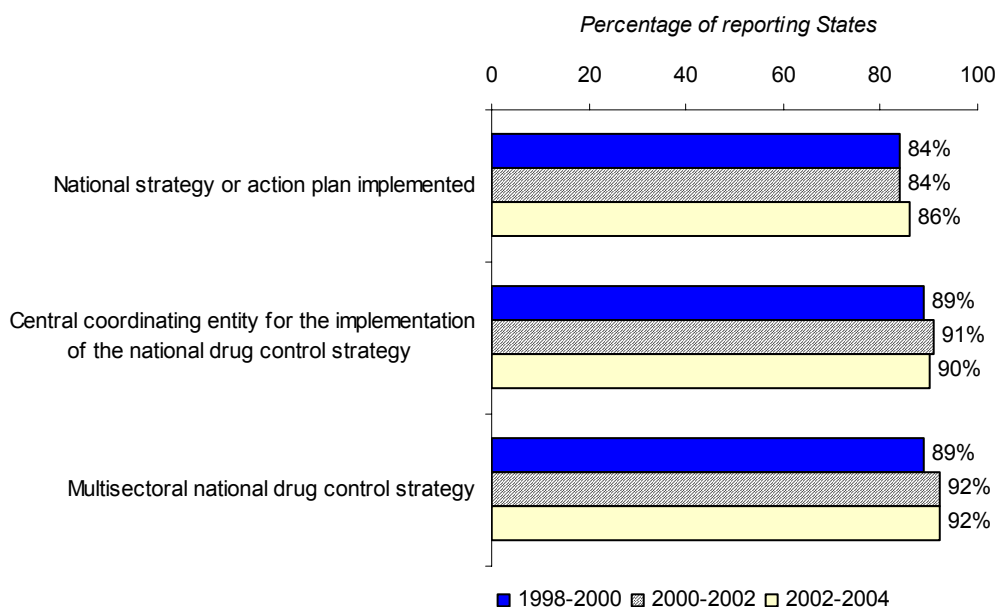
## A. National drug control strategies

9. National drug control strategies are essential to ensuring the planning and coordination of drug control policies and activities, including interaction among law enforcement, health, education, economic development and other sectors, as well as to promoting a balanced approach between demand and supply reduction.

10. A total of 91 States replied to the questions in the section entitled "General" in the biennial reports questionnaire for the third reporting period. The majority (86 per cent) had adopted or updated a national drug control strategy or plan, an increase of 2 per cent compared with the first and second reporting periods (see figure II). The remainder indicated that a plan or strategy was under preparation. Ninety per cent of responding Governments had established a central entity to coordinate the implementation of the national drug strategy and 92 per cent indicated that those strategies were multisectoral, covering two or more of the following sectors: health, social programmes, education, law enforcement, justice, employment or other. The involvement of non-governmental organizations, civil society associations, churches, charitable funds and communities in the formulation and implementation of national drug strategies was mentioned in almost all the replies. While it is not possible to assess the impact of these structural measures, the majority of reporting Governments have taken steps to implement the action envisaged in this regard at the twentieth special session of the General Assembly. This is testimony to the high priority accorded by Member States to countering the drug problem through a balanced and comprehensive multisectoral approach.

Figure II

**National drug control strategies adopted, 1998-2000, 2000-2002 and 2002-2004**



## **B. Drug demand reduction**

11. At the twentieth special session, Member States established the year 2003 as a target date for developing new and enhanced drug demand reduction strategies and programmes, in close collaboration with public health, social welfare and law enforcement authorities, and committed themselves to achieving significant and measurable results in the field of demand reduction by the year 2008. In section VIII of the biennial reports questionnaire for the third reporting period, Member States reported on: (a) the existence of a national drug demand reduction strategy; (b) the capacity to assess the problem by data collection and analysis; (c) the capacity to tackle the problem through intervention focusing on prevention, treatment and rehabilitation and reducing the negative consequences of drug abuse; (d) the forging of partnerships and networking mechanisms; (e) the existence of programmes focusing on the most vulnerable or special population groups; (f) the use of media and public information campaigns; and (g) the capacity to evaluate and incorporate the lessons learned. The replies received have been quantified drawing on the Demand Reduction Index, an analytical tool providing a visual representation of changes since 1998 in the different areas of demand reduction at the regional and subregional levels. A detailed analysis of the action reported by Member States in this regard is contained in document E/CN.7/2005/2/Add.1.

12. The responses indicated that most Governments have put in place some of the key elements of a comprehensive drug demand reduction strategy. Countries in all regions have kept their high level of commitment during the three reporting periods. The majority of the countries responded positively to over 75 per cent of the questions. However, while the situation had markedly improved in Sub-Saharan Africa and Europe, countries in Central, South and South-West Asia seemed to have fallen back close to the baseline level. A positive response to most of the questions also indicates that there were some mechanisms to ensure coordination and participation of relevant authorities and sectors of society. Most regions had established a good degree of partnership between the relevant authorities and other sectors of society. Some of the reported increases in the collaboration or networking mechanisms were a reflection of a broader trend towards the decentralization of demand reduction efforts to the regional and municipal levels in some regions, in particular in Latin America and the Caribbean.

13. On average, over 60 per cent of States responding to the questionnaire for the three reporting periods indicated that demand reduction activities were based on an assessment of the drug abuse situation (prevalence estimates, school surveys, treatment reporting system etc.). The overall picture seems to confirm the existence of well-developed drug information systems in Europe and North America. Whereas the situation in Sub-Saharan Africa, North Africa and the Middle East could be further improved, significant progress is being made in other regions, including Latin America and the Caribbean, Central, South and South-West Asia and East and South-East Asia, with the establishment of mechanisms for monitoring drug abuse trends.

14. Learning from experience and evaluation are essential to successful demand reduction intervention. The majority of countries responded positively concerning training for planners and practitioners and the evaluation of strategies and activities to improve national demand reduction strategies. However, from the responses

submitted in relation to specific types of intervention, systematic evaluation of results was only extensively conducted in 20-30 per cent of the reporting countries. Moreover, only Europe and North America seemed to have been also relatively active in disseminating good practices and lessons learned.

15. Whereas the proportion of States that included public information campaigns in their national strategies increased slightly, the proportion of States that based their campaigns on needs assessment was still low, especially in Sub-Saharan Africa and in Latin America and the Caribbean. Less than 50 per cent of the States indicated that such campaigns were evaluated; that figure fell to below 25 per cent of States in Central, South and South-West Asia and to 10 per cent in Latin America and the Caribbean. Lack of financial resources, coordination and multisectoral cooperation were most often cited as constraints to implementing public information campaigns.

16. The results of the third reporting period present a regionally diverse picture on the provision of prevention, treatment and rehabilitation services. All regions except Latin America and the Caribbean and Europe reported an increase in the level of coverage of intervention focusing on prevention, particularly in the provision of information and education (an increase of more than 20 per cent in Central, South and South-West Asia and North America) and in the provision of life-skills training and alternatives to drug abuse. However, only the responding countries in North America and Oceania<sup>4</sup> have reported the coverage of more than half of their target group for intervention focusing on the provision of information and education, life-skills development and alternatives to drug abuse. The provision of treatment and rehabilitation services increased in most regions except Latin America and the Caribbean and East and South-East Asia. In Latin America, the apparent overall decrease for all types of intervention contrasted with information available from other sources. In the case of East and South-East Asia, reported decreases in coverage mostly concentrated on detoxification and social reintegration interventions. Other regions, such as Sub-Saharan Africa and Central and South-West Asia, placed significant emphasis on detoxification, suggesting a need to strengthen preventive care and service diversification. Only one third of all countries reported having gender-specific services. Countries in North America, Europe and Oceania indicated a high level of specific types of intervention targeting at-risk groups. There appears to be a need for special attention in this regard in North Africa, the Middle East and, above all, Sub-Saharan Africa.

17. The provision of services to reduce the negative health and social consequences of drug abuse increased in Oceania, North Africa and the Middle East, North America and, to a lesser extent, Central, South and South-West Asia. The coverage has remained stable in Europe, East and South-East Asia, and Latin America and the Caribbean and has declined in Sub-Saharan Africa. Intervention in the form of voluntary testing and counselling programmes for infectious diseases and the provision of overdose prevention programmes increased in most regions.

18. In conclusion, most responding States have built the political and strategic foundations for effective demand reduction strategies, though further action is needed to improve data collection and evaluation capacity in order to support the development of future interventions. The trend in the abuse of illicit drugs presents a diverse picture depending on the substance and the region. Increases, stabilization and decreases in patterns of drug abuse have been reported in various regions. (For



a detailed report of drug abuse trends, see document E/CN.7/2005/3.) Taking into account this situation, prevention initiatives should be scaled up so that they cover a wider range of settings and target groups (including those at greater risk), and national and regional prevention initiatives should be expanded and sustained in order to meet the targets for 2008. The factors influencing the reported decreases in the availability of treatment and rehabilitation in Latin America and the Caribbean and in East and South-East Asia need to be identified, and remedial action should be implemented. More resources seem to be required for initiatives focusing on special needs, and one of the major challenges remains the reduction of the negative health and social consequences of drug abuse. A significant change in these areas requires sustained long-term efforts. Overall, it is clear that more needs to be done to obtain further concrete and measurable results.

### **C. Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors**

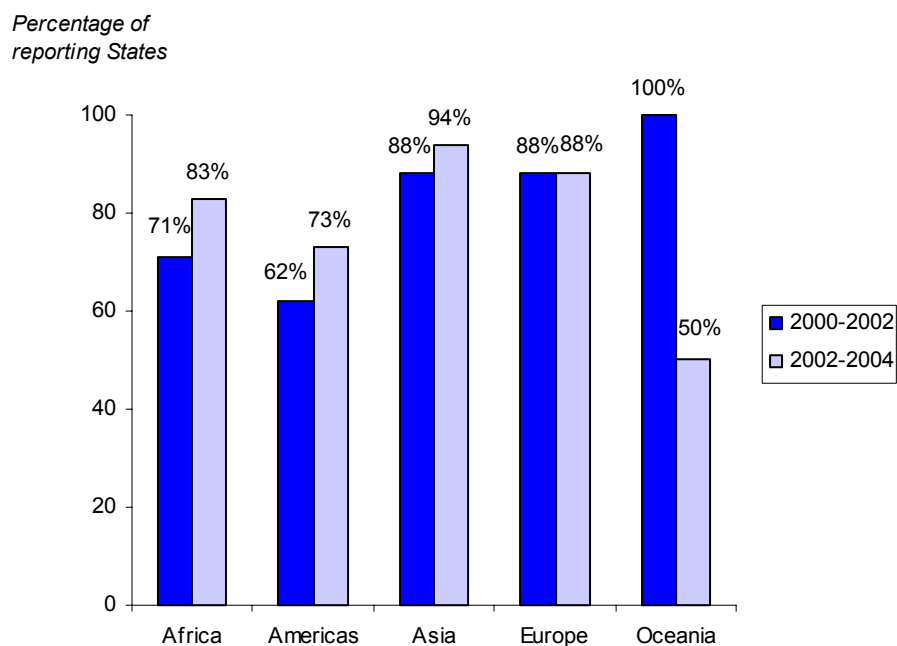
19. In the Political Declaration adopted by the General Assembly at its twentieth special session (Assembly resolution S-20/2), the Assembly called for the strengthening or establishing by the year 2003 of national legislation and programmes giving effect to the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors and decided to devote particular attention to the measures for the control of precursors and to establish the year 2008 as a target date for States to eliminate or significantly reduce the illicit manufacture, marketing and trafficking of psychotropic substances, including synthetic drugs, and the diversion of precursors. A total of 90 States replied to the questions in section VII of the biennial reports questionnaire for the third reporting period, compared with 109 in the first reporting period and 116 in the second reporting period. A detailed analysis of the replies received from States in the third reporting period is contained in document E/CN.7/2005/2/Add.4.

20. In response to the Action Plan, a total of 68 States (76 per cent) replying in the third reporting period (compared with 88 and 82 per cent in the second and first reporting periods) reported that they had implemented the provisions of the international drug control conventions, the resolutions and decisions of the Economic and Social Council and the Commission on Narcotic Drugs and the recommendations of the International Narcotics Control Board (INCB) relating to the illicit manufacture of, trafficking in and abuse of synthetic drugs, in particular amphetamine-type stimulants (ATS). When considering the replies of those States (72) in both the second and third reporting periods, the percentage of States that had taken such measures increased in all regions except Oceania (see figure III). In some countries, however, the international drug control treaties had been only partially implemented and national legislation was being amended to implement the treaty provisions relating to ATS.

Figure III

**Implementation of the international drug control treaties, resolutions of the Commission on Narcotic Drugs and the Economic and Social Council and recommendations of the International Narcotics Control Board in connection with amphetamine-type stimulants and their precursors, 2000-2002 and 2002-2004**

(Percentage of States in each region that responded to the biennial reports questionnaire for both the second and third reporting periods)



21. A lower percentage of respondents (68 per cent in the third reporting period, compared with 80 per cent in the second reporting period) reported that they had adopted measures to raise awareness of and accord higher priority to the ATS problem.<sup>5</sup> Over half of the reporting States had put in place initiatives to reach specific groups, such as youth or other vulnerable groups, and/or had taken measures to raise the awareness of law enforcement officials, health-care personnel, the pharmaceutical industry and the leisure and entertainment industry.

22. National prevention campaigns had been initiated in a majority of the responding countries (59 per cent, a figure that has remained almost unchanged since the second reporting period (2000-2002)). A smaller proportion reported on the adoption of other measures, such as the provision of specialized treatment, after-care services and initiatives to reduce the adverse consequences of ATS abuse. Over one third of the respondents (38 per cent, compared with 39 per cent for the first reporting period and 53 per cent for the second) reported that they had adopted specific programmes to prevent youth from experimenting with ATS. Among the 72 States which responded to the questionnaire for both the second and third reporting periods (2000-2002 and 2002-2004), there were considerable improvements in Asia, the Americas and, in particular, Africa (from 46 per cent for

2000-2002 to 86 per cent for 2002-2004). Almost half (47 per cent) of the countries responding to the questionnaire for the third reporting period (compared with 60 per cent for the second reporting period (2000-2002)) had adopted measures, such as national, household and school population surveys, to monitor continuously the illicit demand for and abuse of ATS. A smaller proportion of respondents (41 per cent, compared with 57 per cent in the reporting period 2000-2002) had integrated research results into prevention campaigns and treatment efforts.

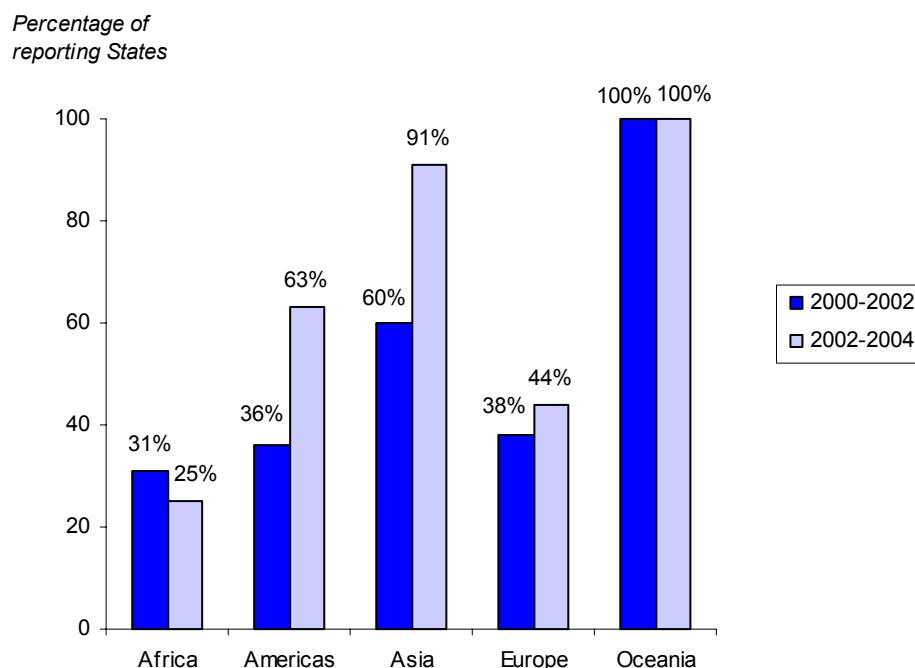
23. Progress has also been made since the first reporting cycle, when 14 per cent of States reported having taken measures to counter the use of information technology to promote and distribute illicit drugs, compared with 22 per cent during the third reporting period. A number of States reported having enhanced law enforcement capabilities through the establishment of specialized units for investigating Internet-related criminal activities. Thirty-eight per cent of respondents, compared with 44 per cent for the second reporting period, reported having taken measures to disseminate information on the adverse health, social and economic consequences of the abuse of ATS using modern information technology.

24. While there was a decline in the proportion of Governments that reported having taken measures to detect the clandestine manufacture of ATS (53 per cent, compared with 63 per cent in the second reporting period), the percentage among those that responded in both the second and third reporting periods increased in all regions except Oceania, where there was no change. Improvement was registered at the regional level with regard to the monitoring of the manufacturing methods used in clandestine laboratories, including the monitoring of the trade in tableting machines and technical equipment required for the illicit manufacture of ATS. During the third reporting period, a declining trend was noticed in the percentage of respondents (54 per cent, compared with 60 per cent in the reporting period 2000-2002) that had adopted specific measures to improve the operational capabilities of forensic laboratories, but law enforcement and regulatory personnel seem to have been provided with more training in the technical complexities of ATS during the third reporting period (47 per cent of respondents, compared with 40 per cent for the previous reporting period). Over one third of the responding Governments (33 per cent) took measures to introduce mechanisms for dealing with non-scheduled substances, in particular those included in the limited international special surveillance list established by INCB. A larger proportion of Governments (48 per cent) had enhanced cooperation with the chemical industry to prevent the diversion of precursors of ATS and with the pharmaceutical industry (42 per cent) to prevent the diversion of licit pharmaceuticals containing ATS. A review of the responses of the countries replying in both the second and third reporting periods indicates that more effective action was taken by these Governments to prevent the irresponsible marketing and prescribing of ATS (see document E/CN.7/2005/2/Add.4).

25. A third of the Governments responding to the questionnaire for the third reporting period had introduced sanctions and penalties for offences relating to ATS. A regional analysis of the responses from those countries reporting in both the second and third periods shows a significant increase in the proportion of countries in the Americas and Asia (see figure IV).

Figure IV  
**Sanctions and penalties for offences relating to amphetamine-type stimulants,  
 2000-2002 and 2002-2004**

(Percentage of States in each region that responded to the biennial reports questionnaire for both the second and third reporting periods)



26. Since the first reporting period, progress has also been made in the collection of data on ATS (a 17 per cent increase). Whereas the percentage of Governments reporting on the adoption of measures to improve regional cooperation has considerably decreased since the second reporting period, a regional analysis of the replies from countries responding to the questionnaire in the second and third reporting period shows a marginal improvement with regard to measures taken at the multilateral, regional, subregional and bilateral levels. Several Governments indicated that national laws and regulations had been adopted to improve the exchange of information between States on transactions involving ATS, including the application of the “know-your-client” principle. There was a downward trend in the proportion of reporting countries that had provided assistance to other countries in dealing with the problem of ATS since the first reporting period, an indication that further efforts are needed to enhance international cooperation in this area.

27. Although considerable progress has been made to implement the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors, further efforts by Governments are needed in order to achieve the targets for 2008. The Commission may wish to urge States to renew efforts to fulfil their treaty obligations and implement the relevant resolutions and decisions of the Economic and Social Council and the Commission, as well as the

recommendations of INCB. Increased efforts are also required to raise awareness of the ATS problem, to reduce illicit demand and to prevent drug experimentation by youth, as well as to improve the operational capabilities of forensic laboratories and to enhance cooperation with the chemical and pharmaceutical industries. Moreover, as international cooperation remains a cornerstone for implementing the Action Plan, States should pay special attention to strengthening cooperation at the bilateral, regional and international levels, in cooperation with the relevant international organizations.

#### **D. Countering money-laundering**

28. At the twentieth special session of the General Assembly, the year 2003 was set as the target date for the adoption of national money-laundering legislation and programmes, in accordance with relevant provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.<sup>6</sup> Eighty-eight States responded to the questions on action to counter money-laundering contained in the biennial reports questionnaire for the third reporting period. A more detailed analysis of the responses by Governments is contained in document E/CN.7/2005/2/Add.6.

29. Most reporting States (88 per cent) indicated that laundering of proceeds derived from drug trafficking was a criminal offence in their jurisdictions, an increase of 8 per cent over the results of the first and second reporting periods. A further 8 per cent were in the process of adopting legislative measures in this regard. Laundering proceeds derived from other serious crimes was a criminal offence in 76 per cent of the States reporting in the third reporting period, while a further 8 per cent were planning to introduce legislative measures to meet the targets set at the twentieth special session. Money-laundering was considered a serious offence in most countries (86 per cent), as well as an extraditable offence (70 per cent). Two thirds of the replying States explained that legislation against money-laundering had also led to investigations, prosecutions or convictions for money-laundering offences in their jurisdiction (see figure V).

30. The legislation of most of the States replying to the questionnaire (89 per cent) provided for the freezing, seizure and confiscation of the proceeds from drug trafficking offences and for the freezing, seizure and confiscation of proceeds derived from other serious crimes (71 per cent). Nearly three quarters of the respondents (73 per cent) had also successfully frozen, seized or confiscated proceeds from illicit drug trafficking (see figure VI).

31. In the third reporting period, the proportion of States maintaining statistical data on investigations, prosecutions and convictions related to money-laundering and on seized and confiscated proceeds was broadly similar to the proportion in earlier reporting periods. Figure VII summarizes that information for the three cycles.

Figure V  
Measures against money-laundering, 1998-2000, 2000-2002 and 2002-2004

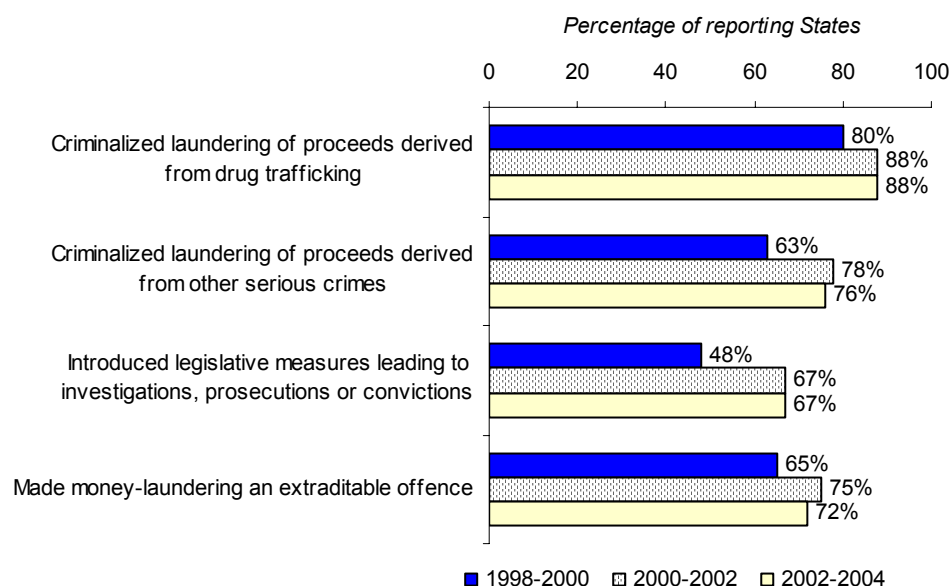


Figure VI  
Freezing, seizure and confiscation of proceeds derived from drug trafficking or other serious crimes, 1998-2000, 2000-2002 and 2002-2004

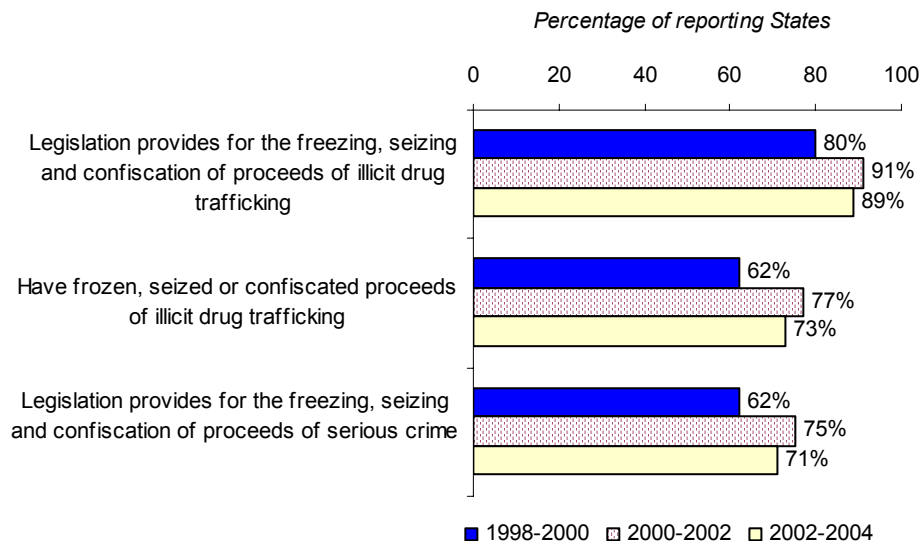
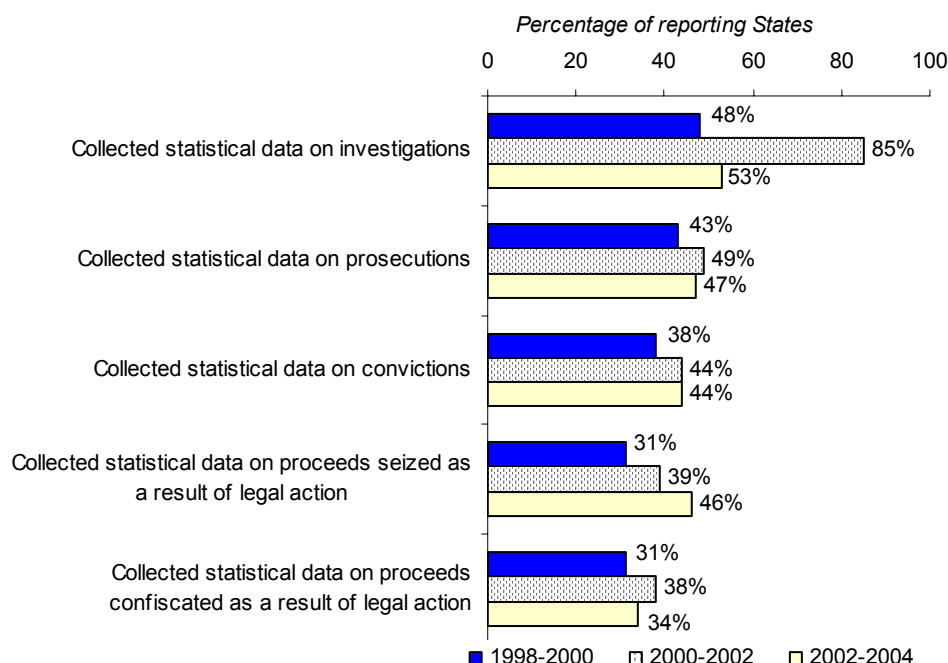


Figure VII

**Statistical data on investigations, prosecutions and convictions related to money-laundering and on proceeds seized or confiscated as a result of legal action, 1998-2000, 2000-2002 and 2002-2004**



32. In the third reporting period, Governments reported having adopted a range of other measures to combat money-laundering, such as measures to identify suspicious transactions (82 per cent), to introduce the “know-your-client” principle (74 per cent), to establish central units against money-laundering (73 per cent), to remove impediments to criminal investigations related to bank secrecy (73 per cent) and to ensure declaration of the cross-border transport of cash (64 per cent) and negotiable instruments (40 per cent) in excess of certain amounts, as well as having concluded international agreements to combat money-laundering (59 per cent).

33. In the area of international cooperation, less than half of respondents had made or received requests for mutual legal assistance concerning cases of money-laundering, compared with 60 per cent in the reporting period 2000-2002. This would suggest that States should foster closer cooperation between national authorities, such as financial intelligence units and other competent authorities. Regional and other international bodies could also play an important role in supporting greater mutual legal assistance in money-laundering cases. The proportion of countries that reported having concluded treaties, agreements and memorandums or letters of understanding covering money-laundering fell slightly in 2002-2004 compared with 2000-2002, though this reduction may reflect the high coverage already reached by such arrangements in earlier reporting periods.

34. In conclusion, significant progress has been made towards the goals set at the twentieth special session, but there is still room for further improvement, particularly in the areas of legislative measures, the establishment of financial

intelligence units and international cooperation. Several States referred to constraints faced during investigative, prosecution and trial phases, in particular the lack of financial resources and trained personnel to secure forfeiture of assets. They also stressed the need for increased technical assistance to ensure that all States have the capacity to combat money-laundering and to facilitate international cooperation by removing the impediments to mutual legal assistance, including, in particular, bank secrecy. Support for the establishment of financial intelligence units, which can serve as a link between the law enforcement, financial and regulatory authorities, is a key factor in attaining the goals set at the twentieth special session.

## **E. Action Plan on Eradication of Illicit Drug Crops and on Alternative Development**

35. In the Political Declaration adopted at the twentieth special session of the General Assembly, Member States committed themselves to developing strategies to eliminate or reduce significantly the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008. Ninety replies were received to section VI of the biennial reports questionnaire for the third reporting period (2002-2004), compared with 112 replies submitted for the second reporting period (2000-2002). The geographical distribution of responses remained largely unchanged between the second and third reporting periods (Africa, 19 per cent; Americas, 19 per cent; Asia, 28 per cent; Europe, 32 per cent; and Oceania, 2 per cent). Responses were received from all countries where significant illicit coca bush cultivation takes place (Bolivia, Colombia and Peru) and from the majority of those where illicit opium poppy cultivation takes place (Afghanistan, Colombia, the Lao People's Democratic Republic, Mexico, Myanmar and Viet Nam). A more detailed review of the efforts by Governments in this area is contained in document E/CN.7/2005/2/Add.2.

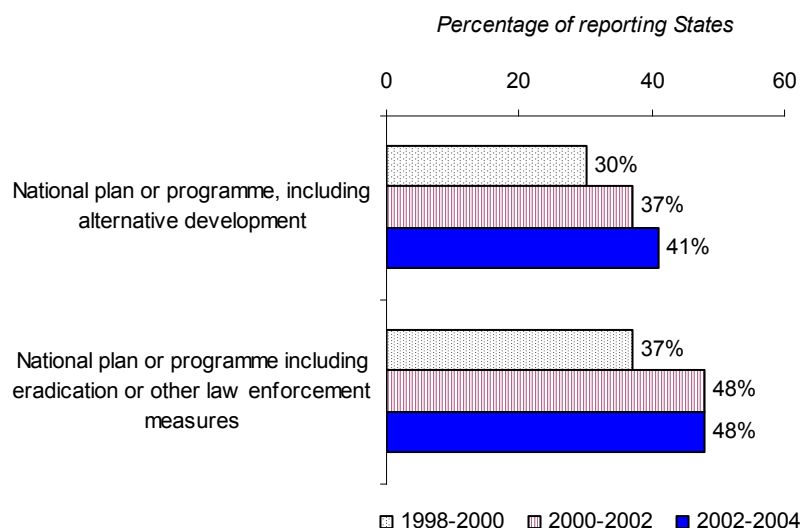
36. Since the first reporting period, the States affected by illicit cultivation of coca bush and opium poppy have adopted national plans to reduce and eventually eliminate such cultivation. The percentage of countries having such plans and programmes, including eradication or other law enforcement measures, has remained unchanged (48 per cent) since the second reporting period (see figure VIII). Such programmes or plans covered cannabis in 32 States, opium poppy in 19 and coca bush in 7. In 43 States (48 per cent of respondents), the national plans included illicit crop eradication and other law enforcement measures targeting opium poppy (21 States), coca bush (6 States) and/or cannabis (38 States).

37. Most States implementing alternative development and/or illicit crop eradication programmes reported that their programmes were balanced and multifaceted, supporting institution-building at the local and regional levels, as well as community development activities. Sixteen States (18 per cent of respondents) reported that their alternative development programmes provided for participatory approaches, gender issues, the poorest and most vulnerable groups, environmental concerns and drug demand reduction.



Figure VIII

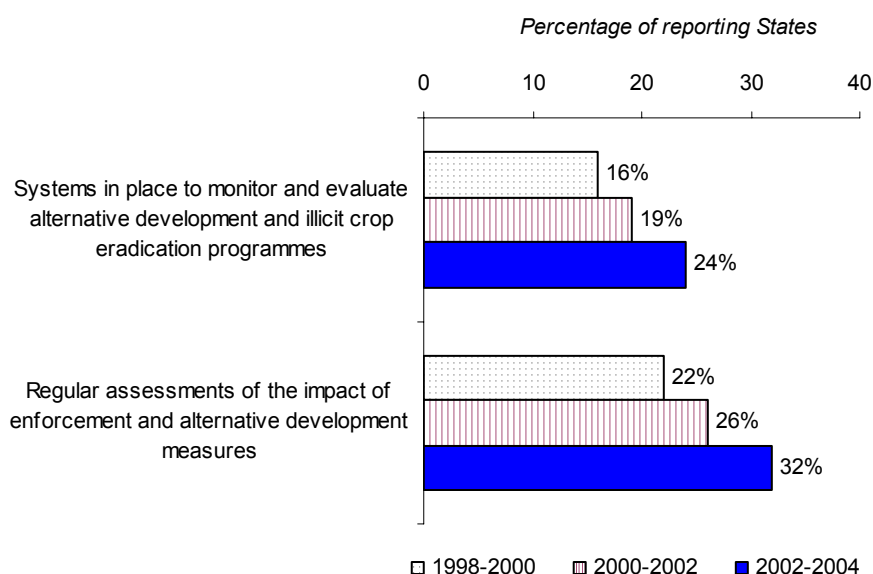
**Proportion of reporting States with national plans or programmes including alternative development and illicit crop eradication or other law enforcement measures, 1998-2000, 2000-2002 and 2002-2004**



38. A larger proportion of States were monitoring illicit crop cultivation using various methodologies, such as ground surveys (41 States), aerial photography (24 States) and satellite imagery (11 States). Half of the States responding to the questionnaire for the second and third reporting periods reported that they shared information at the national, regional and international levels. A relatively low proportion of respondents, but one that included the countries mainly affected (24 per cent in the third reporting period (2002-2004), compared with 19 per cent in the second reporting period) reported that they possessed monitoring and evaluation mechanisms for measuring the impact of programmes of alternative development and eradication efforts, and a slightly larger proportion (32 per cent in the third reporting period compared with 26 per cent in the second) regularly assessed the impact of law enforcement and alternative development measures. Figure IX presents a comparison of the results of the three reporting periods in this area.

39. In conclusion, the analysis of the replies for the third reporting period indicate that the main countries affected by illicit opium poppy and coca bush cultivation continued to make good progress towards the significant reduction and elimination of illicit crops. Excluding Afghanistan and looking back 10 years to date, a similar time-span to that established at the twentieth special session, the total area under illicit opium poppy cultivation worldwide in 2004 amounted to 32 per cent of the total area under such cultivation in 1994, while potential opium production in 2004 amounted to 29 per cent of such production in 1994. Good progress has also been made in eliminating coca bush cultivation. In 2003, coca bush cultivation was less than half of its level in 1994. With regard to cannabis cultivation, further efforts by the international community are urgently needed.

Figure IX

**Alternative development and illicit crop eradication monitoring and evaluation, 1998-2000, 2000-2002 and 2002-2004**

40. Sustained illicit crop elimination, alternative development and other efforts by Governments must become an integral part of the national drug control policies and broader socio-economic development policies of the Governments concerned. Lack of financial resources remained the major obstacle identified by Governments to the implementation of alternative development programmes, together with lack of supporting structures, technical expertise and adequate coordination. A serious concern, however, is the apparent decline in the provision of technical assistance, with only 20 per cent of States reporting that they had provided alternative development assistance to other States on a bilateral, regional or multilateral basis in the third reporting period, compared with 27 per cent in the second reporting period. In order to meet the targets set for 2008, those countries most affected by illicit crop cultivation need additional and sustained support from the international community, including in the areas of capacity-building, programme coordination and the establishment of monitoring and impact evaluation systems, as well as longer-term socio-economic development, to prevent the re-emergence of illicit crops.

## **F. Judicial cooperation**

41. In the Political Declaration adopted by the General Assembly at its twentieth special session, States were encouraged to review and strengthen the measures to promote judicial cooperation adopted at the special session (Assembly resolution S-20/4 C). A more detailed analysis of efforts by Governments to enhance judicial cooperation pursuant to the Political Declaration is contained in document

E/CN.7/2005/2/Add.3, which is based on the 86 replies received from States to section IV of the biennial reports questionnaire for the third reporting period.<sup>7</sup>

42. The international drug control treaties provide the framework for international cooperation in countering the drug problem. They enjoy almost universal adherence. Most States reported having strengthened their legal framework in order to facilitate international judicial cooperation. Eighty-five per cent of the States responding to the questionnaire for 2002-2004 indicated that they had in place legislation facilitating extradition; 31 per cent had reviewed, simplified or otherwise strengthened extradition procedures in connection to drug-related cases, bringing to 70 the total number of States that had revised or reviewed their procedures since the twentieth special session.

43. The majority (82 per cent) of States reporting in the third reporting period (2002-2004) had adopted legislation on mutual legal assistance, with approximately one third having reviewed, simplified or otherwise strengthened procedures for mutual legal assistance. Thus, a total of 54 States had revised or reviewed their procedures at least once since the twentieth special session. Most States (74 per cent in the third reporting period, compared with 70 per cent in the second) had entered into bilateral agreements and many had entered into multilateral agreements (67 per cent, compared with 60 per cent during the second reporting period).

44. There had also been progress in law enforcement cooperation and information exchange. Seventy-eight per cent of responding States had instituted exchange programmes with other States, often based on bilateral, multilateral, regional or subregional agreements and arrangements. Many States had exchanged visits from police and drug liaison officers from other States. Almost three quarters of all States (72 per cent) reporting in the third reporting period (2002-2004) were sharing information with other States on criminal investigation techniques, and 71 per cent had established specialized units for investigating cases involving drug trafficking. Most States (87 per cent) had also strengthened training and human resource development for law enforcement personnel and were also using modern communication technology (80 per cent).

45. The legislation in 80 per cent of the States replying to the questionnaire for the third reporting period provided for the use of controlled delivery, and 39 per cent had reviewed, simplified or otherwise strengthened their legislation in this regard. Since the first reporting period, 49 States had reported revising their laws and procedures.

46. Just over half of the States (44) reporting in the third reporting period had legislation permitting cooperation with other States in countering drug trafficking by sea. During the third reporting period, 28 per cent of the respondents had reviewed, simplified or otherwise strengthened procedures for executing requests, which brings to 43 the total number of States that reported any change in legislation since the first reporting period. Thirty-one per cent of States replying to the questionnaire for 2002-2004 reported that they had entered into bilateral or multilateral agreements with other States to cooperate in countering drug trafficking by sea.

47. In the third reporting period, 69 per cent of States responding to the questionnaire had legislation, rules or procedures for the protection of judges, prosecutors, surveillance personnel, law enforcement officers and witnesses. One

quarter (26 per cent) of the responding States had reviewed, simplified or otherwise strengthened procedures for the protection of judges and prosecutors and 20 per cent had done so in connection with the protection of surveillance personnel and law enforcement officers.

48. In conclusion, the international framework on judicial cooperation has been considerably strengthened since the first reporting period. The non-extradition of nationals remains an important legal impediment to extradition. Almost half of the States responding in the third reporting period still had legislation that precluded or limited the extradition of nationals, a proportion similar to that in the first and second reporting periods. States mentioned in their replies that extradition requests were also refused because of the absence of dual criminality, statute of limitations, the political nature of the offence or procedural or formal deficiencies. The execution of extradition and mutual legal assistance requests was hampered even more by differences between legal systems, language problems and lack of resources.

49. Difficulties were also reported in relation to the execution of controlled deliveries, such as differences in legal systems, financial, logistical and technical problems and lack of experience and expertise, as well as in relation to maritime international cooperation to combat drug trafficking by sea. The responses indicate that further action is required to ensure successful implementation of the measures to promote judicial cooperation adopted at the twentieth special session.

## **G. Control of precursors**

50. Progress continued in most areas of precursor control, as reflected in the more detailed analysis of the responses to section III of the biennial reports questionnaire for the third reporting period contained in document E/CN.7/2005/2/Add.5. A total of 93 States submitted replies for the third reporting period (2002-2004), compared with 109 and 114, respectively, for the first and second reporting periods.

51. In general, States continued to enhance their legal framework, with 80 per cent of States reporting having in place precursor control legislation and 60 per cent having enacted new or revised laws, compared with 55 per cent in the second reporting period. Most reporting States (83 per cent) had placed under control substances listed in Tables I and II of the 1988 Convention, and an increased proportion (88 per cent, compared with 84 per cent in the second reporting period) had established a framework that included a system of prior import and export authorization.

52. Sixty-three per cent of States in the third reporting period (compared with 56 per cent in the second) reported having implemented the recommendations of INCB concerning the limited international special surveillance list of non-scheduled substances. Sixty per cent of States had introduced the "know-your-client" principle, although less than one third (27 per cent) had established codes of conduct to enhance cooperation with the chemical industry. Over one third of respondents had introduced penal sanctions in their legislation as a means of preventing the diversion of precursors.

53. States also reported action in relation to the implementation of controlled deliveries, the sharing of information, the establishment of cooperation with the chemical and pharmaceutical industries and the adoption of procedures to identify and report the use of substitute chemicals and new methods of illicit drug manufacture. Several States reported that their forensic laboratories had carried out chemical analyses of seized drugs, in order to identify the substances, their origin and new methods of illicit drug manufacture. The findings of forensic laboratories on substitute chemicals and new methods of illicit drug manufacture were in most cases collected, evaluated and exchanged with chemical manufacturers, law enforcement authorities of other States and/or INCB.

54. Less progress appeared to have been made in the field of international cooperation. Only 26 per cent of respondents in the third reporting period (compared with 25 per cent in the second) reported that precursor chemicals had been seized as a result of cooperation with other States. This, however, appeared to contrast with the reported success of several international initiatives for the control of precursors, such as Operation Topaz and Operation Purple, to which several respondents referred, as well as Project Prism. Reference was also made to Operation Six Borders in Latin America, which had facilitated international cooperation on precursor control. Twenty per cent of States reported having provided technical assistance in the field of precursor control to other States in the third reporting period (2002-2004), compared with 16 per cent in the second reporting period (2000-2002).

55. In conclusion, important progress continued to be made in the control of precursors. However, more effective action is still required to expand the implementation of procedures to monitor trade in and diversion of precursors, including the introduction, by exporting countries, of pre-export notification to the competent authorities in importing countries for all transactions involving substances in Table I of the 1988 Convention. The Commission might wish to encourage States that have not yet done so to revise or enact domestic laws and regulations in line with the 1988 Convention. Similarly, States should consider launching law enforcement investigations when attempted diversions have taken place, as well as putting in place mechanisms for identifying attempted diversions by monitoring transactions involving precursors, materials and equipment used in the illicit manufacture and production of narcotic drugs and psychotropic substances. States that have not already done so should also consider amending their legislation to introduce penal sanctions for the diversion of precursors.

56. Moreover, States should strengthen partnerships with the private sector by developing codes of conduct with the chemical and pharmaceutical industries and enhancing cooperation with companies engaged in licit trade in precursors, for example by introducing the "know-your-client" principle. States should further strengthen international cooperation, inter alia, in the exchange of information among competent authorities, including through INCB, and in the implementation of controlled deliveries and of joint law enforcement investigations, including backtracking operations.

#### **IV. Concluding remarks and recommendations**

57. The biennial reports questionnaire enables the monitoring and analysis of efforts by Governments to implement the action plans and measures adopted at the twentieth special session, including the difficulties and obstacles encountered. The usefulness of the analysis relies upon a high coverage of responses, both in terms of the number of States responding and the quality of the information provided. The Commission may therefore wish to explore ways of ensuring greater and timely compliance in the submission of replies to the biennial reports questionnaire in the future.

58. The information provided by Member States during the third reporting period indicates that considerable further progress has been made towards meeting the goals set for 2008 at the twentieth special session. A growing proportion of States have a multisectoral and coordinated national drug control strategy in place, offering the political and strategic foundations for effective demand reduction. The percentage of States that have adopted national plans or programmes to reduce and eliminate the cultivation of illicit crops is also growing, and more States have included alternative development measures in those plans or programmes. The legal framework pertaining to the illicit manufacture of, trafficking in and abuse of synthetic drugs, particularly ATS, seems to have been enhanced and the control of precursors seems to have been strengthened. Most States have meanwhile adopted legislation against money-laundering, including provisions for the freezing, seizure and confiscation of proceeds of crime, while the percentage of States that have reviewed, simplified or strengthened judicial cooperation procedures since 1998 is encouraging.

59. However, much remains to be done, especially when it comes to successful implementation of legislative measures adopted in relation to international cooperation. Procedural, logistical, technical and financial problems still seem to hamper the execution of requests for judicial cooperation. Also often missing are the expertise and capacity required to successfully combat money-laundering, including by the freezing, seizure and confiscation of criminal assets. The countries most affected by illicit crop cultivation need further capacity-building, programme coordination, the establishment of monitoring and impact evaluation systems and long-term socio-economic development in order to sustain illicit crop eradication and alternative development efforts and to prevent the re-emergence of illicit crops. Further efforts are required to strengthen precursor control and to combat the illicit manufacture of and trafficking in ATS. In this regard, law enforcement action and cooperation needs to be strengthened, the operational capabilities of forensic laboratories improved and partnerships with the chemical and pharmaceutical industries further enhanced. Such action should be combined with efforts to raise awareness of the ATS problem, to reduce illicit drug demand and to prevent drug experimentation by youth. In order to successfully address drug demand, more should be done in the areas of drug abuse prevention, treatment and rehabilitation. They should be evidence-based, adjusted to a range of settings and to target special groups and include services to reduce the negative health and social consequences of drug abuse.

60. The Commission might, therefore, wish to reaffirm the commitment of the international community to the Political Declaration, the Declaration on the Guiding

Principles of Drug Demand Reduction and the measures to enhance international cooperation to counter the world drug problem, adopted at the twentieth special session of the General Assembly, as well as the Joint Ministerial Statement—reaffirmed by the Assembly in section II, paragraph 1, of its resolution 59/163—reiterating the commitment to the outcome of the special session and containing recommendations and further measures to implement the action plans emanating from the special session.

61. The Commission may also wish to urge States to enhance cooperation with each other and with all other relevant actors in promoting and implementing the outcome of the twentieth special session. Enhanced efforts are required to secure the greater engagement of non-governmental organizations and civil society, in line with Commission resolution 46/4, entitled “Supporting the international drug control system through joint action”. Action at the national level must be supported by strong international and development cooperation. The Commission may wish to encourage States to request assistance, where needed, to meet the goals set for 2008 and to request the United Nations Office on Drugs and Crime (UNODC) to facilitate the provision of such technical assistance to States, in close coordination with other international and bilateral partners. In order for UNODC to be able to provide technical assistance, the Commission might wish to encourage Member States to continue and further increase their financial and political support for the work of the Office. In this regard, the Commission may wish to request UNODC to further develop partnerships with bilateral donors, international financial institutions, other relevant United Nations entities and other regional and international bodies engaged in development cooperation with a view to facilitating the streamlining of drug control into their cooperation programmes, in full partnership with recipient Governments.

#### *Notes*

<sup>1</sup> Argentina, Armenia, Australia, Austria, Denmark, Egypt, El Salvador, Eritrea, Finland, Grenada, Guatemala, Iraq, Italy, Liechtenstein, Lithuania, Luxembourg, Morocco, Myanmar, Nepal, Niger, Peru, Philippines, Switzerland, United Kingdom of Great Britain and Northern Ireland, Viet Nam and Zambia.

<sup>2</sup> The following countries returned at least one part of the biennial report questionnaire: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Bolivia, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mauritius, Mexico, Monaco, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Oman, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uzbekistan, Viet Nam, Zambia and Zimbabwe.

<sup>3</sup> The degree of data comparability between the reporting cycles is restricted, as not all questions remained comparable, because of fine-tuning of the questionnaire following the first reporting period and the fact that not all countries replying to the questionnaire for the first and second reporting periods did so for the third reporting period.

<sup>4</sup> Two countries from each of these regions responded to the questionnaire.

<sup>5</sup> However, some States that had adopted measures during the previous reporting periods may not have made further changes in the third reporting period.

<sup>6</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

<sup>7</sup> A total of 112 replies were received to section IV of the biennial reports questionnaire for the second reporting period.

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