



Economic and Social Council

Distr.: General
.. January 2003

Original: English

Commission on Narcotic Drugs

Forty-sixth regular session

Vienna, 8-17 April 2003

Item 5 of the provisional agenda

Illicit drug traffic and supply:

**REPORT OF THE EXECUTIVE DIRECTOR ON THE PROGRESS MADE IN THE
DEVELOPMENT OF TECHNICAL ASSISTANCE AND TRAINING
TO PROMOTE MARITIME COOPERATION**

Background

1. At its forty-fourth session (Resolution 44/6), the Commission, concerned by the increasing prevalence of illicit traffic by sea in narcotic drugs, psychotropic substances and precursors, reaffirmed the obligation of all States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, under article 17 thereof, to cooperate to the fullest extent possible to suppress illicit traffic by sea, with full respect for sovereignty, territorial integrity and the international law of the sea.
2. In the resolution, recalling the means to promote judicial cooperation to counter illicit traffic by sea adopted by the General Assembly at its twentieth special session, devoted to countering the world drug problem, in resolution S-20/4 C of 10 June 1998, and recognizing the importance of bilateral and regional cooperation in suppressing illicit traffic by sea, in accordance with article 17, paragraph 9, of the 1988 Convention, the Commission, took note of the informal open-ended working group on maritime cooperation against illicit trafficking by sea in Vienna from 5 to 8 December 2000, convened by the United Nations International Drug Control Programme, in cooperation with interested Governments, and of its report thereof.
3. In view of this, the Commission requested the United Nations International Drug Control Programme, within available voluntary contributions, to provide technical assistance and training on maritime cooperation against illicit drug trafficking by sea to interested States. Such technical assistance might include, but should not be 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, 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. The Commission invited the Executive Director of the United Nations International Drug Control Programme to report to the Commission on Narcotic Drugs at its forty-sixth session on progress in the development of technical assistance and training.

Status

5. Pursuant to resolution 44/6, a consultant was recruited to prepare a *Practical Guide for Competent National Authorities under Article 17 of the United Nations Convention against Illicit Traffic in narcotic Drugs and Psychotropic Substances, 1988*. A first draft of the Practical Guide was submitted to 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 Practical Guide was prepared. This text, after being edited by the United Nations International Drug Control Programme, was also submitted for comments to the members of the expert working group, as well as to the United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs (New York).
7. A final draft of the Practical Guide was then presented at a Workshop on effective international cooperation in combating illicit trafficking by sea, of the Twenty-Sixth Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA), Asia And The Pacific (Bangkok, 11-15 November 2002). At present, the Practical Guide is in the process of final editing and formatting prior to publication. An advance copy of the Practical Guide, in English, will be ready for distribution at the forty-sixth session of the Commission.
8. The Practical Guide contains an overview of maritime cooperation under the terms of the 1988 Convention and provides guidelines on the establishment of an appropriate legal context at the national level.
9. For the most part, however, the Guide is dedicated to the Competent National Authority, in the context of Article 17 of the 1988 Convention. For instance, the Guide covers the conventional, legal and practical considerations to be born in mind when establishing/designating a competent national authority. The Guide also reviews the most common tasks of competent national authorities, i.e., the receipt, response to, and formulation of requests under Article 17, from the policy and decision-making, to the operational coordination and follow-up. Finally, the Guide also covers some special issues, like the handling of requests under Article 17 concerning vessels without nationality, and own-flag vessels.
10. As was also mentioned in the Commission resolution 44/6, the Guide includes a model form of request for authorization under Article 17 of the 1988 Convention, as well as a model form of response to requests for authorization and a model form of report on action taken.
11. In the same line, the Guide includes as annexes a series of recent judicial cases and of bilateral and multilateral agreements on maritime cooperation that may serve as reference to interested States.

12 Among the latter, it seems worth noting the *Agreement concerning Co-Operation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area* that has been agreed upon among several States both in and outside the Caribbean basin, and is expected to be open for signature later in 2003. This Agreement covers a wide range of maritime cooperation issues in the combat against drug trafficking, among others, the coordination of law-enforcement operations, identification of suspect vessels, boarding and searching, use of force, and jurisdiction over offences, vessels and persons.

13. Also with the aim of better assisting States in their maritime cooperation efforts, for the past two years, the United Nations International Drug Control Programme has been updating and publishing the directory of Competent national authorities under articles 7 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, on a quarterly basis, in order to allow for a more timely inclusion and dissemination of modifications and/or additions. Until now around 114 countries and territories have designated competent national authorities under Article 17.