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**Subcommission on Illicit Drug Traffic and Related  
Matters in the Near and Middle East**

Fortieth session  
Baku, 12-16 September 2005

**Report of the Subcommission on Illicit Drug Traffic and  
Related Matters in the Near and Middle East on its fortieth  
session, held in Baku from 12 to 16 September 2005**

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\* The present report is issued in Arabic, English and Russian, the working languages of the subsidiary body.



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## **I. Matters calling for action by the Commission on Narcotic Drugs or brought to its attention**

### **A. Draft resolution to be recommended by the Commission on Narcotic Drugs for adoption by the Economic and Social Council**

1. The Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East recommends to the Commission on Narcotic Drugs the approval of the following draft resolution for adoption by the Economic and Social Council:

#### **Draft resolution**

#### **Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-first Century**

The Commission on Narcotic Drugs recommends to the Economic and Social Council the adoption of the following draft resolution:

*The Economic and Social Council,*

*Recalling* the Political Declaration adopted by the General Assembly at its twentieth special session,<sup>1</sup> the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction<sup>2</sup> and the measures to enhance international cooperation to counter the world drug problem,<sup>3</sup>

*Recalling also* General Assembly resolutions 53/115 of 9 December 1998, 54/132 of 17 December 1999, 55/65 of 4 December 2000, 56/124 of 19 December 2001 and 57/174 of 18 December 2002, in which the Assembly stressed the importance of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East of the Commission on Narcotic Drugs, as well as the other subsidiary bodies of the Commission,

*Recalling further* that in General Assembly resolutions 53/115, 54/132, 55/65, 56/124, 57/124, 58/141 of 22 December 2003 and 59/163 of 20 December 2004, the Assembly encouraged the Subcommission on Illicit Drugs and Related Matters in the Near and Middle East, as well as the other subsidiary bodies of the Commission on Narcotic Drugs, to continue to contribute to the strengthening of regional and international cooperation, taking into account the outcome of the twentieth special session of the Assembly,

*Recalling further* its resolution 1997/39 of 21 July 1997, entitled, “Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors”,

<sup>1</sup> General Assembly resolution S-20/2, annex.

<sup>2</sup> General Assembly resolution 54/132, annex.

<sup>3</sup> General Assembly resolutions S-20/4 A to E.

*Convinced* that the Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-first Century will enhance cooperation against illicit drug trafficking in the Near and Middle East,

1. *Takes note* of the Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-first Century, the text of which is annexed to the present resolution;

2. *Urges* Member States to take appropriate measures to combat the illicit traffic in narcotic drugs and psychotropic substances in accordance with the Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters and the relevant resolutions of the Commission on Narcotic Drugs, the Economic and Social Council and the General Assembly and consistent with their national legislation and the provisions of the international drug control treaties;

3. *Requests* the Secretary-General to inform all Member States, relevant specialized agencies and other entities of the United Nations system and other intergovernmental organizations of the Baku Accord.

#### **Annex**

##### **Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-first Century**

We, the representatives of States members of the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East,

*Having gathered* at the fortieth session of the Subcommittee, held in Baku from 12 to 16 September 2005, to consider the Baku Accord on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-first Century,

*Bearing in mind* the Political Declaration adopted by the General Assembly at its twentieth special session,<sup>4</sup> the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction<sup>5</sup> and the measures to enhance international cooperation to counter the world drug problem,<sup>6</sup>

*Recalling* Economic and Social Council resolution 1997/39 of 21 July 1997, entitled “Baku Accord on Regional Cooperation against Illicit Cultivation, Production, Trafficking, Distribution and Consumption of Narcotic Drugs and Psychotropic Substances and Their Precursors”,

*Recalling also* Economic and Social Council resolution 2005/24 of 22 July 2005, entitled “Providing support to Afghanistan with a view to ensuring the effective implementation of its Counter-Narcotic Implementation Plan”,

*Recalling further* Economic and Social Council resolution 2005/26 of 22 July 2005, entitled “International assistance to States affected by the transit of illicit drugs”,

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<sup>4</sup> General Assembly resolution S-20/2, annex.

<sup>5</sup> General Assembly resolution 54/132, annex.

<sup>6</sup> General Assembly resolutions S-20/4 A to E.

*Bearing in mind* the Joint Ministerial Statement and further measures to implement the action plans emanating from the twentieth special session of the General Assembly, adopted during the ministerial segment of the forty-sixth session of the Commission on Narcotics Drugs,<sup>7</sup>

*Recalling* various other United Nations resolutions and recommendations, including General Assembly resolution 59/161 of 20 December 2004 and the recommendations of the International Narcotics Control Board in its report for 2004,<sup>8</sup> requesting the international community to support the Government of Afghanistan in its fight against the illicit cultivation of opium poppy and trafficking in illicit narcotic drugs,

*Taking note* of the third biennial report of the Executive Director of the United Nations Office on Drugs and Crime on the implementation of the outcome of the twentieth special session of the General Assembly<sup>9</sup> and other relevant reports submitted to the Commission on Narcotic Drugs at its forty-eighth session, including the report on the world situation with regard to drug trafficking<sup>10</sup> and the report on the world situation with regard to drug abuse,<sup>11</sup>

*Deeply concerned* about the spread of drug abuse in the Near and Middle East and its effects on youth and on future generations,

*Deeply concerned also* about the increasing illicit cultivation of narcotic drug crops and illicit production of and trafficking in drugs, which threaten the political, economic and social structure and stability of the region,

*Alarmed* at the serious and growing threat posed by organized criminal groups involved in drug trafficking, money-laundering and various other forms of organized crime and their potential and, in some cases, actual links with terrorist groups,

*Aware* that in a number of countries illicit drug production represents a major obstacle to sustainable economic, social and political development,

*Taking into account* the multifaceted challenges faced by States situated along international trafficking routes and the effects of trafficking in illicit drugs, including related crime and drug abuse, resulting from the transit of drugs through the territory of transit States,

*Recognizing* the need to take further urgent measures against the illicit cultivation of narcotic drug crops and the illicit production of and trafficking in drugs in regions where illicit drug traffickers and organized criminal groups take advantage of territories affected by conflict, war, foreign occupation or other situations to engage in illicit activities,

*Mindful* of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the capacity of States to tackle

<sup>7</sup> A/58/124, sect. III.A.

<sup>8</sup> *Report of the International Narcotics Control Board for 2004* (United Nations publication, Sales No. E.05.XI.3).

<sup>9</sup> E/CN.7/2005/2 and Add.1-6.

<sup>10</sup> E/CN.7/2005/4.

<sup>11</sup> E/CN.7/2005/3.

drug trafficking effectively and to meet the goals and targets for the year 2008 set by the General Assembly at its twentieth special session,

*Reiterating* the principle of shared responsibility and the need for all States to promote and implement the actions necessary to counter the world drug problem in all its aspects,

*Convinced* that concrete action and comprehensive, well-coordinated national plans are the most effective means by which to combat problems involving illicit drugs and related crime,

*Have agreed* on the following:

*Cooperation between drug law enforcement agencies*

1. We reaffirm our commitment to promoting coordinated drug control strategies and unified responses to drug trafficking and, in that context, encourage the development, effective implementation and further strengthening of measures for the prevention and suppression of illicit drug trafficking and the reduction of illicit drug demand in transit States, as well as cooperation in areas such as border control, mutual legal assistance, law enforcement, including controlled delivery, and exchange of information between transit States, countries of destination and countries of origin.

2. In promoting a unified response to combating drug trafficking in the region, States members of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East should promote closer coordination between drug law enforcement agencies of neighbouring States, such as through joint training, through the establishment of effective systems to promote the sharing of operational experience to facilitate the identification and arrest of drug traffickers and the dismantling of criminal groups and through the facilitation of regular meetings of drug law enforcement agencies with their cross-border counterparts.

3. Drug law enforcement agencies in the region should establish concrete mechanisms for the regular exchange of information between national drug law enforcement agencies and their counterparts in neighbouring States and beyond on drug trafficking networks active in the region.

4. We emphasize the importance of coordinating law enforcement activities, in particular the exchange of information at the international level, which can benefit greatly by the establishment of coordination centres, such as the Central Asian Regional Information and Coordination Centre of the United Nations Office on Drugs and Crime.

5. Governments should designate national law enforcement authorities to be responsible for dealing with requests for mutual legal assistance, as provided for in article 7 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>12</sup> as well as cooperating closely with other authorities with a view to enhancing the effectiveness of law enforcement action, as provided for in article 9 of that Convention.

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<sup>12</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

6. In order to expand their operational capacities, States members of the Subcommission should consider implementing coordinated operations at border stations, through coordinated mobile patrols and by strengthening joint drug law enforcement efforts at land and sea borders involving neighbouring States.

7. States members of the Subcommission should work towards greater harmonization of their criminal justice systems and national drug control legislation in order to expedite the taking of appropriate measures and other action against drug traffickers and related offenders.

8. To support the efforts of the international community to provide the necessary support to the counter-narcotic objectives of the Government of Afghanistan, by continued technical assistance and financial commitment, in particular, to all eight pillars of the Counter-Narcotic Implementation Plan of Afghanistan.

9. The Subcommission should continue to meet on an annual basis in the capital city of one of its member States.

#### *Drug demand reduction*

10. States members of the Subcommission should promote awareness, in particular among young people, of the health, social and psychological problems that may result from the abuse of illicit drugs.

11. States members of the Subcommission should consider amending their national legislation, where necessary, to facilitate the treatment and rehabilitation of drug abusers through, for example, the introduction of drug courts, police referral to voluntary treatment programmes and other recognized alternative approaches to treatment.

12. States members of the Subcommission should strengthen their political commitment to implement drug abuse prevention policies and strategies effectively and to continue their drug demand reduction programmes, paying attention to early intervention, rehabilitation and social reintegration of drug users, in order to prevent the transmission of HIV/AIDS and other blood-borne diseases in the context of drug abuse.

13. States members of the Subcommission should continue incorporating substance abuse prevention, treatment and health care into their national drug control strategies, as well as into their socio-economic development programmes, especially programmes designed to enhance the social and economic empowerment of women, and child welfare, including in relation to preventing and reducing the spread of HIV/AIDS and other blood-borne diseases in the context of drug abuse.

14. States members of the Subcommission are also encouraged to ensure that substance abuse treatment is accessible and affordable to drug abusers living with HIV/AIDS and other blood-borne diseases and to work to eliminate barriers to access for drug abusers in need of HIV/AIDS care and support.

*Assistance to transit States*

15. We welcome the follow-up of the United Nations Office on Drugs and Crime to the Paris Pact initiative that emerged from the Paris Statement, which was issued at the end of the Conference on Drug Routes from Central Asia to Europe, held in Paris on 21 and 22 May 2003,<sup>13</sup> and encourage the development of similar strategies in other regions for countries affected by the transit of illicit drugs through their territory.

16. International financial institutions and other potential donors are encouraged to provide financial assistance to States affected by the transit of illicit drugs through their territory, including for empowering and building the capacity of locally available human resources, so that those States may intensify their efforts to combat drug trafficking and drug abuse and deal with their consequences.

17. States members of the Subcommission should integrate projects, where appropriate, for illicit drug demand reduction and strengthen treatment and rehabilitation services for drug abusers in the programmes for international assistance to those transit States which are affected by drug abuse as a result of the transit of illicit drugs through their territory, to enable them to deal effectively with the problem.

*Control of precursors*

18. States members of the Subcommission should cooperate closely with the International Narcotics Control Board to further strengthen international cooperation in the implementation of article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, in accordance with the measures to control precursors adopted by the General Assembly at its twentieth special session.<sup>14</sup>

19. States members of the Subcommission should support international operations aimed at preventing diversion of chemical precursors used in the illicit manufacture of cocaine, heroin and amphetamine-type stimulants, particularly Operation Topaz, Operation Purple and Project Prism coordinated by the International Narcotics Control Board, by exchanging information with other States and conducting timely joint law enforcement operations, including the use of controlled deliveries and backtracking investigations into the sources and origins of seizures.

20. States members of the Subcommission are urged to take immediate steps to ensure that the substances listed in Tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 are placed under the control of their regulatory authorities.

*Money-laundering*

21. States members of the Subcommission should strengthen action to prevent and combat money-laundering, including by enhancing international

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<sup>13</sup> S/2003/641, annex.

<sup>14</sup> General Assembly resolution S-20/4 B.



cooperation, adopting legislation that makes money-laundering a criminal and extraditable offence, establishing financial intelligence units to support the effective investigation and prosecution of money-laundering offences and removing any impediments to criminal investigation linked to bank secrecy.

*International cooperation in illicit crop eradication and alternative development*

22. The international community should be requested to assist and cooperate in the development of illicit crop eradication programmes and to promote alternative development programmes and, in particular, support should be given to Afghanistan in this respect.

*United Nations Convention against Transnational Organized Crime and the Protocols thereto and the United Nations Convention against Corruption*

23. States members of the Subcommission welcome the entry into force of the United Nations Convention against Transnational Organized Crime,<sup>15</sup> the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>16</sup> the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,<sup>17</sup> and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.<sup>18</sup>

24. States members of the Subcommission that have not yet done so should become parties to and implement the United Nations Convention against Transnational Organized Crime and the Protocols thereto, as well as the universal conventions and protocols related to terrorism, as soon as possible and, where appropriate, request assistance to that end from the United Nations Office on Drugs and Crime, in coordination with other relevant United Nations bodies, such as the Counter-Terrorism Committee.

25. States members of the Subcommission should also consider signing and ratifying the United Nations Convention against Corruption<sup>19</sup> as soon as possible in order to allow its early entry into force and subsequent implementation.

26. States members of the Subcommission and relevant regional economic integration organizations should take all necessary measures to improve international cooperation in criminal matters, especially in the form of extradition and mutual legal assistance, in accordance with the relevant conventions.

<sup>15</sup> General Assembly resolution 55/25, annex I.

<sup>16</sup> General Assembly resolution 55/25, annex II.

<sup>17</sup> General Assembly resolution 55/25, annex III.

<sup>18</sup> General Assembly resolution 55/255, annex.

<sup>19</sup> General Assembly resolution 58/4, annex.

**B. Recommendations adopted by the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East at its fortieth session**

2. At its fortieth session, the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East adopted a number of recommendations made by its working groups. The recommendations are presented below. (For the observations and conclusions that led to the recommendations, see chapter V below.)

**1. Strengthening border controls**

3. The following recommendations were made with regard to strengthening border controls:

(a) Governments should ensure that their border control agencies receive suitable training, equipment and financial support to ensure their continued effectiveness;

(b) To maximize the capital investment that Governments make to maintain safe and secure borders for their citizens, enforcement authorities with a mandate to control border areas should be encouraged to adopt procedures that will support the effectiveness of their operations;

(c) Governments need to ensure that appropriate procedures are in place to maintain the highest standards of integrity within their law enforcement agencies and thus reduce opportunities for corrupt practices to undermine the effectiveness of their operations.

**2. Countering money-laundering and controlling non-institutional financial and value transfer arrangements**

4. The following recommendations were made with regard to countering money-laundering and controlling non-institutional financial and value transfer arrangements:

(a) Governments should take steps to increase the level of transparency in their national banking sector and comply with agreed international standards and norms pertaining to banking regulations, in order to facilitate the identification and investigation of suspicious financial transactions;

(b) Governments must ensure that law enforcement agencies responsible for the investigation of financial crimes are in a position to operate within an appropriate legal framework and have well-trained staff;

(c) Governments of the States members of the Subcommittee should be encouraged to take steps to reduce the level of underground banking systems and/or bring them under regulatory control;

(d) Where they have not already done so, Governments should consider establishing specialized financial investigation units to support the successful investigation of attempts at money-laundering and other financial crimes.

### **3. Measures taken to counteract new trends in the use of technology by drug trafficking and organized criminal groups**

5. The following recommendations were made with regard to measures taken to counteract new trends in the use of technology by drug trafficking and organized criminal groups:

(a) Governments should take steps to ensure that their law enforcement agencies are aware of ongoing developments in cybertechnology and are adequately prepared technically and professionally to respond swiftly to attempts by drug traffickers to utilize those new developments to frustrate investigations;

(b) Governments are encouraged to establish, within their competent law enforcement authorities, national focal points for high-tech crime to respond to requests for assistance from foreign jurisdictions and to exchange information on current trends and practices encountered in the course of their own investigations;

(c) To combat new offences related to cybercrime that accompany the use of new communication technologies, Governments are encouraged to ensure that their national legislation is adequate to sustain the successful investigation and prosecution of such offences within their jurisdictions.

## **II. Current situation with respect to regional and subregional cooperation**

6. At its 1st meeting, on 12 September 2005, the Subcommission considered item 3 of its agenda, entitled "Current situation with respect to regional and subregional cooperation". For its consideration of the item, the Subcommission had before it two background papers prepared by the Secretariat: one on the current situation with respect to regional and subregional cooperation (UNODC/SUBCOM/2005/2); and the other on statistics on drug trends in the Near and Middle East, South Asia, Central Asia and worldwide (UNODC/SUBCOM/2005/CRP.1). In addition, country reports were submitted by Afghanistan, Jordan, Lebanon, Tajikistan, Turkey and the United Arab Emirates, as well as by the World Customs Organization (UNODC/SUBCOM/2005/CRP.2-8). Representatives of the United Nations Office on Drugs and Crime (UNODC) made two audio-visual presentations covering regional and global drug trafficking trends, and the establishment of the Central Asia Regional Information and Coordination Centre (CARICC). Statements were made by the representatives of Azerbaijan, Jordan, Turkey, Pakistan and Saudi Arabia.

7. The representative of Azerbaijan presented a proposal for consideration by the Subcommission entitled "Baku Accord II on regional cooperation against illicit drugs and related matters: a vision for the twenty-first century" (UNODC/SUBCOM/2005/L.2).

8. The Subcommission noted with appreciation the ongoing efforts on the establishment of CARICC as a regional clearing house for the exchange of information, coordination and provision of technical support for the conduct of drug law enforcement cooperation. It was noted that there were a number of regional and international organizations operating in that area and that it was necessary to ensure effective coordination and exchange of information among those organizations. The

Subcommission was informed that CARICC would be able to establish cooperation agreements with other international and regional organizations, such as the International Criminal Police Organization (Interpol), the Customs Cooperation Council (also called the World Customs Organization), the European Police Office (Europol) and the Southeast European Cooperation Initiative, which had been providing support for the establishment of the Centre, and countries outside Central Asia would be able to participate as observers.

9. The attention of the Subcommission was drawn to the emergence of new drug trafficking and smuggling alliances in the Middle East. Drug trafficking through Iraq was increasing as a result of the security situation in that country; large amounts of illicit drugs that had passed through Iraq were being seized in Jordan. References were made to new developments such as cocaine trafficking along air routes leading from Latin America through Europe to Jordan and subsequently to other countries in the region and back to Europe. In this connection, drug law enforcement authorities in Europe were invited to share information with their counterparts in the Middle East in order to ensure more effective drug control.

10. A number of representatives emphasized the importance of ensuring adequate exchange of information among law enforcement agencies in the Near and Middle East and elsewhere. One representative encouraged the law enforcement agencies of member States of the Subcommission to avail themselves of opportunities to enhance information exchange with a view to improving drug law enforcement, noting that the flows of information at the bilateral level needed to be complemented by information at the regional and international levels, as international drug law enforcement operations, such as those involving controlled delivery, often required the participation of many countries in order to be successful. To facilitate regional law enforcement efforts, authorities should exchange information on, inter alia, the routes of transportation, modus operandi, supplies and communications networks and the concealment methods used by drug traffickers. With reference to controlled deliveries and international drug law enforcement cooperation in general, it was noted that all States involved in such efforts should have compatible enabling legislation. Attention was also drawn to the fact that there was limited information on organized drug trafficking groups from Afghanistan that appeared to be operating in a well-integrated manner, not only in the source country but also in transit and consumer countries.

11. Reference was made to the problem posed by Captagon, an amphetamine-type stimulant, which was being manufactured in Eastern Europe and smuggled into Saudi Arabia through its neighbouring countries or Jordan, the Syrian Arab Republic and Turkey. Reference was also made to the smuggling of cannabis resin from the countries in the Persian Gulf area and Yemen.

12. Some representatives supplemented information contained in national reports presented to the Subcommission by providing additional statistics on drug seizures and on the enhancement of drug law enforcement capacities at border crossings.

### III. Follow-up to the twentieth special session of the General Assembly

13. At its 1st meeting, on 12 September 2005, the Subcommission considered item 5 of its agenda, entitled “Follow-up to the twentieth special session of the General Assembly”. The representative of UNODC made a statement referring to the third biennial report of the Executive Director on the world drug problem (E/CN.7/2005/2 and Add.1-6) and the related deliberations and action by the Commission on Narcotic Drugs at its forty-eighth session (Assembly resolution S-20/4 B), in March 2005.

14. Reference was made to the Political Declaration (General Assembly resolution S-20/2, annex), the Declaration on the Guiding Principles of Drug Demand Reduction (Assembly resolution S-20/3, annex), the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors (Assembly resolution S-20/4 A), measures to control precursors (Assembly resolution S-20/4 B), measures to promote judicial cooperation (Assembly resolution S-20/4 C), measures for countering money-laundering (Assembly resolution S-20/4 D), and the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development (Assembly resolution S-20/4 E), all adopted by the General Assembly at its twentieth special session. Reference was also made to the Joint Ministerial Statement and further measures to implement the action plans emanating from the twentieth special session of the Assembly, adopted during the ministerial segment of the forty-sixth session of the Commission on Narcotic Drugs (A/58/124, sect. II.A).

15. The Subcommission was informed that significant progress had been made by Member States in the implementation of all the action plans and measures adopted by the General Assembly at its twentieth special session, as well as of further areas of drug control requiring specific attention and action by States. It was noted that all States responding to the biennial report of the Executive Director in 2004 had established balanced and multisectoral drug control strategies and had set up national drug control coordinating entities and that the majority of States had also established national demand reduction strategies.

16. It was noted that, in relation to the control of amphetamine-type stimulants and their precursors, Governments had reported continued progress in the implementation of the action plan. Further efforts were needed to fulfil drug control treaty obligations and implement the related resolutions and decisions of the Economic and Social Council, and the Commission and the recommendations of the International Narcotics Control Board. It was also noted that synthetic drugs such as amphetamine-type stimulants were an increasing threat and that more efforts should be focused on the supply of and demand for such drugs, including through preventive measures specifically targeting youth.

17. Governments had continued strengthening legal and regulatory frameworks on precursor control and placing under national control substances listed in Tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,<sup>20</sup> which already enjoyed almost universal

<sup>20</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

adherence. The Subcommission called on States that had not yet acceded to the 1988 Convention to do so as soon as possible and encouraged the implementation of pre-notification systems, as well as collaborating with ongoing international backtracking investigation initiatives. States were also encouraged to establish effective cooperation with private sector operators engaged in the licit trade in precursor chemicals.

18. It was noted that the significant progress already achieved in countering money-laundering should be complemented with further measures, such as the establishment of financial information and investigation units. In the area of judicial cooperation, progress had continued and further efforts were required, including in relation to eliminating impediments to extradition, improving information exchange and mutual legal assistance.

19. Regarding the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development, it was noted that almost all of the countries in which most of the illicit cultivation of coca bush and opium poppy was taking place had established national plans that included alternative development and eradication and other enforcement measures. Crop monitoring surveys provided evidence of successful and sustained elimination of illicit crops in almost all of the countries concerned, the one exception being Afghanistan. That was regarded as encouraging news, especially considering the renewed efforts of the Government of Afghanistan in that area. It was also noted that the affected countries continued experiencing difficulties in securing resources to implement alternative development programmes and that sustainability of eradication successes had to be complemented by measures to alleviate poverty among former illicit crop growers.

20. Attention was drawn to the challenges faced by countries used by drug traffickers as transit countries, particularly those countries near Afghanistan, which, though they were not producing illicit drugs and were not considered countries of destination of illicit drug consignments, were increasingly being affected by drug abuse. The need to provide continued support to Afghanistan and its neighbouring countries was reiterated.

21. Some representatives voiced their concern was about the challenges and threats posed by globalization and its exploitation by criminal groups. In this connection, the role of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), the United Nations Convention against Corruption (Assembly resolution 58/4, annex) and the 1988 Convention was emphasized. States that had not yet done so were encouraged to become parties to and implement those conventions, as they provided valuable new tools to combat organized crime, drug trafficking and corruption.

22. It was noted that the momentum set by the twentieth special session of the General Assembly needed to be maintained. Accordingly, Member States were invited to consolidate the progress already achieved and to strengthen efforts in areas requiring further attention as referred to, *inter alia*, in the third biennial report of the Executive Director (E/CN.7/2005/2 and Add.1-6). The Political Declaration adopted by the General Assembly at its twentieth special session and the Joint Ministerial Statement had set specific objectives for national, regional and international efforts to address the drug problem. Representatives emphasized that the Political Declaration continued to be useful as a guiding instrument. Some

representatives underlined the need to implement strategies that were balanced and multidisciplinary, covering all aspects of the drug control problem. Some representatives stressed that commitment to the implementation of the international drug control treaties was the legal framework for international drug control.

#### **IV. Implementation of the recommendations adopted by the Subcommission at its thirty-eighth session**

23. At its 2nd and 3rd meetings, on 12 September 2005, the Subcommission considered item 6 of its agenda, entitled “Implementation of the recommendations adopted by the Subcommission at its thirty-eighth session”. For its consideration of the item, the Subcommission had before it a background paper prepared by the Secretariat (UNODC/SUBCOM/2005/3). The Secretary of the Subcommission introduced the agenda item. Statements were made by the representatives of Afghanistan, Egypt, India, Iran (Islamic Republic of), Jordan and Pakistan.

24. Referring to the first cluster of recommendations on regional trends on opiate trafficking adopted by the Subcommission at its thirty-eighth session, the representatives of India, Iran (Islamic Republic of) and Jordan informed the Subcommission of measures that their Governments had taken to enhance the provision of demand reduction services. Those measures included the establishment of treatment programmes and centres for heroin addicts and the development of drug abuse prevention campaigns, as well as the inclusion of drug abuse prevention in school curricula. The representative of Egypt reported that his Government had taken action to destroy illicit opium poppy cultivation, which had been found only in the Sinai. An alternative development project was also being implemented in that area. The representative of India noted that acetic anhydride had been brought fully under control. The representative of Afghanistan made reference to measures being introduced for the treatment of addicts and the need to establish mechanisms for effective information exchange.

25. Reference was made to the second set of recommendations adopted by the Subcommission at its thirty-eighth session, which dealt with the identification of drug traffickers through effective document control. The representative of Jordan informed the Subcommission that the Jordanian authorities had taken a series of measures to enhance security features in identity cards and passports, thus making it virtually impossible to falsify those documents.

26. Reference was made to the third set of recommendations related to illicit manufacture and distribution of stimulants. The representative of Egypt informed the Subcommission that operations had been conducted to interdict trafficking in precursors and that the authorities exercised due control over precursors of amphetamine-type stimulants and medicinal products containing such substances. An intergovernmental commission had been established for the control of such substances and schedules had been amended to include Ecstasy and precursors of amphetamine-type stimulants. India reported that it had placed ephedrine and pseudoephedrine on the list of controlled substances, and their importers and exporters were required to submit reports to the authorities.

## **V. Consideration of topics by working groups**

27. At its 3rd to 5th meetings, on 13 and 14 September, the Subcommission established working groups to examine three topics under item 4 of its agenda, entitled "Consideration of topics by working groups". The observations made by the working groups and the conclusions reached after their consideration of the topics are presented below. (For the recommendations made by the working groups and adopted by the Subcommission, see chapter I above.)

### **A. Strengthening border controls**

28. The working group held one meeting, on 13 September 2005. In its consideration of the topic under review, the working group made the following observations:

(a) Maintaining effective countermeasures to intercept the large volume of illicit opium produced in Afghanistan was a significant challenge for border control authorities;

(b) Illegal border crossings were being used to maintain the supply of illicit drugs. Many members of the Subcommission had long borders that were easy to penetrate; many of those borders were in difficult terrain that was difficult for authorities to control;

(c) Links for many smuggling operations in remote or rural areas were often based on connections with extended family members in other countries;

(d) Smuggling gangs and those involved in other types of cross-border organized crime were well armed and were increasingly more prepared to use force to defend their contraband;

(e) The volume of commercial traffic that included passengers, trucks, cars and buses, passing through the official border crossings in the Near and Middle East was already high and increasing further;

(f) Corruption was a serious issue that undermined law enforcement efforts, and it needed to be satisfactorily addressed by law enforcement agencies, particularly those working to protect national borders;

(g) Regional cooperation involving exchanges of operational information, suspect lists and details of seizure reports between law enforcement agencies responsible for border security would greatly strengthen the effectiveness of existing control measures and would be a positive step towards supporting expanding trade connections.

29. The working group drew the following conclusions:

(a) Controlling border areas that encompassed "green links" through forests and similar remote areas required technological support such as night vision gear, good communication equipment and reliable means of transportation;

(b) There was a need for coordination and operational cooperation between agencies whose operational areas included national borders and which shared responsibilities for border security;



(c) Joint, multi-agency drug law enforcement exercises, such as Operation Containment and Operation Zaslon, had resulted in the seizure of large quantities of illicit drugs and other prohibited items and had led to the identification of many key figures and their organizations involved in illicit trafficking throughout the Near and Middle East;

(d) The exchange of the names and identification details of foreign nationals arrested for drug trafficking offences in neighbouring countries and in other countries with the law enforcement authorities of their countries of origin would contribute to the dismantling of syndicates involved in cross-border crime.

## **B. Countering money-laundering and controlling non-institutional financial and value transfer arrangements**

30. The working group held one meeting, on 13 September 2005. In its consideration of the topic under review, the working group made the following observations:

(a) It was essential for law enforcement agencies to be empowered and properly trained to investigate suspected attempts at money-laundering or introducing the proceeds of crime back into the legitimate economy;

(b) Underground banking or alternative remittance systems, often referred to as hawala banking, were an informal banking network operating outside of the formal system and involved the transfer of the value of currency without physically relocating it;

(c) For migrant workers employed in foreign countries, hawala banking networks were a logical choice for transferring funds to family members back home;

(d) A number of countries had established specialized financial investigation units to improve the capacity of their authorities to combat attempts at money-laundering.

31. The working group drew the following conclusions:

(a) Legislation requiring financial institutions to report suspicious transactions, and in turn make their records available for official inspection, was an important element in ensuring that authorities were successful in seeking to identify potential criminal offences involving illicit proceeds;

(b) Hawala banking systems offered a number of advantages to criminals wishing to transfer illegal proceeds, including the use of a password as the only identification between the remitter and the receiver of the funds, accessibility, versatility and lower commission rates;

(c) Regulating hawala bankers would be difficult, due to their anonymity, mobility and often encrypted transaction records;

(d) Specialized financial investigation units had proved to be an effective approach to use in support of money-laundering investigations and prosecutions and in facilitating the flow of information among relevant national authorities and counterparts in other countries.

### **C. Measures taken to counteract new trends in the use of technology by drug trafficking and organized criminal groups**

32. The working group held two meetings, on 14 September 2005. In its consideration of the topic under review, the working group made the following observations:

(a) Criminals engaged in both illicit drug trafficking and other criminal activities were increasingly using modern, sophisticated communication technologies to facilitate the daily operation of their illegal activities;

(b) The use of advanced technologies by criminal groups, such as encrypted e-mail and voice transmissions would become an increasing challenge to law enforcement agencies attempting to investigate and obtain evidence to successfully dismantle their operations;

(c) Anonymity of users, evidence located in multiple foreign jurisdictions, the lack of common definitions for offences and the need for agreement on lead countries in investigations in multiple jurisdictions were some of the key issues surrounding the use of computerized communications that urgently needed to be addressed if authorities were to be successful in investigating offences relating to organized crime and illicit drug trafficking.

33. The working group drew the following conclusions:

(a) Law enforcement authorities wishing to be successful in the investigation and prosecution of traffickers who used modern communication technologies to protect their illegal operations needed to assess their specialist needs and requirements to ensure that they were capable of responding to those new challenges;

(b) Modern communication technology was attractive to criminal operators as it reduced the risk of identification and provided high security to their communication exchanges;

(c) Any effective response to the legal and technical challenges posed by advances in technology would require not only international cooperation between States, but also a working partnership with the private sector developing those new technologies.

## **VI. Organization of the forty-first session of the Subcommission**

34. At its 8th meeting, on 16 September, the Subcommission considered item 7 of its agenda, entitled "Organization of the forty-first session of the Subcommission". For its consideration of the item, the Subcommission had before it a note by the Secretariat drawing attention to certain questions that needed to be addressed concerning its forty-first session and a draft provisional agenda for its consideration (UNODC/SUBCOM/2005/4).

35. After the discussion, the Subcommission approved the following draft provisional agenda for its forty-first session:

1. Election of officers.
2. Adoption of the agenda.
3. Current situation with respect to regional and subregional cooperation.
4. Consideration of topics by working groups: [*to be determined*].
5. Follow-up to the twentieth special session of the General Assembly.
6. Implementation of the recommendations adopted by the Subcommission at its thirty-ninth session.
7. Organization of the forty-second session of the Subcommission.
8. Other business.
9. Adoption of the report.

## **VII. Other business**

36. The Subcommission had before it a draft resolution entitled “Baku Accord II on Regional Cooperation against Illicit Drugs and Related Matters: a Vision for the Twenty-first Century”, submitted by the representative of Azerbaijan. At its 6th meeting, the Subcommission held consultations on the draft text and a number of oral amendments were introduced. At its 8th meeting, on 16 September, the Subcommission approved the draft resolution. (For the text of the draft resolution, see chapter I above.)

## **VIII. Adoption of the report**

37. At its 8th meeting, on 16 September 2005, the Subcommission adopted the report on its fortieth session (UNODC/SUBCOM/2005/L.1 and Add.1-6), including the reports of the working groups and their recommendations.

## **IX. Organization of the fortieth session of the Subcommission**

### **A. Opening and duration of the session**

38. The fortieth session of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East, organized by the United Nations Office on Drugs and Crime and hosted by the Government of Azerbaijan, was held in Baku from 12 to 16 September 2005. The Deputy Prime Minister and Chairman of the State Drug Control Commission of Azerbaijan and the Deputy Executive Director of UNODC addressed the participants at the opening meeting. Upon his election, the Chairman of the fortieth session of the Subcommission, the Minister of Internal Affairs of Azerbaijan also addressed the participants.

## **B. Attendance**

39. The following States members of the Subcommission were represented: Afghanistan, Azerbaijan, Egypt, India, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Pakistan, Saudi Arabia, Turkey, Turkmenistan, United Arab Emirates and Uzbekistan.

40. France, Germany, Georgia, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland were represented by observers.

41. The United Nations Development Programme and the World Health Organization were represented by observers.

42. The European Commission and the International Criminal Police Organization were also represented by observers.

## **C. Election of officers**

43. At its 1st meeting, on 12 September, the Subcommission elected the following officers by acclamation:

*Chairman:* Ramil Usubov (Azerbaijan)

*Vice-Chairmen:* Adnan M. Freih Qaaqa (Jordan)  
Taner Aydin (Turkey)

*Rapporteur:* Fahad Affas Al-Otaibi (Saudi Arabia)

## **D. Adoption of the agenda**

44. Also at its 1st meeting, the Subcommission adopted the following agenda:

1. Election of officers.
2. Adoption of the agenda.
3. Current situation with respect to regional and subregional cooperation.
4. Consideration of topics by working groups:
  - (a) Strengthening border controls;
  - (b) Countering money-laundering and controlling non-institutional financial and value transfer arrangements;
  - (c) Measures taken to counteract new trends in the use of technology by drug trafficking and organized criminal groups.
5. Follow-up to the twentieth special session of the General Assembly.
6. Implementation of the recommendations adopted by the Subcommission at its thirty-eighth session.
7. Organization of the forty-first session of the Subcommission.

8. Other business.
9. Adoption of the report.

#### **E. Documentation**

45. The documents before the fortieth session of the Subcommission are listed in the annex to the present document.

#### **F. Closure of the session**

46. Closing statements were made by the representative of Jordan and by the Chairman of the Subcommission.

**Annex****List of documents before the Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East at its fortieth session**

<i>Document</i>	<i>Agenda item</i>	<i>Title or description</i>
UNODC/SUBCOM/2005/1	2	Provisional agenda, including annotations and the provisional timetable
UNODC/SUBCOM/2005/2	3	Current situation with respect to regional and subregional cooperation
UNODC/SUBCOM/2005/3	6	Implementation of the recommendations adopted by the Subcommittee at its thirty-eighth session
UNODC/SUBCOM/2005/4	7	Organization of the forty-first session of the Subcommittee
UNODC/SUBCOM/2005/L.1 and Add.1-6	9	Draft report
UNODC/SUBCOM/2005/L.2	3	Draft resolution
UNODC/SUBCOM/2005/CRP.1	3	Statistics on drug trends in the Near and Middle East, South Asia, Central Asia and worldwide
UNODC/SUBCOM/2005/CRP.2-9	3	Country reports