Partnership, Cooperation and Action in the Greater Mekong Sub-region

The Memorandum of Understanding (MOU) on Drug Control
The Mekong MOU on Drug Control

What is it?

The Memorandum of Understanding (MOU) on Drug Control in the Greater Mekong Sub-region brings together six countries in East and Southeast Asia – Cambodia, China, Lao PDR, Myanmar, Thailand and Viet Nam – to contain the threat of illicit drug production, trafficking and use.

As a non-state signatory and the seventh partner to the MOU, the United Nations Office on Drugs and Crime (UNODC) provides secretariat and technical support to the MOU process. The Regional Programme for Southeast Asia 2014-2017 is carefully designed to ensure effective support for the MOU mechanism.

With support from the international community and UNODC, the MOU Governments have worked together to address the threat of illicit drugs for over 20 years.

This work continues today.

Why was it created?

Opium has been extensively cultivated in mountainous regions of Myanmar, Lao PDR, southern China and Viet Nam since the 19th century, having adverse effects on the people and economies of the Greater Mekong Sub-region. By the late 1980s and early 1990s, Southeast Asia had become one of the major opium and heroin-producing and trafficking regions in the world.

Increasing supplies of domestically-produced opium and heroin as well as growing imports of different illicit drugs from external areas were contributing to rising drug problems, primarily among youth, in several countries in the Sub-region.

Increasing trade, commerce and travel, while largely beneficial, also made it much easier for drug traffickers and other transnational criminal organizations to develop and thrive in the Sub-region.

As the Governments of the Sub-region and the United Nations finalized drug control measures, it became clear that to combat the transnational nature of the threat, intensified cooperative efforts among regional players was required.
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Why is it needed today?

Despite significant efforts, the MOU Governments continue to face challenges in stemming the flow of illicit drugs and precursor chemicals in, to and from the Sub-region.

After a decade of steady declines, the illicit cultivation of opium poppy has increased each year since 2006. Today, cultivation is concentrated in Myanmar and Lao PDR.

Synthetic drugs, particularly methamphetamine in pill and crystal forms, have emerged as the primary drug threat in the Sub-region. The diversion and subsequent trafficking of precursors chemicals, and the emergence of new psychoactive substances, also continue to impact the Sub-region.

The MOU provides an ideal operational platform to address challenges related to drugs and precursor chemicals.

It is a framework that already has the strong foundations of collaboration and partnership in place. These are fundamental to achieving any degree of success in combating the transnational threat of illicit drugs.

The MOU is also well placed to address the changing facets of the illicit drug problem. The consultation and evaluation mechanisms that are built in to the MOU process allow it to evolve in response to the nature of the threat.
The United Nations International Drug Control Programme’s (UNDCP, now UNODC) Executive Director and Regional Centre officials meet in Yangon, Myanmar with officials of China, Myanmar, Lao PDR and Thailand for the first senior-level review of two UNDCP-supported, joint, cross-border projects.

They conclude that there is a definite need for a broader Sub-regional drug-control structure. UNDCP develops a draft of the MOU, agreed to by the four Governments.

The first Ministerial Meeting is held in Beijing, where the Protocol to the MOU is signed to include Cambodia and Viet Nam as new members of the MOU.

A Sub-regional Action Plan for Drug Control, including eleven projects at a total cost of more than US$15 million, is also endorsed.

Representatives of the Governments of China, Lao PDR, Myanmar and Thailand meet with the Executive Director of the United Nations International Drug Control Programme (UNDCP, now UNODC) to sign the 1993 Memorandum of Understanding on Drug Control.

Amongst other points, they agree that:

- they would meet at least once a year to review the drug control situation in the region and to adopt recommendations concerning possible future remedial actions;
- they would pursue further collaborative efforts whenever appropriate; and
- other governments in the region could be invited to become parties to the MOU.
A brief history

The Addendum on Partnership to the MOU is signed during this period by all Governments. They pledge to assume a more active and protagonist role in the Sub-regional consultation process as well as in the implementation of the rolling Sub-regional Action Plan (SAP).

Ministerial Meeting in Hanoi adopts the Hanoi Declaration to step up drug control cooperation with new tools.

Ministerial Meeting in Hua Hin, Thailand adopts the Cha-am Declaration endorsing new forms of regional cooperation in drug demand reduction; drugs and HIV AIDS; alternative development; law enforcement; and international cooperation on judicial matters.

The Amendment to the Addendum on Partnership is signed and pledges to engage in joint efforts to design and implement SAP projects, and to share responsibility in mobilizing resources.

Ministerial Meeting in Myanmar adopts the Nay Pyi Taw Declaration committing MOU Governments to strengthen cross-border cooperation.

The Commission on Narcotic Drugs adopts Resolution 57/11 to strengthen and expand international cooperation to counter the threat posed by illicit drugs in the Mekong Sub-region.
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How does it work?

The MOU process contains the following important facets:

**Ministerial-level Meetings**, held every two years, serve as the group’s governing and policy-making body, and are particularly important for ensuring focus on drug control issues on the political agendas of participating governments.

**Senior Officials Committee (SOC) Meetings**, held annually, are responsible for agreeing to operational activities endorsed at the Ministerial level. The SOC monitors the overall implementation and development of the Sub-regional Action Plan (SAP) and its various components, in addition to the review of SAP achievements.

Both of these regular conferences encourage ongoing senior-level consultations on appropriate policy responses to drug control problems in the Sub-region. They also serve as the primary platform for discussing other key issues, including strategies for addressing the important links between drug trafficking and other transnational crimes (including money laundering); migration crime and the trafficking of humans; and international terrorism.

**Focal Point Meetings**, held annually, are responsible for creating and coordinating the work plan for the year ahead.

The MOU process also encourages bilateral consultations among senior drug control officials. In 1998, such meetings, known as High Level Bilateral Meetings on Drug Control (HILB), were formalized as an integral part of the MOU coordinating structure.
Sub-regional Action Plan - prioritizing “Action”

The Sub-regional Action Plan (SAP) is the engine that drives the MOU process. It provides a strategic outline for collaborative efforts of MOU signatories and puts into place action-oriented programmes that assist member Governments, individually and collectively, to fight illicit drug production, trafficking and abuse.

Initially established in 1995 to cover a period of three years, it was changed in 1997 to a rolling plan of action with no time limit, to be periodically revised and updated in order to better address newly emerging drug control priorities.

The SAP covers the following five thematic areas:

I) Law Enforcement Cooperation;
II) International Cooperation on Legal and Judicial Matters;
III) Drug Demand Reduction;
IV) Drugs and HIV; and
V) Sustainable Alternative Development.

The SAP is primarily implemented through clearly defined activities and initiatives that address specific problems and operational weaknesses. The five thematic areas above contain individual Workplans that outline and implement these activities and initiatives. Ultimately, these activities build the legal, institutional and operational capacities of member Governments.

The SAP also facilitates in-depth and independent evaluations, which allow the MOU partners and UNODC to pinpoint problems in drug-control operations in a timely manner.

The following sections explore the progress that can be made by the MOU partners in carrying out the SAP in its five sectors of activity.
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Expanding cooperation between law enforcement agencies
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Cooperation between law enforcement agencies

The development of national and Sub-regional capacities is integral to reducing trafficking in illicit drugs and precursor chemicals in, to and from the Sub-region.

What the MOU process can achieve

The MOU process assists to develop national and Sub-regional capacities through, amongst others, the following activities:

- Establish and maintain Border Liaison Offices (BLO) and undertake joint cross-border operations;
- Share and utilize real-time information regarding drug production and trafficking;
- Utilize UNODC platforms to enhance knowledge and skills of frontline law enforcement officers;
- Provide training and equipment to enhance interdiction capacities of law enforcement officers along main trafficking routes;
- Provide training and reference materials, and engage in threat assessments, to prevent precursor diversion;
- Enhance capacities of law enforcement agencies for drug identification and profiling by providing training and standard operating procedures, and sharing of samples among designated laboratories in the Sub-region to build a database; and
- Provide training and resources to enhance capacities of law enforcement agencies on financial investigation.
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Law enforcement cooperation

Reduction of illicit trafficking in narcotic drugs, psychotropic substances, and precursor chemicals in, to and from the Sub-region

- BLOs established and maintained; joint cross-border operations undertaken; and standard operating procedures (SOPs) developed
- Real time information on drug production and trafficking shared and used by stakeholders for intelligence-led responses; and intelligence networks established
- Knowledge and skills of frontline law enforcement officers enhanced through UNODC platforms
- Interdiction capacity enhanced along the main drug trafficking routes, including Highways R3A and R3B, and the Mekong River
- Precursor diversion prevented in MOU countries
- Drug identification and profiling capacities enhanced
- Law enforcement capacities on financial investigation enhanced
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Increasing international legal and judicial cooperation
International legal and judicial cooperation

Increased international legal and judicial cooperation between MOU Governments is needed to improve evidence exchange and judicial outcomes.

What the MOU process can achieve

The MOU process can assist to develop national and Sub-regional capacities through, amongst others, the following activities:

• Enhance capacities of judges, prosecutors and law enforcement officials to ensure correct application of national drug legislation during investigations in prosecutions, through training and gap assessments of national legislation and procedures;

• Improve execution of Mutual Legal Assistance (MLA) and extradition requests for drug-related investigations and procedures through:
  ◦ Ratification and implementation of legislation between MOU Governments with regard to international legal cooperation;
  ◦ Development of training course material and reference documents;
  ◦ Provision of UNODC’s MLA Request Writer Software to relevant national agencies; and
  ◦ Establishment of mechanism for cooperation among MOU Governments on financial investigations; and

• Strengthen international judicial cooperation in the areas of asset seizure and asset recovery through:
  ◦ Ratification and implementation of appropriate legislation and agreements between MOU Governments; and
  ◦ Establishment of mechanism on cooperation among MOU Governments on financial investigations.
International legal and judicial cooperation

- **Reduction of the incidence of drug-related transnational organized crime**
  - Capacity of judges, prosecutors, and law enforcement officials improved to correctly apply national drug control legislation during investigations and prosecutions and to execute requests for international assistance in drug-related cases.

- **International judicial and prosecutorial cooperation strengthened to improve MLA and extradition**

- **International judicial cooperation strengthened to improve cooperation in asset seizure and asset recovery**
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Prioritizing drug demand reduction
Drug demand reduction

The trend of increased drug use, and the burden to public health and the social welfare of citizens and communities, can be reversed through stronger cooperation on drugs and health.

What the MOU process can achieve

The MOU process can assist to develop national and Sub-regional capacities through, amongst others, the following activities:

- Increase research and the exchange of results among MOU Governments for the planning, monitoring, and measurement of progress with regard to drug prevention, harm reduction, and treatment and care interventions;

- Enhance public health oriented policies and programmes for drug use prevention, harm reduction, and treatment and care in MOU countries, including by:
  - Developing prevention standards and enhancing national drug use and dependence treatment care policies;
  - Reviewing national legislation and government policies to ensure that they meet needs and align with the principles of community-based treatment; and
  - Developing youth networks and targeting youth through preventative education;

- Develop sound structures for the implementation of drug use prevention, harm reduction, and treatment and care interventions; and

- Train staff from relevant organizations to increase their capacity to deliver and support evidence-based interventions.
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Drug demand reduction

The trend of increased drug use, and the related burden to public health and to the social welfare of citizens and communities, is halted and reversed.

Data and information is made available for planning, monitoring and measurement of progress of prevention, harm reduction, treatment and care interventions (in particular for ATS).

MOU Governments have in effect public-health oriented policies and programmes for prevention, harm reduction, treatment and care.

MOU Governments have in effect sound structures for implementation of prevention, harm reduction, treatment and care interventions.

Staff from relevant organizations receive training/capacity building and are empowered to deliver and support evidence-based interventions.
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Taking action on drugs and HIV/AIDS
Drugs and HIV/AIDS

The MOU Governments are committed to providing people who inject drugs, including in prisons and other closed settings, with universal access to recommended HIV prevention, treatment and care interventions.

What the MOU process can achieve

The MOU process assists to develop national and Sub-regional capacities through, amongst others, the following activities:

- Develop, adapt and disseminate normative guidance on effective HIV prevention, treatment and care interventions for people who use synthetic drugs or pharmaceutical drugs, and people who inject drugs, including in prison settings, by:
  ◦ Providing ongoing technical support to national efforts, consultations and reviews of laws and policies;
  ◦ Providing support to the implementation of the ASEAN Work Program (AWP) on AIDS;
  ◦ Providing support to conduct ethnographic/operations research on injection of pharmaceutical drugs and synthetic drugs;
  ◦ Disseminating and utilizing relevant strategic information, guidelines, and tools; and
  ◦ Facilitating MOU delegations’ participation in intergovernmental meetings on compulsory centres for drugs users (CCDUs); and

- Provide sensitization, advocacy and training of law enforcement officials on HIV, drugs and harm reduction in partnership with the Law Enforcement and HIV Network.
Drugs and HIV/AIDS

Universal access to HIV prevention, treatment and care interventions among people who inject drugs (including in prisons and other closed settings) provided

Development, adaptation and dissemination of intervention guidance for injecting drug users

Sensitization, advocacy and training for law enforcement in partnership with LEAHN/IPAG/country focal points
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Promoting sustainable alternative development
Sustainable alternative development

Providing sustainable Alternative Livelihood (AD) opportunities for current/former opium producing communities is integral to reducing illicit opium production.

What the MOU process can achieve

The MOU process assists to develop national and Sub-regional capacities through, amongst others, the following activities:

- Sustain advocacy, programme development and resource mobilization efforts, including from international donors and civil society, by:
  - Developing research on how the opium economy has impacted the health and human security of opium farmers;
  - Promoting the success of AD programmes through site visits, training and advocacy;
  - Facilitating information sharing on best practices and promoting principles that guide successful AD programmes;
  - Integrating AD programmes into national drug control plans and policies through various law enforcement measures; and
  - Implementing AD programmes and enhancing communication and coordination to support existing activities and open new areas for AD; and

- Conduct, verify and report on annual opium monitoring and assessments.
Sustainable alternative development

Illicit opium production eliminated and sustainable alternative livelihood opportunities for current / former opium producing communities provided

Advocacy, programme development and resource mobilization efforts sustained, including mobilization of support from international donors and civil society groups

AD programmes integrated into national drug control plans and policies

AD programmes implemented, and communication and coordination enhanced to support existing programme and open new areas for AD

Annual opium crop monitoring and assessments conducted, verified and reported
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Impact
Reduced threats to human security in the sub-region from illicit drug production, trafficking and use

1. Law enforcement cooperation
   - Reduce illicit trafficking in narcotic drugs and psychotropic substances (including precursor chemicals) in, to and from the Sub-region
   - Outcome 1: BODs established and maintained; joint cross-border operations undertaken; and standard operating procedures (SOPs) developed
   - Outcome 2: Real-time information on drug production and trafficking shared and used by stakeholders for intelligence-led responses; and intelligence networks established
   - Outcome 3: Knowledge and skills of frontline law enforcement officers enhanced through UNODC platforms
   - Outcome 4: Interdicted capacity enhanced along the main drug trafficking routes including Highways R3A and R3B; and the Mekong River
   - Outcome 5: Precursor diversion prevented in MOU countries
   - Outcome 6: Drug identification and profiling capacities enhanced
   - Outcome 7: Law enforcement capacities on financial investigation enhanced

2. International cooperation on judicial matters
   - Reduce the incidence of drug-related transnational organized crime
   - Outcome 1: Capacity of judges, prosecutors, and law enforcement officials improved to correctly apply national drug control legislation during investigations and prosecutions and to execute requests for international assistance in drug-related cases
   - Outcome 2: International judicial and prosecutorial cooperation strengthened to improve MLA and extradition
   - Outcome 3: International judicial cooperation strengthened to improve cooperation in asset seizure and asset recovery

3. Drug demand reduction
   - Melt and reverse the trend of increased drug use and the related burden to public health and to the social welfare of citizens and communities
   - Outcome 1: Data and information made available for planning, monitoring and measurement of progress of prevention, harm reduction, treatment and care interventions (in particular for ATS)
   - Outcome 2: Public-health oriented policies and programmes for drug prevention, harm reduction, treatment and care scaled up by MOU Governments
   - Outcome 3: Sound structures for the implementation of drug use prevention, harm reduction, treatment and care interventions are developed by MOU Governments
   - Outcome 4: Training provided to staff from relevant organizations in order to increase their capacities to deliver and support evidence-based interventions

4. Drugs and HIV
   - Provide universal access to HIV prevention, treatment and care interventions among people who inject drugs, including in prisons and other closed settings
   - Outcome 1: Normative guidance developed, adapted and disseminated on effective HIV prevention, treatment and care interventions for people who use Amphetamine-type Stimulants (ATS) or pharmaceutical drugs, people who inject drugs, and people in prison settings
   - Outcome 2: Sensitization, advocacy and training for law enforcement in partnership with LEAHF/UNODC/country focal points

5. Sustainable alternative development
   - Eliminate illicit opium production and provide sustainable alternative livelihood opportunities for current/former opium producing communities
   - Outcome 1: Advocacy, programme development and resource mobilization efforts sustained, including mobilization of support from international donors and civil society groups
   - Outcome 2: AD programmes integrated into national drug control plans and policies
   - Outcome 3: AD programmes implemented, and communication and coordination enhanced to support existing programmes and open new areas for AD
   - Outcome 4: Annual opium crop monitoring and assessments conducted, verified and reported