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Commission on Narcotic Drugs

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Item 5 (b)(i) of the provisional agenda*

Illicit drug traffic and supply: follow-up to the twentieth special session of the General Assembly: measures to promote judicial cooperation (extradition, mutual legal assistance, controlled delivery, trafficking by sea and law enforcement cooperation, including training)

Progress made in the development of technical assistance and training on cooperation against illicit drug trafficking by sea

Report of the Executive Director

I. Introduction

1. The General Assembly, in its resolution S-20/4 C of 10 June 1998 on measures to promote judicial cooperation, made a number of recommendations to counter illicit traffic by sea. Among them were the promotion of regional cooperation in maritime drug law enforcement by means of bilateral and regional meetings, including meetings of heads of national drug law enforcement agencies, and the provision of training to law enforcement personnel in maritime drug law enforcement.

2. At its forty-fourth session, in its resolution 44/6 of 28 March 2001, the Commission on Narcotic Drugs, concerned by the increasing prevalence of illicit traffic by sea in narcotic drugs, psychotropic substances and precursors, inter alia, reaffirmed the obligation of all States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹ under article 17 thereof, to cooperate to the fullest extent possible to suppress illicit traffic by sea. The Commission also reaffirmed that full respect for sovereignty, territorial integrity and the international law of the sea should govern such cooperation.

* E/CN.7/2003/1.



3. In the same resolution, the Commission took note of the report of the informal open-ended working group on maritime cooperation against illicit trafficking by sea,² convened in Vienna from 5 to 8 December 2000 by the United Nations International Drug Control Programme (UNDCP), in cooperation with interested Governments, to discuss practical ways and means to improve international cooperation in maritime drug law enforcement. Furthermore, the Commission requested UNDCP, within available voluntary contributions, to provide technical assistance and training on maritime cooperation against illicit drug trafficking by sea to interested States. The Commission also stated that such technical assistance could include, but was not limited to:

(a) The development of a user-friendly reference training guide to assist parties making requests and competent authorities who have the responsibility to receive and respond to requests under article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,¹ bearing in mind the need to avoid undue effects on licit trade;

(b) The development of a model reference format to facilitate the exchange of information required for appropriate actions under article 17 of the 1988 Convention;

(c) The gathering of information on bilateral or regional agreements that may be used for reference purposes by interested States.

4. Also in the same resolution, the Commission urged UNDCP to cooperate with States parties to the 1988 Convention and encouraged those States to contribute their maritime experiences to the formulation of technical assistance and training. It also invited the Executive Director of UNDCP to report to the Commission at its forty-sixth session on progress in the development of technical assistance and training.

II. Action undertaken by the United Nations International Drug Control Programme in the development of technical assistance and training on cooperation against illicit drug trafficking by sea

5. Pursuant to Commission resolution 44/6, UNDCP recruited a consultant to prepare a training guide entitled "Practical guide for competent national authorities under article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988" (the guide). A first draft of the guide was submitted for the consideration of an expert working group that met in Vienna from 22 to 24 January 2002.

6. On the basis of the comments and suggestions of the expert working group, a second draft of the guide was submitted for comments to the members of the expert working group, as well as to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat.

7. A further draft of the guide, incorporating the commentaries received, was then presented at a workshop on effective international cooperation in combating illicit trafficking by sea, which was held at the Twenty-sixth Meeting of Heads of

National Drug Law Enforcement Agencies, Asia and the Pacific, held in Bangkok from 11 to 15 November 2002, prior to finalization for publication.

8. The guide contains an overview of maritime cooperation under the provisions of the 1988 Convention and provides guidelines on the establishment of a legal framework at the national level. Particular emphasis is placed on the legal and practical considerations when establishing or designating a competent national authority in the context of article 17 of the Convention. The guide also reviews the most common tasks of competent national authorities, namely, the receipt of, response to and formulation of requests under article 17, including decision-making at a policy level and operational coordination. The guide covers specialized topics, such as the handling of requests under article 17 concerning vessels without nationality. In addition, the guide includes a model form of request for authorization under article 17 of the Convention, a model form of response to requests for authorization and a model form of report on action taken. The guide also includes annexes of relevant judicial cases and bilateral and multilateral agreements³ on maritime cooperation that may serve as reference to interested States.

9. Furthermore, to support States in their cooperation against illicit trafficking by sea, for the past two years, UNDCP has updated and published the directory of competent national authorities under articles 7 and 17 of the 1988 Convention on a quarterly basis, in order to allow for more timely inclusion and dissemination of modifications and additions to the directory. So far, 114 countries and territories have notified UNDCP of their designated competent national authorities under article 17.

Notes

¹ *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

² UNDCP/2000/MAR.3.

³ The Agreement concerning Cooperation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area was expected to be open for signature later in 2003, and would include the coordination of law enforcement operations, identification of suspect vessels, boarding and searching, use of force, and jurisdiction over offences, vessels and persons.