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**Thirty-second Meeting of Heads of National Drug Law  
Enforcement Agencies, Asia and the Pacific**

Bangkok, 10 – 13 February 2009

Item 4 of the provisional agenda\*\*

**Implementation of the recommendations adopted by the  
Thirtieth Meeting of Heads of National Drug Law  
Enforcement Agencies, Asia and the Pacific, by States of  
the region**

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region\*\*\***

1. The Thirtieth Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, held in Bangkok from 14 to 17 November 2006, adopted a set of recommendations, following the consideration by working groups of the issues defined below. A questionnaire on the implementation of the recommendations was dispatched on 17 June 2008 for responses by 10 October 2008.
2. The present report was prepared on the basis of information provided to the United Nations Office on Drugs and Crime (UNODC) by Governments in reply to that questionnaire. Seventeen replies were received from Afghanistan, Australia, Brunei Darussalam, China, Hong Kong Special Administrative Region (SAR) of China, Georgia, Japan, Malaysia, Mongolia, Myanmar, Nepal, the Philippines, Republic of Korea, Russian Federation, Singapore, Sri Lanka and Tajikistan. Other Member States may wish to report on implementation under this agenda item at the Meeting.

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## **Issue 1: Illicit traffic in and consumption of heroin**

### **Recommendation 1**

- 3. Governments should support their drug law enforcement agencies in their efforts to strengthen cooperation with their professional counterparts, both nationally and internationally, in rapid exchange of information, in undertaking of joint operations and in provision of operational assistance.**
4. The majority of the replying States confirmed that they had supported their drug law enforcement agencies in their efforts to strengthen cooperation with their professional counterparts, both nationally and internationally, on relevant matters.
5. In Afghanistan, the Ministry of Counter-narcotics played an important role in maintaining cooperation at the national and international levels. Australia reported that its Federal Police (AFP) International Network comprised 87 officers in 34 posts in 28 countries, while Australian Customs stationed representatives overseas to facilitate international cooperation with partner customs administrations, including on drug and precursor trafficking issues. AFP had concluded Memoranda of Understanding on cooperation in the field of transnational crime with Vietnam, China, Japan, Korea, Cambodia, Thailand and the United States.
6. The Government of Brunei Darussalam had provided financial support to the Narcotics Control Bureau in order to assist them in strengthening cooperation with their national and international counterparts in the areas of rapid exchange of information, joint operations and operational assistance.
7. The National Narcotics Control Commission of China had held yearly bilateral meetings with its counterparts from Myanmar, Lao PDR and Thailand to exchange information and intelligence. Furthermore, drug law enforcement officers in the border areas of China, Lao PDR, Myanmar and Vietnam had been regularly exchanging information through UNODC initiatives.
8. The police of Hong Kong SAR had regularly and rapidly shared information, as well participated in joint operations, with relevant counterparts. Furthermore, its Customs agency established a network of counterparts, nationally and internationally, to exchange information and intelligence, in addition to conducting joint controlled deliveries and other operations.
9. Georgia reported that it had concluded several bilateral agreements, as well as multilateral agreements, including on drug trafficking with the Organization of the Black Sea Economic Cooperation and the GUAM Organization for Democracy and Economic Development on cooperation in the fight against organized crime. In 2007 and 2008, Georgia participated in the operations “Narcostop 1” and “Narcostop 2” in the framework of GUAM.
10. The national drug law enforcement authorities of Japan had been holding regular meetings to exchange information, while the National Police Agency had been inviting foreign counterparts to Japan to discuss the drug situation and the modus operandi of traffickers. Furthermore, the appropriate units in the Ministry of Health, Labour and Welfare had actively promoted national and international coordination.
11. The Government of Malaysia had supported initiatives to enhance cooperation among law enforcement agencies, bilaterally or regionally.

12. Myanmar reported that, based on information exchanged with counterparts in China, Malaysia, Lao PDR, Taiwan and Thailand, it had carried out a significant number of seizures in 2005-2007. Nepal noted that it had put in place an effective network for information exchange among law enforcement agencies within the country as well as with international partners. The Philippines indicated that cooperation and coordination with other foreign drug law enforcement agencies would allow its national drug law enforcement to strengthen its efforts against drug syndicates.

13. In 2007, the Supreme Prosecutors' Office (SPO) of the Republic of Korea had launched an "ASEAN Project" to stem the inflow of illegal drugs into the country inter alia by establishing liaison offices (also called LOICOG or Liaison Office of International Cooperation in the Golden Triangle) in Lao PDR (2007) and Cambodia and Vietnam (2008). LOICOG's function had been to collect and analyse drug-related information on the Korean drug market, which, in turn, allowed SPO to rapidly exchange information as well as monitor and trace suspicious transactions.

14. The Russian Federation noted that it had conducted the operations "Kanal-2007" and "Kanal-2008" and had sent relevant information to Commonwealth of Independent States (CIS) countries, Interpol and other organizations.

15. The Central Narcotics Bureau (CNB) of Singapore had built up a network of drug liaison officers to ensure effective international and regional cooperation in drug enforcement. Regular liaison contact is maintained with foreign counterparts and the level of engagement with CNB's foreign counterparts ranges from exchange of information and intelligence to joint investigations and operations.

16. In Sri Lanka, the Law Enforcement Sub-Committee of the National Dangerous Drugs Control Board, comprising Police, Customs and Excise Agencies, as well as Navy, Army and government analysts had been meeting monthly to exchange information. At the international level, Sri Lanka had cooperated with South Asian Association for Regional Cooperation (SAARC) and its Drug Offences Monitoring Desk.

## **Recommendation 2**

**17. In response to the well-organized trafficking operations of syndicates operating across the region, such as the Western African networks, Governments should ensure that their drug law enforcement agencies are adequately supported in the development of information about the modus operandi of such groups and capable of responding effectively against their well-organized trafficking operations.**

18. Most responding Governments noted that they had taken measures to support their law enforcement agencies in development of information about the modus operandi of organized trafficking syndicates operating across the region and capable of responding effectively against their well-organized trafficking operations.

19. The narcotic police and the anti-drug justice detective section of Afghanistan had made continuous efforts to address this issue. Australia noted that it had advocated the need for a multi-national, multi-agency approach to tackling the complex issues of transnational drug trafficking and the involvement of West African crime groups in the various phases of that trafficking process. The AFP International Network had Liaison Officers in key locations have been regularly sharing intelligence with host country agencies and key stakeholders on a range of

multinational drug trafficking activities, including drug trafficking by West African crime groups. Through this network, the AFP had engaged in bilateral and multilateral investigations targeting these groups.

20. The Government of Brunei Darussalam, through its Narcotics Control Bureau, had attended regional workshops and exchanged information at regional and international meetings. China had organized annual trainings for drug law enforcement officers in order to provide them with up-to-date knowledge and skills, including on the modus operandi of West African syndicates.

21. The Hong Kong SAR Police had been gathering information on the modus operandi of the various groups, including those of West African origin, while Customs had developed strong ties to its counterparts in the region to address the issue of drug trafficking syndicates operating across the region.

22. The Government of Japan had supported the national drug law enforcement agencies in this area. The National Police Agency had been analyzing information received from domestic agencies and foreign counterparts and provided them with intelligence on smuggling cases and drug syndicates. The Customs and Coast Guard of Japan had also been collecting information on this issue.

23. In Malaysia, law enforcement agencies had been encouraged to share information and intelligence with other agencies, as well as to set up working groups on this issue. In Nepal, in addition to drug-related crimes, West African nationals had also been arrested for other crimes, such as forgery, falsification of documents, currency and travellers cheques, and the national law enforcement agencies had shared information about their modus operandi with international partners.

24. In Myanmar, the anti-drug units had been continuously updated about the modus operandi of the international drug syndicates, particularly the West African ones, information on which was shared during the International Drug Enforcement Conference targeting meetings, organized in the region by the US Drug Enforcement Administration. The Drug Enforcement Agency of the Philippines had coordinated its anti-drug with other foreign counterparts, which resulted in the conviction of several drug traffickers and the dismantling of clandestine laboratories.

25. The Republic of Korea had been recently used as a transit route or transshipment point for illegal precursors, such as anhydride acetic and in order to address this issue, in February 2008, the Supreme Prosecutor's Office joined the Centres for Drug Information (CDI) programme, established by US Drug Enforcement Agency, in order to strengthen information sharing and coordinate law enforcement operations among national law enforcement institutions, engaged in drug control, and the DEA.

26. The Russian Federation reported that the information received from various sources on the modus operandi of the organized crime groups and organizations from West Africa had been collected, analyzed and used by law enforcement in its operational activities.

27. Singapore noted that its Central Narcotics Bureau (CNB) had cultivated good relations with foreign counterparts to ensure the smooth and timely exchange of intelligence and information on modus operandi, which had been critical in particular in the fight against heroin. CNB had also regularly sent its officers for training courses locally and overseas, established an intelligence network to identify

and dismantle drug trafficking groups and conducted periodic operations against drug suppliers, street pushers and drug addicts.

28. Sri Lanka had been considering to signing bi-lateral cooperation agreements and networking on the issue of drug laboratories with countries in the region and the Russian Federation.

### **Recommendation 3**

**29. Governments should encourage the development of heroin signature analysis and the sharing of results and test samples for further analysis between interested drug law enforcement counterparts.**

30. Most replying Governments encouraged the development of heroin signature analysis and the sharing of results and test samples for further analysis between interested drug law enforcement counterparts and some States performed analysis on other drugs as well. The Counter Narcotics Police of Afghanistan took action in this area, performed drug analysis and transmitted information to the International Narcotics Control Board (INCB).

31. In November 1997, the Government of Australia funded the establishment of a National Heroin Signature Program and, in 2002, expanded it to include ATS and cocaine and renamed it the Australian Illicit Drug Intelligence Program (AIDIP). Australian border seizures of heroin had been profiled through the AIDIP, which is operated by the AFP in collaboration with the National Measurement Institute. The AFP had also been actively pursuing opportunities to build profiling capacity in domestic forensic drug laboratories, which would enable comparison of street-level seizures of illicit drugs with those made at the border.

32. Brunei Darussalam reported that, since heroin abuse was not a major drug of abuse in the country, heroin analysis was limited to identification. It also noted that the above recommendation could assist in developing or under-resourced countries in establishing standardized analysis within the region. In China, the Forensic Institute of the Ministry of Public Security had been mandated by the Narcotics Control Bureau to develop yearly heroin signature analyses. Hong Kong SAR had been working closely with the government laboratory to perform heroin signature analysis.

33. Japan reported that, due to the low number of heroin addicts, it had not established a signature analysis programme. Nonetheless, its Narcotics Control Department had been developing the profiling of ATS and microanalysis of precursor chemicals, and had promoted information sharing with foreign counterparts. With the view to sharing information between scientific labs and law enforcement, Malaysia had participated in UNODC projects such as "Signature analysis/profiling for seized drug material and products".

34. Myanmar indicated that it had been sending drug samples to Thailand, India, China and the US Drug Enforcement Administration for analysis on a regular basis, due to the lack of national laboratory facilities to conduct signature analysis. Myanmar also shares samples, at the request of other countries. Nepal had shared samples with law enforcement agencies of other countries in order to conduct signature analysis. Rather than conducting heroin signature analysis, the Laboratory Service of the Drug Law Enforcement Agency of the Philippines started profiling methamphetamine hydrochloride in August 2008

35. The Food and Drug Administration of the Republic of Korea had joined the Information Sharing System, operated by the Ministry of Labor, Health and Welfare of Japan in order to prevent precursor diversion and to identify the origin of precursors used in clandestine laboratories with data on drug signature analysis, modus operandi etc. In addition, Republic of Korea set up an alert system called “National Drug Information Network” to share drug related data such as information on seized drugs, modus operandi of traffickers and other issues.

36. The Russian Federation noted that it had been regularly collecting information, obtained from signature analysis on heroin and shared them with the member states of the Shanghai Cooperation Organization and the Collective Security Treaty Organization. Most of the drugs seized in Singapore were produced and processed elsewhere, and smuggled into the country, while the number of drug seizures encountered had been limited and the follow-up efforts had not necessitated drug profiling. Sri Lanka noted that it was planning to improve cooperation among laboratories and train personnel in the framework of the UNODC project “Regional Precursor Control Project for South and South West Asia”.

## **Issue 2: Witness protection**

### **Recommendation 4**

**37. Governments should take steps to ensure that they have in place established procedures to ensure the safety and protection of those persons who are asked to provide court evidence as witnesses.**

38. Many responding Governments noted that they had taken some steps to establish procedures ensuring the safety and protection of those persons who are asked to provide court evidence as witnesses. The Counter Narcotics Police of Afghanistan had established a department, which provided support to witnesses, testifying in court.

39. Australia indicated that its courts were secure environments, and various facilities and legislation had been made available to assist witnesses, including the provision of video link evidence, closed courts, court orders including suppression orders, victim/witness support officers, Family Investigation Liaison Officers and other measures. Australia had adopted the Witness Protection Act 1994, establishing the National Witness Protection Program (NWPP), administered by the AFP, thus affording witnesses in serious criminal matters protection, including re-identification and relocation.

40. Brunei Darussalam reported that it had no witness protection law in place and China noted that through its Law on Narcotics Control, which had entered into force on 1 June 2008, the Government encouraged “citizens to report criminal offences related to narcotics crime” and undertook to protect such informants, including those testifying in court. Hong Kong SAR had had a Witness Protection Programme in place for a long time.

41. Georgia had amended its Criminal Procedure Code in order to ensure the safety and protection of witnesses, including the application of special operative measures, such as change/removal of data from the public registry, temporary or permanent change of residence and others. Japan noted that its Code of Criminal Procedure had contained relevant provisions on the protection of witnesses, including when they are injured because of their court testimony.

42. The Government of Malaysia had been drafting a law on establishing a witness protection programme. Myanmar noted that, although it did not have a witness programme in place, measures were taken to protect witnesses. The Narcotic Drug Control Act adopted by Nepal in 1976, the Law No. 32 on Witness Protection adopted by Sri Lanka in 1999 and the Witness Protection, Security and Benefit Act adopted by the Philippines, contained provisions on the protection of witnesses.

43. In the Russian Federation, the protection of witnesses had been based on the provisions of the relevant federal legislation. Furthermore, a state programme "Protection of victims, witnesses and other participants of legal proceedings for 2006-2008" had been implemented. Singapore had established procedures and legal provisions covering the protection of witnesses. The procedures and laws include protecting the safety of witnesses while giving evidence, protecting the safety of prisoner as witness in criminal court, protection of informers and legal provisions against criminal intimidation.

### **Recommendation 5**

**44. Governments must ensure that adequate funding is made available to support witness protection programmes, so as to maintain community confidence and support in the judicial system.**

45. Although some Governments reported that they had implemented this recommendation, a few noted that they did not have a witness protection programme in place. In Afghanistan, the Ministry of Narcotics had been supporting the judicial system and in Australia, the Commonwealth Witness Protection Act 1994 required the AFP Commissioner to maintain the National Witness Protection Program and to provide appropriate staff and funding provided to the AFP Protection Portfolio. Hong Kong SAR noted that it had been providing adequate financial support to its national witness protection programme.

46. Georgia had established a Special Operative Department within the Ministry of Internal Affairs to provide protective measures to witnesses and had trained law enforcement officers on witness protection measures. The Government of Japan had been providing adequate funding to implement witness protection measures. In Malaysia, in order to gain community confidence in the implementation of the Witness Protection Programme, it has been suggested that the Government provide adequate funding to the participants taking part in the programme.

47. Brunei Darussalam and Myanmar noted that they did not have witness protection programmes in place. In the Philippines, in addition to the initial allocation of funds to implement the Witness Protection, Security and Benefit Act, the yearly General Appropriations Act had provided for the continuous implementation of this act under the appropriations for the Department of Justice.

48. The Government of the Russian Federation had included provisions on federal funding into the state programme "Protection of victims, witnesses and other participants of legal proceedings for 2006-2008". Singapore reported that, due to its small geographical size, it could not relocate witnesses and provide them with new identities. Nonetheless, the national legislation had ensured that witnesses could give evidence in court without fear of repercussions or intimidation, since the law enforcement agencies and the judiciary were not corrupted. Sri Lanka indicated that it had planned to allocate budget funds for this purpose to the Ministry of Justice in 2009.

### **Issue 3: Control of amphetamine-type stimulants and their precursors**

#### **Recommendation 6**

**49. Governments should examine their current legislation and procedures governing control over internationally listed precursor chemicals, equipment used in clandestine manufacturing and other nationally identified chemicals commonly diverted for abuse, to ensure that their law enforcement agencies can act effectively against traffickers seeking to obtain such precursors for illicit manufacture of ATS.**

50. Most responding States reported that they had taken steps to ensure that their law enforcement agencies could act effectively against traffickers seeking to obtain such precursors for illicit manufacture of ATS.

51. The Government of Afghanistan had dealt with the issue of precursors in the context of its overall anti-drug activities. In Australia, the development and implementation of a national strategy diversion of precursor chemicals into illicit ATS manufacture had been conducted under the auspices of the National Working Group, meeting three times a year to examine new and emerging trends, and to consider response measures including changes to legislative, regulatory and law enforcement practical controls. Australian Customs had also been reviewing and updating its legislative provisions and had worked with the Office of Chemical Safety in licensing of precursor importers and permit arrangements.

52. In Brunei Darussalam, the importation, sale and supply of all the internationally controlled precursor chemicals are controlled through licensing. The Government had been updating the relevant laws, in accordance with the current trends of drugs abuse and the diversion of precursor chemicals. Hong Kong SAR reported that it had adopted adequate legislation to regulate the trade of precursor chemicals and that its Customs agency had been participating in a global cooperation mechanism to monitor the movement of such chemicals through the PEN Online system.

53. In addition to having adopted a “Law on Drugs, Psychotropic Substances, Precursors and Narcological Assistance” and amending its Criminal Code, Georgia had set up a Division for Combating Trafficking at the Ministry of Internal Affairs to address specifically drug-related issues. Japan had introduced strict domestic legislation on precursor control and developed a Pre-Notification System to prevent the diversion of chemicals.

54. Malaysia reported that it had imposed stringent controls over precursors through national legislation, in addition to fully utilising PEN online in order to control the export and import of ephedrine and pseudoephedrine, conducted inspections of premises where precursors are handled and requiring traders to obtain End User Declaration Letters for every transaction.

55. Myanmar had adopted Precursor Control Rules in 2004 and had put under control 25 chemicals used in the production of drugs. The Government of Nepal had established an Interdepartmental Coordination Committee for Precursor Control with the view to sharing information on the diversion of precursor chemicals.

56. The Government of the Philippines had adopted relevant legislation to control precursors, chemicals and equipment used in clandestine manufacturing. With regard to nationally identified and diverted chemicals, in 2008, the Drug Law Enforcement Agency, through its Compliance Service, developed a “Philippine

Surveillance List of Non-Controlled chemicals”, which includes 11 chemicals such as acetyl chloride, benzaldehyde, chloroform, formic acid, iodeine, hydriodic acid, methylamine, palladium, pyridine, red phosphorus and sodium hydroxide.

57. The authorities of the Republic of Korea had been reviewing drug abuse data and, based on the findings, had been classifying substances for inclusion into Table I of the 1988 Convention. The Russian Federation noted that, in order to establish the legal basis for the control of precursor chemicals, equipment used in clandestine manufacturing and other chemicals commonly diverted for abuse, it had adopted two acts (2001 and 2007) and a decree (2008), as well as amended the Criminal Code.

58. Singapore noted that after its accession to the 1988 United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances in 1998, it had amended its Misuse of Drugs Act to provide for precursor control, to criminalise those who divert precursor chemicals, and to regulate controlled substances. Furthermore, no instances of manufacture of ATS and illicit diversion of precursor chemicals had been detected in Singapore. In addition to having ratified the UN Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 Convention, Sri Lanka had raided and sealed one laboratory and detained the persons connected to it.

### **Recommendation 7**

**59. To extend the effectiveness of their law enforcement agencies in dealing with illicit manufacture, trafficking and abuse of ATS, Governments should encourage their control authorities to develop new partnerships, such as with the chemical industry, to engage their support in combating the diversion of precursors.**

60. The majority of the replying States confirmed they had encouraged their control authorities to develop new partnerships, such as with the chemical industry, and to engage their support in combating the diversion of precursors. Afghanistan took action to address this issue. The cultivation of strong and productive partnerships among regulatory, health and law enforcement agencies, and with industry in tackling the supply, demand and harm of ATS and to raise awareness had been a priority for the Government of Australia. In addition, the Australian authorities had worked closely with industry associations to develop a voluntary Code of Practice.

61. Brunei Darussalam reported that it did not produce chemicals and that all the licensed importers had maintained constant contact with the authorities. In Hong Kong SAR, Customs, the competent national authority for this issue, in addition to monitoring them, had organized seminars on precursor chemicals for local shipping companies, air-freight companies and cargo handling agents.

62. In addition to being party to the 1988 Convention and fulfilling its obligations deriving from it, Georgia had established partnerships with the chemical industry, hospitals and other relevant entities. The Government of Japan had been closely cooperating with the chemical industry and provided to it relevant information.

63. Malaysia had developed a strong partnership with the chemical industry. In 2005, the Chemical Industry-Government Partnership Committee against Illicit Manufacture of Drugs of Abuse was established and a Code of Conduct for the industry was prepared and disseminated. In addition, a training in DVD format

“Suppressing the Manufacture of Illicit Drugs - the Role of the Chemical Industry” was distributed to the members of the Committee.

64. The Central Committee for Drug Abuse Control (CCDAC) of Myanmar had engaged the national chemical industry in enhancing the knowledge of and the fight against the diversion of precursors, as well as in developing a Code of Conduct and guidelines and awareness-raising materials, such as pamphlets, posters and stickers. CCDAC also organized several workshops and seminars for the industry.

65. In Nepal, office bearers of the chemical industry and pharmaceutical associations had been members of the Interdepartmental Coordination Committee for Precursor Control. The partnership between the Drug Law Enforcement Agency and chemical and pharmaceutical industries in the Philippines was formalized during the National Strategy Meeting on Prevention of Chemical Diversion held in July 2008. The meeting decided inter alia to develop an industry Engagement Programme and to establish a professional Code of Practice for handling precursors.

66. The Government of the Republic of Korea had set up a confidential network to respond to drug abuse rapidly by sharing ATS-related information among relevant national institutions. The Government had also been attempting to establish cooperation with the chemical industry. The Federal Drug Control Service and the Federal Service on Industry of the Russian Federation had requested the national producers and suppliers of precursors to monitor the deliveries, on a voluntary basis, in order to identify suspicious transactions.

67. The Central Narcotics Bureau (CNB) of Singapore had been working closely with the chemical industry and its Precursor Control Unit had conducted site visits to companies dealing with controlled chemicals intermediaries and end users of controlled chemicals. Furthermore, the CNB had disseminated information and guidelines on legislative and administrative requirements, as well as on methods of diversion and the importance of knowing their customers. encouraged traders to notify CNB of any suspicious transactions.

68. Sri Lanka reported the a voluntary Code of Conduct for the chemical industry was in the development stage and that the government authorities held quarterly meetings with the relevant industries.

### **Recommendation 8**

**69. Governments should further strengthen their existing regional and international cooperation in the fight against trafficking in ATS and precursor chemical control through supporting the international precursor control initiatives Project Cohesion and Project Prism of the International Narcotics Control Board, and supporting their law enforcement agencies in the active pursuit of backtracking investigations into chemicals and equipment recovered from traffickers.**

70. Most responding States noted that they continued to strengthen their existing regional and international cooperation in the fight against trafficking in ATS and precursor chemical control through supporting the international precursor control initiatives Project Cohesion and Project Prism of the International Narcotics Control Board, and to support their law enforcement agencies in the active pursuit of backtracking investigations into chemicals and equipment recovered from traffickers. The Ministry of Counter Narcotics of Afghanistan conducted some

activities in this regard and planned to pursue cooperation with relevant counterparts.

71. Customs is Australia's lead coordinating agency with regard to Project Prism. The agency had been consolidating the PRISM network in order to facilitate targeted regional communication on inter alia monitoring of legitimate trade in select precursor chemicals and the facilitation of backtracking activities. Australia had also organized two forums in the Asia-Pacific region—the Asian Collaborative Group on Local Precursor Control and the South Pacific Precursor Control Forum - and established regional ministerial-level engagement and practical cooperation on ATS precursor diversion in the Association of Southeast Asian Nations (ASEAN) Regional Forum.

72. The Government of Brunei Darussalam had sent its officers, specialized in the area of precursor chemicals control, to annual training/seminars courses organized by the International Narcotics Control Board or UNODC. In addition to participating in INCB projects, the Hong Kong SAR Customs had taken active part in joint operations with foreign law enforcement counterparts in relation to backtracking investigations.

73. Relevant government authorities in Georgia had been monitoring the import and export of the precursors included in the Red List of the 1988 Convention. Japan had been providing information on suspicious carriages distribution to INCB, UNODC and relevant countries and its Ministry of Health, Labour and Welfare had been considering participation in the PEN Online system.

74. Malaysia noted that it had actively supported and developed partnerships at the regional and international levels and participated in INCB projects on precursor control and meetings organized by UNODC and INCB, such as the International Forum on Control of Precursors for ATS (2005, 2006) and the Asian Collaborative Group on Local Precursor Control in Australia (2006, 2007). Myanmar reported that it had complied with the PEN Online system and had used it to notify importing countries in the region, and that it had conducted backtracking of seized chemicals, in cooperation with source countries. A National Survey was carried out in Myanmar in 2007 to assess the availability of safrole-rich oils. This was information was shared with UNODC, China, Laos and Thailand.

75. Nepal indicated that it had shared information on seizures of acetic anhydride with the UNODC Office for South Asia and other partners. In addition, the Narcotic Drugs Control and Law Enforcement Unit of Nepal had conducted some backtrack investigations of ATS and precursor chemicals in cooperation with relevant partners. The Philippines had been providing relevant Information to the INCB, as well as strengthening its investigations related to backtracking.

76. The authorities of the Republic of Korea had participated in the Projects Cohesion and Prism in 2006 and had continued to monitor suspicious transactions, as well as attended, since 2006, the yearly meetings of the Asian Collaborative Group on Local Precursor Control. The Federal Drug Control Service of the Russian Federation had participated in the Projects Cohesion and Prism and had continuously sent notifications on the export of controlled chemical substances to competent agencies in other countries, both in hard copy and through the PEN Online system.

77. The Central Narcotics Board (CNB) of Singapore had cooperated closely with foreign counterparts, as well as issued Pre-Export Notifications and in case of

objections, shipment were suspended and investigated immediately. The national authorities had not yet encountered any cases of illicit diversion of precursors or equipment. The Mutual Assistance in Criminal Matters Act No 25, adopted by Sri Lanka in 2002, contained provisions on the investigation and prosecution in Commonwealth countries as well as states with which Sri Lanka had concluded bilateral agreements.

#### **Issue 4: Illicit traffic by sea, confined waters and inland waterways**

##### **Recommendation 9**

**78. If they have not already done so, Governments should encourage their border authorities to undertake joint or coordinated maritime patrols with neighbouring or regional partners on inland waterways, in confined waters and in surveillance of vessels of interest in deep water transit past their territorial waters.**

79. Many responding Governments reported that they had encouraged their border authorities to undertake joint or coordinated maritime patrols with neighbouring or regional partners on inland waterways, in confined waters and in surveillance of vessels of interest in deep water transit past their territorial waters. The Government of Afghanistan has also requested the international community to address this issue in connection with boats and ships.

80. Australia noted that it had re-instituted cross border patrols in the Australian Torres Strait zone and adjacent coastal areas of Western Province Papua New Guinea in 2008 as well as that it had enhanced its cooperation with Papua New Guinea, Cambodia, Vietnam, the Philippines and Indonesia. The Royal Customs and Excise Department of Brunei Darussalam had undertaken joint or coordinated maritime patrols with neighboring and regional partners, especially with the Royal Malaysian Police Force, the Royal Customs and the Immigration Department from Malaysia. The Marine Unit of the Narcotics Control Bureau had yet to establish similar operations in the near future. In Hong Kong SAR, appropriate maritime patrols had been conducted by both Police and Customs vessels.

81. Georgia reported that its border police and other national authorities had been closely cooperating with neighbouring states in the framework of the Black Sea Cooperation Forum on the issues of fighting cross-border crime (including trafficking), as well as on maritime guard and control. Furthermore, an Automatic Information Exchange System (AIES) had been set up, enabling coastal states in the region to exchange information, although recently Georgia's access to it had been restricted. Japan reported that it had not taken any action in this area.

82. Malaysia had been conducting discussions with the ASEAN Head of Coastguard Meetings in order to coordinate maritime patrols among neighbouring countries. Myanmar noted that it had neither the capacity nor the resources to undertake maritime patrols of its sea borders. Nepal indicated that it was a land-locked country and thus had not been confronted with this issue.

83. The Philippine Drug Enforcement Agency and other government agencies (such as the Coast Guard, Bureau of Customs, National Bureau of Investigation) had been consolidating their efforts in the areas of intelligence, operations and training. Also, the national Drug Enforcement Agency had been closely monitoring and coordinating the maritime operations, interdiction and patrols under the Coast watch, South (CSW). Singapore noted that the international waters closest to it was

the South China Sea and that most drugs entered the country through land routes. The Central Narcotics Board had worked closely with the Police Coast Guard to patrol the country's coastlines. Sri Lanka had undertaken joint actions with Indian counterparts to patrol the Gulf of Mannar.

### **Recommendation 10**

**84. Governments should ensure that the legal and procedural framework exists to support a coordinated inter-agency, inter-service response to the threat posed by illicit trafficking by sea.**

85. Many Governments noted that they had taken measures to ensure that the legal and procedural framework exists to support a coordinated inter-agency, inter-service response to the threat posed by illicit trafficking by sea;

86. Afghanistan noted that it had undertaken action in this regard, while Brunei Darussalam addressed this issue on a case-by-case basis. Australia reported that its national legislation contained provisions on providing enforcement powers to Customs officials and Australian Defence Force members to jointly tackle illicit trafficking by sea. Australia had established a Border Protection Command, a joint Customs and Defence initiative, to combat threats by sea, including illicit trafficking, and to coordinate and control government efforts to protect national interests against security threats in offshore maritime areas. Hong Kong SAR reported that it had a legal and procedural framework in place to support an coordinated inter-agency or inter-service response.

87. Georgia had developed a Border Management Strategy for 2008-2012, based on an integrated border management model, in order to improve coordination and cooperation among relevant authorities and agencies involved in border control in the following areas: coordinated processing at border crossing points, joint operations, exchange of information, joint trainings, responsibilities and use of infrastructure and equipment. An Action Plan, based on this Strategy, was being developed.

88. Japan noted that it had put in place legal and procedural frameworks to support a coordinated inter-agency, inter-service response to the threat posed by illicit trafficking by sea. The national Customs had promoted information exchange, personnel interchange and joint trainings, while the Coast Guard had provided support to countries, such as the Philippines and China by entering into the Record of Discussion (ROD) with their relevant domestic authorities.

89. In Malaysia, the existing legal and procedural framework allowed for a coordinated interagency and inter-service response to the threat posed by illicit trafficking by sea. In Nepal, information on trafficking by sea of cannabis originating in Nepal and on suspicious shipments coming into Nepal through Indian sea ports, had been shared among drug law enforcement agencies. In the Philippines, under the new Operational Guidelines of the Drug Law Enforcement Agency, the legal and procedural framework applied to all the operations and legal procedure of every anti-drug unit from other law enforcement agencies, which would preclude legal technicalities from derailing any prosecutions against offenders.

90. Singapore indicated that its Central Narcotics Bureau had been designated the competent national authority for Article 17 of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Treaty to respond to

requests for assistance in dealing with illicit trafficking by sea. Sri Lanka noted that it had no legal procedural framework in place to counter illicit traffic by sea other than at sea ports.

### **Recommendation 11**

**91. To address the threat posed by foreign flagged vessels used to transport illicit drugs, as has been witnessed in recent cases involving the Democratic People's Republic of Korea, Governments must actively support their border control authorities, develop the operational contacts and establish the legal frameworks needed to ensure timely exchange of information, secure receipt of intelligence and passing of operational requests on matters relating to maritime trafficking.**

92. Many responding Governments indicated that they had supported their border control authorities, develop the operational contacts and establish the legal frameworks needed to ensure timely exchange of information, secure receipt of intelligence and passing of operational requests on matters relating to maritime trafficking. Afghanistan indicated that it planned to take action in this field and, although it had encountered difficulties in recruiting a Drug Liaison Officer, due to lack of funds. Brunei Darussalam had been working on the establishment of a marine base for national law enforcement agencies and this centralization was expected to develop an integrated and coordinated inter-agency, inter-service response to the threat posed by illicit trafficking by sea.

93. The Border Protection Command of Australia had been actively engaged in international and regional liaison activities and had continued to develop cooperation with key regional partners, setting the platform for mutual assistance on maritime enforcement issues, including the timely exchange of information. Australia had been closely cooperating with New Zealand, as well as other partners, such as Canada and the United States, to share maritime security information. Hong Kong SAR indicated that it had a legal framework in place to ensure the timely exchange of information, secure receipt of intelligence and transmittal of operational requests related to maritime trafficking by the Customs, the competent national authority.

94. Georgia had amended its national legislation and reformed its Border Police, hence improving its capacity to cooperate internationally through the signing of numerous bilateral agreements with counterparts in other countries, including Lithuania, Latvia, Hungary, Poland, Estonia, Germany, Switzerland, Finland and Bulgaria. In addition, Georgia had been integrated into the Maritime Safety and Security Information System. Japan reported that it had developed the necessary legal frameworks to address this issue and its National Police Agency had been promoting the exchange of information with other agencies or countries on foreign flagged vessels used to smuggle illicit drugs.

95. The development of Standard Operating Procedures for border authorities, in order to ensure timely exchange of information, obtain intelligence data and transmit operational requests on matters related to maritime trafficking had been continuously discussed at seminars and workshops in Malaysia. The Government of the Philippines had been actively supporting the efforts of the Inter-Agency Anti-Drug Campaign. Under the Coast Watch, South, different relevant units had been periodically exchanging intelligence and other information regarding maritime operations.

96. Singapore noted that, although illicit drugs entered its territory mainly via the air and the land routes, the Central Narcotics Board (CNB), Coast Guard and Customs had been monitoring waterways and vessels and CNB personnel had been posted at sea terminals. In Sri Lanka, despite the lack of a legal framework, links had been established between the Navy and the Customs and counterparts in the region and elsewhere.

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