



**Convention Mechanism of International Cooperation on  
Preventing and Combating Drug Trafficking**

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**Convention Mechanism of International Cooperation on Preventing and Combating**

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**ABSTRACT**

The article presents the author's analysis of the international legal regulation of combating drug crime. It is considered the role of cooperation between the international organizations and law enforcement bodies in this field on the basis of two basic conventions: it is substantiated the need for transnational approaches in preventing and combating drug crime.

**Keywords:**

security, drugs, drug crime, coordination, prevention, combating, cooperation, international legal experience.



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### **1. INTRODUCTION**

The strategic goal of the activity of any state is a society free from drugs and drug addiction. In this regard, it was decided to achieve "the elimination or substantial reduction" of illicit drug production and abuse by 2008; it was adopted a number of sectoral plans to achieve this goal at a special session of the United Nations General Assembly (hereinafter - the UN) in 1998 [1]. Ten years later, the member states remained unsatisfied with the results achieved and said that they were still "extremely concerned about the growing threat posed by the world drug problem" [2]. In 2009, the UN member states decided to continue to implement their plans in this direction over the next ten years, and to achieve further and decisive progress in monitoring the illicit drug supply and demand by 2019.

Despite the measures taken, the state of drug crime is a matter of concern for different countries. Many illicit drug markets have reached global scales and require the implementation of control strategies on a comparable scale. The illegal markets for opiates and cocaine are the most important threats of our time in the field of drugs and drug crime. Cocaine and heroin are the main drugs that are trafficked on a global scale and are smuggled from one region of the world to another one. In addition, the amphetamine-type stimulants have gained a significant share of the world drug market over the past two decades, pose a serious security threat and are a direction for the application of efforts to combat drug crime.

Along with the drug abuse listed above, the abuse of prescription drugs such as synthetic opioids, benzodiazepines or synthetic stimulants of prescription leave pose an increasingly important health problem in a number of developed and developing countries. It should also be noted that according to the UNODC experts, from 155 to 250 million people (between 3.5% and 5.7% of the adult population of the world) have used prohibited substances at least once at present. About a quarter of a billion people use drugs, of which almost 0.6% of the total adult population (almost 29.5 million people) suffers from drug-related disorders, including addiction [3].

Due to the lack of clear data on the scale of drug use and drug crime, it is impossible to fully assess the globality of drug problem in many countries, especially in Africa, in some parts of Asia and the islands of the South Pacific. A wide range of estimates reflects the data uncertainty available in the world.



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Currently, the legislation of almost all countries of the world has a set of legal regulations that to some extent regulate the issues related to drug and psychotropic substance trafficking. The allocation of such norms is caused by the need to state control for drug trafficking and the presence of international legal obligations at the level of interstate relations.

At the same time, the approaches of modern legislators to determining the means of criminal law influence are not the same and sometimes they are fundamentally different. In the modern world, even the most advanced modes of the state border protection and the rules of its crossing can be violated. Drug trafficking very quickly learned to "use" it in its own interests. Thus, the drug criminals, committing a crime in the territory of one state, try to escape from justice in the territory of another one. It should also be noted that the drug criminals often escape responsibility because of different interpretations of a crime committed, and sometimes because the state authorities of one state wish to harm another one.

All this puts global tasks before the world community that require an immediate and reasonable solution. We believe that such measures could include, for example, the integration of efforts to prevent crime in the international activities.

### **2. METHODOLOGY**

The study was based on a dialectical approach to the disclosure of legal phenomena using general scientific (system, logical, analysis and synthesis) and specific scientific methods. We considered two basic international documents in the field of illicit drug trafficking: "Single Convention on Narcotic Drugs of 1961" ([http://www.unodc.org/pdf/convention\\_1961](http://www.unodc.org/pdf/convention_1961)) [4] and "UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988" ([http://www.unodc.org/pdf/convention\\_1988](http://www.unodc.org/pdf/convention_1988)) [5].

### **3. DISCUSSION AND RESULTS**

At present, many countries are concerned about solving the issue related to drug crime because it is impossible to cope with this threat alone. To successfully solve the problem, we need the international solidarity and balanced, as well as collective and simultaneous actions of the international community. At the end of the 61st session of the Commission on Narcotic Drugs (March 16, Vienna, Austria, 2018), this thesis was confirmed by Yuri Fedotov, the Executive Director of the United Nations Office on Drugs and Crime (UNODC). He stressed "the



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importance of obtaining consensus in overcoming global challenges related to the drug problem" [6].

At present, it has been clarified the mechanism of international control and mutual assistance of states on the issue of combating drug addiction. The development of international cooperation in this area provides legal support in obtaining information, prosecuting, apprehending criminals, confiscating property and proceeds from crime.

The most significant international acts in this respect are: the Single Convention on Narcotic Drugs of 1961; the Convention on Psychotropic Substances of 1971; the Convention on Combating the Illicit Drug and Psychotropic Substance Trafficking of 1988. As noted in the Report of the International Narcotics Control Board for 2017: "An accession to the drug control conventions is a serious step by which the governments commit themselves to taking the legislative, regulatory and policy measures necessary to fully implement their legal obligations within their national systems" [7].

The Single Convention on Narcotic Drugs, which was adopted by the governments at the special international conference in 1961 and has been operating since 1964, replaced the treaties on opiates, cannabis and cocaine concluded before the Second World War. After its adoption by the governments of different countries, more than 116 types of narcotic drugs began to be monitored. In general, its content is to describe control measures for ready-made drugs, as well as raw opium, poppy straw, coca bush and cannabis. In 1972, it was made some amendments that significantly expanded the Convention scope with regard to the criminal prosecution and punishment of persons, having committed drug offenses [4].

In 1988, the UN convened a conference of plenipotentiary representatives of states to further develop the mechanism of the international drug control. The meeting resulted in the adoption of the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The main goal of the adopted Convention was aimed at depriving drug dealers of their criminal proceeds. It regulated the liquidation of illicit cultivation of narcotic plants; international cooperation in law enforcement and personnel training; control over substances used for the illicit manufacture of narcotic drugs; legal assistance; sanctions for drug smuggling; confiscation of proceeds and property received as a result of illicit drug trafficking; extradition [5]. However, the norms firstly concerned the detection, confiscation and freezing of the



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proceeds and property obtained from illicit drug trafficking. To implement this function, the courts were given the authority to issue appropriate resolutions on arrest or provision of financial, banking and commercial documents.

It is necessary to pay attention to legal assistance to the states concerned, which was formalized as the right to extradite large drug traffickers in order to exclude the possibility of granting them asylum in the 1988 Convention. It was also stipulated the second, not less important, provision, obliging the parties involved to reduce the illicit drug demand, as well as to liquidate it. In this case, the states should take the necessary measures and provide legal assistance to each other.

Despite the fact that the conventions determine the mechanisms for international drug crime combating and allow taking joint measures to eliminate the drug supply channels and neutralize the illicit drug manufacture, the most problematic issue of the present time in the field under investigation is the international cooperation of states for the extradition of persons, having committed crimes in the field of illegal drug trafficking and trying to escape justice in their state. One of the high-profile examples is the joint work of the law enforcement agencies in 2012, when one of the heroin supply channels created by the criminal community located on the territory of the United Arab Emirates was eliminated as a result of operational activities. The leader of this criminal community G. was extradited from the UAE. This was the first time that the UAE radically approached the transnational corporation leadership, and extradited the leader [8].

At the same time, the differences in the legislation of the states participating in the international cooperation reduce its effectiveness to a certain extent. It is extremely important for the states to remove the obstacles for the extradition of those who have committed serious drug crimes. Despite the fact that the legal basis for national legislations of the states is represented by the same universal UN conventions, there are certain differences in terminology on the criteria for forming a list of narcotic drugs, psychotropic substances and their precursors to be controlled; on the order of establishing control measures for the circulation of these drugs and substances; on the criteria for establishing liability for offenses related to their illegal trafficking, etc.

Different approaches of modern legislators to the definition of the regulation means for legal impact in the field of drug trafficking, persistent continuation of their own policies not



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complying with the provisions of international treaties, immanently mediate the search for a universal concept of the states' actions in the field of combating drug addiction. Moreover, the provisions of Article 35 of the 1961 Convention oblige the participating states to "take domestic measures to coordinate preventive and repressive measures against illicit drug trafficking" [4].

In this regard, the International Narcotics Control Board urges the governments of the participating states to ensure that the domestic legislation of their countries is in line with the provisions of the international drug control treaties. The Report of the International Narcotics Control Board for 2017 draws special attention to this circumstance: "The imperfection of legislation or the mechanisms for its implementation at the national level, as well as delays in bringing the lists of substances subject to national control in line with the lists of international drug control treaties, lead to the fact that the substances subject to the international control are not properly controlled at the national level, and create the conditions for the substance leakage into illicit trafficking channels" [7].

It should be specially emphasized that there is a need for closer forms of cooperation between the states participating in combating drug trafficking, which can guarantee such conditions under which the anti-drug efforts undertaken by one country will not be undermined by less stringent measures of drug control in the neighboring country. One of the forms of such cooperation can be the process of using model legislation in the national lawmaking.

Thus, all the Convention member states should fulfill their obligations under the relevant legislation, which will allow and will ensure compliance with the terms and conditions of the international treaties in the given scope.

In addition to the legal issues, the 1988 Convention permitted medical and social aspects, thus linking them to the legal field. For example, there are some medical measures for drug addicts who have committed crimes; the procedure for obtaining treatment and subsequent return to normal social life.

Another important issue is the cooperation quality between the states in combating drug crimes. The key problem is related to the investigation and prosecution of the guilty persons. In modern conditions, the drug business is flourishing and continues to develop in a variety of countries. As a rule, there is a clear mechanism for the division of powers and responsibilities



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between the participants in illicit drug trafficking. So, the raw materials are grown in the territory of one state and are processed in the territory of another one, then the materials are transited to the territory of other countries. All the states involved should make joint efforts to bring all the process participants to trial. The collection of all evidence and bringing to justice is the main task of international cooperation. The 1988 Convention established the legal framework for acquaintance with the materials of judicial proceedings, conduct of search and seizure, detection of proceeds obtained through the criminal means, etc.

The majority of drug crimes have an international nature, so there is a need to transfer criminal proceedings between the states in order to be able to create more effective conditions for this type of legal proceedings and prosecution. One form of alternative cooperation between the countries in transferring the criminal proceedings is extradition. Due to this procedure, it becomes possible to unite the various industries associated with drug crimes and the same persons. In this case, the crime could be committed in the territory of one or several countries. According to the 1988 Convention, the cooperation between the law enforcement agencies of different countries is possible without the need for special judicial authorization in various forms. The provisions of the 1988 Convention suggest "to develop and maintain the communication channels, to cooperate in the investigation of offenses, to establish joint groups, to submit samples of substances for analysis, to exchange personnel, to develop training programs, to assist each other in implementing the research and training programs, as appropriate" [5].

Most states differentiate the issue of defining the responsibility forms and measures for drug crimes. Some states assign two or three norms to such crime components, while others have a broader position for these components. We believe that this area of international cooperation needs a cohesive, complementary activity of all participants in all manifestations. At present, such cooperation is carried out by the law enforcement and customs bodies of different levels. Such interaction has been also developed through the activities of the International Criminal Police Organization and the World Customs Organization [9, 10].

Despite the requirements of the 1988 Convention, there are difficulties in observing certain provisions. Thus, Article 17 states that "the legislation of each party should ensure its jurisdiction over offenses committed on a vessel carrying its flag or identification marks. In





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addition, the state should be able to assist the requesting states with regard to vessels suspected of involvement in the illicit drug trafficking "[5]. This fact is connected, first of all, with the difficulty in finding a dangerous cargo when using this type of transport due to a large number of vessels on the high seas and territorial waters.

#### **4. CONCLUSION**

In conclusion, we should note that the successful counter-drug actions at the global level depends on the effective international cooperation on such issues as the extradition of fugitives, mutual legal assistance, litigation transfer and controlled deliveries, etc. If the interstate cooperation on these issues is not established, the provisions of the international treaties on combating illicit drug trafficking will prove to be feasible in a limited scope. To implement the 1988 Convention, it is necessary to take special national measures (in addition to the inter-state efforts) that could lay the foundation for international activity coordination.

We consider it advisable to recommend the states that have not yet become the parties to the international drug control conventions, to hearken to the call of the International Narcotics Control Board and to do so without delay, as well as to take all the legislative and policy measures necessary to ensure their full implementation at the national level.

We believe that such states' actions are promising, since the current state of national security, among other things, depends on the international aspect.

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