

INTERNATIONAL DRUG TRAFFICKING CONTROL

Introduction

The negative impacts of the illicit drug trade touch every society in the world. The United Nations Office on Drug and Crime (UNODC), in its annual World Drug Report for 2005, estimates that 200 million people have consumed illicit drugs at least once in the past 12 months and that the retail value of drug trade is at US\$ 321 Billion. The destructive trade in illicit drugs and its consumption affects almost every level of human security from individual health, to safety and social welfare, with devastating consequences to global socio-economic development.

2. As with any sort of item meant for consumption, illicit drugs work on supply and demand scale. In international efforts to combat the trade in illicit drugs, national level efforts to reduce demand for drugs needs to be done with corresponding measure to stem and eradicate the supply of drugs. In many of the main drug producing areas in Southeast and Central Asia, and Latin America, while the trafficking and supply of the overall drugs tend to be controlled by organised criminal groups, the crops used to produce illicit drugs are grown by small farmers. Without efforts to provide alternative sources of incomes to these farmers, other ongoing efforts in law enforcement, drug prevention and demand reduction will not be entirely successful.

3. Malaysia is not a drug producing country and drugs found in the country are smuggled from the Golden Triangle Area. The Government has been given top priority in overcoming the drug problem in the country, and has proclaimed it as a threat to national security since 1983. To deal with the problems of drug abuse and trafficking, the Government formulated the National Drug Policy in 1996. The main objective of this Policy is to eliminate the demand and supply of illicit drugs. This Policy has four priorities namely in prevention, enforcement, treatment and rehabilitation. For Malaysia, there are three major drug related problems:

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- 3.1 Smuggling of drugs into the country for local consumption;
- 3.2 Abuse of drugs by the local population; and
- 3.3 Transit of the drugs through Malaysia for third countries.

International Cooperation

4. Drug trafficking is an international problem and no country can control or eradicate this problem entirely on its own. Based on this premise, Malaysia has taken an active role in the fight against illicit drug trafficking at various international organizations including the United Nations, NAM, OIC and ASEAN. At these international fora, Malaysia has consistently called for stringent measures to be adopted to curb illicit drug-trafficking. Priority should also be given to preventive programmes to curb drug abuse.

5. Malaysia's commitment in eliminating illicit drug trafficking and abuse is reflected by it being a State Party to:

- 5.1 The Single Convention on Narcotic Drugs 1953;
- 5.2 The Convention on Psychotropic Substances 1971;
- 5.3 The UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988; and
- 5.4 The ASEAN Declaration of Principles on Drug Abuse Control 1976.

6. Malaysia has taken various measures to ensure compliance to these international Conventions. Serious efforts are also undertaken to implement the recommendations of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control (CMO), which had been adopted by the International Conference on Drug Abuse and Illicit Trafficking (ICDAIT) in 1987 and the UN Global Programme of Action Against Drug Abuse, adopted by the UN General Assembly in February 1990.

7. Malaysia regularly and actively participates in the Commission of Narcotic Drugs (CND) which holds its annual session in Vienna. The CND enables member countries to discuss the current situation regarding the issue and initiate new and effective measures in combating drug trafficking.

8. A Special Session on Drugs was held in June 1998 at the United Nations in New York, which coincided with the 10th Anniversary of 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. At this Meeting, Member States adopted new strategies to address the drug scourge, focusing on, *inter alia*, measures to eradicate illicit crops, ways to avoid the diversion of chemicals into illicit drug manufacturing and introducing demand reduction programmes.

Regional and Bilateral Cooperation

9. Malaysia has participated actively in the Asia-Pacific Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA) which is organized by UN Office on Drugs and Crime (UNODC). The objective of the Meeting is to enhance regional and sub-regional cooperation in areas such as joint investigations, law enforcement training and the sharing of information and experience in drug trafficking counter-measures.

10. Under the ASEAN framework, Malaysia is a member of the Meeting of ASEAN Senior Officials on Drug Matters (ASOD), which was officially established in 1984. The four priority areas in ASOD are preventive drug education, treatment & rehabilitation, enforcement and research. As a further demonstration of its commitment, Malaysia established the ASEAN Training Centre for Treatment and Rehabilitation in Kuala Lumpur to facilitate the training and research on treatment and rehabilitation at the operational level of ASEAN.

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11. Malaysia is also a member of the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD) established in 2000. The ACCORD is an action scheme designed to realize the goal of a drug-free ASEAN by the year 2015. The Plan of Action consists of establishing cooperative networks, advocating awareness, building consensus and sharing best practices on demand reduction, strengthening the rule of law and eliminating the supply of illicit drugs. Under ACCORD's Regional Cooperative Mechanism, a regional online database was established in 2003 as a reporting network to monitor progress, information and analysis on national/regional drug control trends.

12. Malaysia is a member of the Drug Advisory Programme (DAP) of the Colombo Plan. In 1997, the National Narcotics Agency assisted the DAP in conducting a series of training programmes. Malaysia also became the host for the Fellowship Programme under the Colombo Plan in the same year and invited officers from other countries to attend the Programme.

13. Since 1989, the Government of Malaysia has signed 5 bilateral agreements relating to cooperation in drugs control namely:

13.1 A Memorandum of Understanding with the United States (signed on 20 April 1989). Under the framework of this MoU, the US government has provided training for Malaysian officers especially in the field of law enforcement, prevention, treatment and rehabilitation. Besides training, frequent exchange of intelligence and information are conducted between the law enforcement agencies of both countries;

13.2 Agreement with the United Kingdom on mutual assistance in relation to drug trafficking (signed on 17 October 1989);

13.3 Memorandum of Understanding with the Republic of Venezuela (signed on 3 August 1990) on cooperation in the prevention and

control of illicit drug use and suppressing the production and trafficking of drugs and psychotropic substances, including precursor chemicals;

13.4 Agreement with the Hong Kong SAR (signed on 23 April 2003) concerning the investigation and prosecution of drug trafficking and the confiscation of the proceeds and instrumentalities of drug trafficking; and

13.5 Memorandum of Understanding with the Russian Federation (signed on 9 July 1999) on cooperation against the illicit trafficking of narcotic drugs and psychotropic substances and abuse thereof.

14. Malaysia has also organised two faith-based training seminars on addiction therapy for Afghan religious leaders, which were held in May and December 2004. The Seminars were jointly sponsored under the Malaysia Technical Cooperation Programme (MTCP) and Colombo Plan. The objectives were to provide capacity building and promote assistance to Afghan religious leaders as agents of change in addressing the problem of drugs in Afghanistan.

Domestic Measures

15. At the domestic level, the National Anti-Drugs Agency (NADA, formerly called the National Drugs Agency) is the policy arm of Malaysia's counter-narcotics strategy, coordinating demand reduction efforts with various Ministries. The Agency makes extensive efforts to engage schools, student leaders, parent-teacher associations, community leaders, religious institutions, and workplaces to identify vulnerable groups to be the recipients of anti-drug programmes. Apart from this, NADA is also responsible for the management of 28 public rehabilitation facilities around Malaysia.

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16. In October 2004, the Prime Minister chaired the first meeting of the Cabinet Committee on the Eradication of Drugs, composed of 20 government Ministers. The Committee decided to form various sub-committees to discuss and give recommendations on related issues including treatment, rehabilitation, law enforcement, prevention and public awareness. These sub-committees will then submit their report to the main Cabinet Committee. The next meeting of the Cabinet Committee is scheduled to be held in August 2005.

17. In 2004, the Parliament passed the National Anti-Drug Agency Act 2004, which gave NADA the authority to make drug-related arrests. The Bill has yet to come into force, pending the administrative arrangement to enable NADA to carry out its new function as a narcotics enforcement agency. Currently, drug enforcement continues to be carried out by the Royal Malaysia Police. The Committee's vision is eventually to put all counter narcotics efforts under NADA.

18. Comprehensive steps are also being taken by NADA to implement a strategic plan to create a drug free generation by 2023. These measures include expanding the scope of its anti-Ecstasy demand reduction drive to include all types of Amphetamine Type Stimulant (ATS).

19. The Central Bank of Malaysia (*Bank Negara Malaysia*) has also taken action to establish an inter-departmental task force within the Central Bank, known as the Financial Intelligence Unit (FIU), to counter money-laundering. This task force coordinates and implements anti-money laundering measures in the financial sector, including promoting public awareness on money laundering, which includes proceeds from all criminal activities including drug related activities.

20. The Pharmacy Division of the Ministry of Health is making arrangements to amend the relevant laws to control all precursor chemicals under the UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances

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1988. This includes the provision of tougher penalties which could act as a deterrent. Malaysia has also imposed more stringent control on the import and export of most precursors listed under Table 1 and 2 of the 1988 UN Convention.

21. Malaysia fully supports the call for more stringent controls on precursor chemicals. In fact since 1998, the INCB has notified that Malaysia has requested member states of the INCB for Pre-Export Notification for 14 items under Table 1 (Ephedrine, Ergometrine, Ergotamine, Lysergic Acid, 1-phenyl-2-propanone, Pseudoephedrine, Norephedrine, N-acetylanthranilic acid, 3-4-methylenedioxyphenyl-1-2-propanone, Safrole, Isosafrole, Piperonal, Acetic Anhydride/Acetyl Bromide/Acetyl Chloride, Potassium permanganate) and 9 items under Table II (Anthranilic acid, Ethyl ether, Phenylacetic acid, Piperidine, Acetone, Methyl Ethal Ketone, Toluene, Hydrochloric Acids and Sulphuric Acids) under the UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances 1988.

22. Currently, Malaysia is receiving Pre-Export Notification (PEN) from countries such as China, France, Germany, Hong Kong, India, United Kingdom, Thailand, United States of America, Australia, Mexico and Singapore. This is one of the initiatives that Malaysia had taken to impose more stringent controls on the import and export of chemical substances.

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