



SqX WP1
033

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 January 2000

SEMDOC
Statewatch European Documentation &
Monitoring Centre on justice and home
affairs in the European Union
PO Box 1516, London N16 0EW, UK
tel: 0181 802 1882 (00 44 181 802 1882)
fax: 0181 880 1727 (00 44 181 880 1727)

5376/00

LIMITE

**CORDROGUE 13
CODRO 1
NIS 16**

NOTE

from : Presidency
to : Horizontal Drugs group
No. prev. doc.: 10085/99 CORDROGUE 50 CODRO 3 NIS 174 , 12844/99 CORDROGUE 67
CODRO 4 NIS 118

Subject : Draft proposal for an Action plan on Drugs between the EU and Central Asia

D R A F T

**PROPOSAL FOR AN ACTION PLAN ON DRUGS
BETWEEN THE EU AND CENTRAL ASIA**

I. OBJECTIVE

Recognizing the need for a comprehensive EU initiative in the field of drugs as stated by the Dublin and Vienna European Councils, the objective of this Action Plan is to provide a framework between the European Union and the five Central Asian states of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, in order to more effectively tackle the drugs problem.

The co-operation shall be based on:

- the Partnership and Co-operation Agreements between the European Union and States of Central Asia;
- conformity with international law, human rights and fundamental freedoms;
- an integrated and balanced approach based on partnership;
- the principles adopted at the UN General Assembly Special Session on Drugs of June 1998, including shared responsibility;
- European support to assist the Central Asian states meet the commitments they have made to combat drugs;
- the orientations contained in the European Union Drug Strategy 2000-2004.

The European Union and Central Asian States reaffirm that international co-operation is essential in countering the drug problem. Co-operation between relevant UN and other bodies in Central Asia, the European Union and other donors shall be enhanced, notably by the establishment of a European Drugs Co-ordinator based in the region.

Assistance to the partner countries will be provided at the national and regional level in particular in the development of policies and institution building which will enable them to improve their capacity to cope with the drug problem.

Activities will be co-ordinated, wherever possible, with other EU programmes.

II. SITUATION OVERVIEW

Data provided by the threat assessment prepared by Europol in September 1999 reveals that drug cultivation, trafficking and abuse in Central Asia poses actual or potential problems for both the Central Asian States themselves and the rest of the world, including the EU.

Approximately 80% of all heroin seized in the European Union originates from Afghanistan and Pakistan. Afghanistan is the world's leading opium-producing country, with an estimated 4,600 tonnes harvested in 1999.

Some of the heroin and cannabis resin from Afghanistan and Pakistan is smuggled into the Central Asian States of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Part of it is for local markets. A large part transits the region either into Russia and other Newly Independent States, or into Europe, often via Turkey and the Balkan route.

Strong measures by the Iranian authorities at the Iran-Afghan border increasingly forces Afghan traffickers to look for alternative routes, particularly through Central Asia. The porous borders between Afghanistan and the Central Asian republics of Uzbekistan, Tajikistan and Turkmenistan and severe terrain conditions do not allow for effective border control. Criminal groups also use international airports in Central Asia for the trafficking of drugs. In addition the Central Asian republics have a relatively modern railway network, which connects them to Russia.

Central Asia provides suitable land for the cultivation of cannabis, opium and ephedra. So far there is no evidence that these drugs are cultivated in the region for export, although about 100 tonnes of raw opium is produced for local consumption. It seems that production of drugs in the region is a potential rather than a current danger. In Kyrgyzstan some professional methamphetamine laboratories were seized in recent years.

There are estimated to be about 500,000 drug users in the region, most of whom use opium and cannabis and, to a lesser extent, ephedrine. Drug abuse, including the use of heroin is on the rise and is likely to increase even more if the transit role of the Central Asian States develops further.

Large quantities of precursors needed for the processing of heroin are being smuggled from Central and Eastern Europe, China and the European Union through the Central Asian republics into Afghanistan. In addition, there is production of chemicals, with subsequent risk of diversion, in Kazakhstan.

The Afghan authorities do not carry out border controls, and the law enforcement agencies in Turkmenistan, Uzbekistan and Tajikistan are short of resources, so often checkpoints do not exist or are not manned. There is a customs union between some countries in the region and Russia, which means that drugs can pass from Afghanistan to the borders of the EU without crossing a controlled border.

Law enforcement in the Central Asian republics is further hindered by a lack of proper legislation against production of, and trafficking in, drugs and against money laundering. There is a lack of expertise in law enforcement techniques and the effective collection, analysis and retrieval of data. Conflicts of competence hinder the exchange of information between law enforcement agencies. Corruption is exacerbated by low salaries of government officials and law enforcement staff.

[reservation by Germany to this paragraph]

Drug trafficking, organised crime and corruption are closely interlinked. In the Central Asian republics they threaten economic reform, transparency and accountability of public institutions, legal and institutional reform, security and stability, human rights, the legitimacy of political systems and democracy.

III. ACTIVITIES

A. Strategic Planning

An overview at an international, regional, and national level is vital to ensure that all aspects of the problem are considered, and that resources, both national and from public and private external sources are well targeted at priority areas of activity and in particular the ODCCP. A structured approach is required, drawing in all participants to co-operate actively, and to avoid duplication of effort. The UN family has a particularly important role to play.

Activities under this Action Plan will include support, as necessary, to:

- assist government institutions, in coordination with other actors in the development and implementation of national strategic master plans and action plans developing concrete projects and activities;
- assist governments institutions in coordination with other actors of the region in the development and implementation of an overall regional strategy;
- work with all interested parties to ensure coherence and complementarity, so that the activities are effectively implemented, without overlap and the associated duplication of resources.

B. Legislation and institution building

An effective legal system protects individuals and defines criminal activity. It establishes enforcement procedures, defines the powers and limitations of the enforcement agencies and is the basis for the criminal process.

Building from legislation, appropriate institutions who are active or who might have a role to play in tackling the drugs problem can benefit from the experience in the European Union. Definition of the role of the different law enforcement agencies involved, both through legislation and operating procedures, so that they are complementary and can work effectively together is crucial, as is the legislative framework for agencies to co-operate across borders, such as in the case of controlled deliveries.

In many cases there has been a lack of awareness of the key issues in drugs crime in the judicial sector. Sentencing policies should distinguish between those who have committed serious infractions and addicts, who may need medical support rather than prison sentences. NGOs can be particularly important as they can play a key role in demand reduction and in supporting human rights. In many cases neither the legislative framework nor the know-how exists to develop their activities.

Activities may include:

- help in improving legislation, where appropriate;
- assistance in the implementation of relevant UN Conventions;
- assistance for the creation and strengthening of horizontal co-ordinating bodies (Drugs Councils);
- support to judicial systems in dealing with drugs issues, for example by improving their organisation and providing training to prosecutors and judges and in ensuring inter alia respect of human rights;
- assistance towards creation of a civil society, in particular Non-Government Organisations (NGOs), active in the drugs sector;
- programmes to improve integrity of law enforcement, judicial and government staff.

C. Law enforcement and judicial cooperation

Co-operation between the European Union and the States of Central Asia in the field of law enforcement and judicial co-operation shall be in accordance with the principles of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic substances (Vienna Convention of 1988) and the measures to promote judicial co-operation (extradition, mutual legal assistance, transfer of proceedings, training and other forms of cooperation, controlled delivery etc.) as adopted by the UNGASS.

Law enforcement agencies are in the forefront in the fight against drugs production and trafficking. For the drug abuser they are also often the first contact with official bodies. Their effectiveness is paramount in combating the criminal aspects of drugs.

The Judicial system in the countries of the region need to have a consistent approach to offenders, so that the level of penalties do not influence trafficking and associated offences by creating weak links within and between countries.

In this context the European Union will consider:

- support for the modernisation of law enforcement bodies and the operating methodologies (risk analysis, investigative procedures and the collection, analysis, dissemination and use of information);
- support the improvement of cross border security measures on airports, ports, trains and roads, particularly transport bottlenecks, through projects and programmes;
- the promotion of inter regional co-operation between law enforcement agencies including exchange of information and operational co-operation;
- increasing the exchange of information between law enforcement agencies in the European Union and Central Asia;
- promotion of the use of the technique of "controlled delivery" as well as other special investigative methods and the introduction of national legislation where necessary, and the promotion of training and support to law enforcement and judicial bodies;
- development of a network of judicial co-operation;
- development of national drug law enforcement focal points or drugs co-ordination units.

D. Precursor and licit drug control

All measures developed within the framework of this Action Plan must be in conformity with the Article 12 of the Vienna Convention of 1988 and the measures adopted by the UNGASS. In the implementation of those INCB has a specific role.

By their very nature, precursors can be difficult to control, as most are needed for legitimate and widespread uses. The European Union has built up a wealth of experience in their management, which could be useful to Central Asia.

Customs services, together with the licensing services and the police, have major roles in fighting precursor diversion by:

- ensuring appropriate prior screening of precursor shipments before these leave their customs territories;
- collecting and analysing information to create intelligence and thus anticipate diversion trends;
- sharing information at the national, regional and international level.

Support could be provided to:

- to provide training to officials in the Central Asian States responsible for precursor control in the administrative and law enforcement arena. Such training should particularly embrace assistance in precursor control legislation and forensic techniques to fight precursor diversion;
- strengthen national and regional systems for controlling precursors, principally in relation to information, such as mechanisms for estimating production capacity of controlled substances, the amounts actually produced, and the needs of legitimate industries;
- promoting the exchange of information and further development of systems for surveillance and investigation of forms of diversion, with particular emphasis on the activities being developed by regional bodies;
- promoting the exchange of practical experience in the field of precursor control with a view to facilitating more effective co-operation both in the region and with the EU;
- advise on legal and operational surveillance mechanisms to avoid the diversion and trafficking of the precursors.
- law enforcement agencies in fulfilling their role.

E. Money laundering

In underscoring their commitments to the relevant provisions of the 1988 Vienna Convention and the target dates set up by UNGASS, to adopt by the year 2003 national money laundering legislation and programmes as well as specific measures, the following concrete measures could be envisaged:

- support to the implementation of the UNGASS Action Plan against Money Laundering
- in consideration of FATF recommendations and the current EC legislation, assistance in developing legislation and establishing Financial Intelligence Units.
- the provision of appropriate training to both the public and banking sectors.

F. Alternative development and eradication of illicit crops

Within the framework of this Action Plan, the European Union and the States of Central Asia shall act in accordance with the principles set out in the Action Plan on International Co-operation on the Eradication of Illicit Drug Crops and on Alternative Development (S-20AE).

In the past crop substitution measures have had very mixed rates of success. A combination of measures are often appropriate, linking active support to producers in learning new methods of farming crops, improved access to areas of production, opening markets for alternative, preferably higher value cash crops, all of which linked to penalties for continued production (e.g. destruction of illicit crops just before harvest, with a resultant revenue loss). It must be emphasised however that the fundamental need for the producing regions is economic development. **GER and Europol: In this respect it is recognised that economic development is a fundamental need for the region to counter the drug problem.**

Proposal by Europol and Germany:

Eradication of illicit crops and alternative development (title)

2nd and 3rd paragraph replaced by:

Emphasis should be on the eradication of the wild growth of cannabis, opium poppy and ephedra. Where appropriate, alternative development projects could be introduced. In areas where illicit cultivation continues in spite of existing alternatives, law enforcement actions should be taken to avoid persistence of illicit crops used for drug production.

Inter alia, support could be considered in the following areas:

- the inclusion among the major themes of development policy of alternative development projects to encourage the substitution of illicit crops;
- in areas where illicit cultivation continues in spite of existing alternatives, law enforcement actions, possibly including eradication programmes, to avoid the persistence of illicit crops used for drug production;
- exchanges of information on action in this field between governments of the region.

G. Demand reduction

The European Union and the Central Asian States consider that demand reduction is an important element of their regional and national drug strategies.

All programmes and actions under the present Action Plan shall be based on the declaration on the guiding principles on demand reduction as adopted by the UNGASS as well as on its corresponding Action Plan. In addition, the EU's and Member States' experience in this field of demand reduction might be used as a valuable basis for cooperation.

The international illicit drugs market is dependent on demand. In some areas where there was production or wild crops there is a tradition of use, but the form and scale has been accelerating into new sectors of the population. This is particularly true among the young and urban dwellers.

Much of the growth in demand is related to lack of education and economic development as well as social deprivation. Tackling the growth in demand requires a fresh look at its source. Social policies, which advocate alternative activity, the provision of targeted education to the young and especially vulnerable, and not least activities which counter the social pressures to become a drug abuser.

Suppliers and traffickers also create demand, not least by paying the individuals involved in smuggling and distributing in kind, thus developing pressures to sell their illicit products locally.

Economic and social development, whether or not aimed specifically at the reduction of demand for drugs, can have a significant impact on drug demand.

NGOs can play a particularly effective role in awareness-building, treatment of addicts, and small scale social projects.

Specific activities under this plan might include:

- support for demand reduction activities, targeted on high risk populations;
- support the activities undertaken in these areas by civil organisations which demonstrate dedication and professionalism, assessed in accordance with nationally and internationally recognised criteria; and, in addition, further closer relations between European and Central Asian non-governmental organisations (NGOs) and others working in the field of prevention, treatment and rehabilitation;

- exchange information on indicators of the use and abuse of drugs as well as their impact on health and society.

Furthermore, promote the interchange of experience gathered in both regions on demand reduction.
