

BOWLER'S NEW AND ACCURATE MAP OF THE WORLD, OR TERRESTRIAL GLOBE, laid down from the BEST OBSERVATIONS and NEWEST DISCOVERIES; particularly those of the celebrated CIRCUMNAVIGATORS: Illustrated with a variety of useful PROJECTIONS and REPRESENTATIONS of the HEAVENLY BODIES: the most approved ASTRONOMICAL and GEOGRAPHICAL DEFINITIONS, TABLES, and PROBLEMS. With an easy and familiar Explanation of the most curious and interesting Phenomena in the UNIVERSAL SYSTEM. Printed in F. and J. Bohn's Office, No. 7, St. Paul's Church-Yard, LONDON.



Drug Control in Central Asia

An Assessment of Compliance with International Law

TIMOTHY A. KRAMBS
U.S. Army

Open Source, Foreign Perspective, Underconsidered/Understudied Topics

The Foreign Military Studies Office (FMSO) at Fort Leavenworth, Kansas, is an open source research organization of the U.S. Army. It was founded in 1986 as an innovative program that brought together military specialists and civilian academics to focus on military and security topics derived from unclassified, foreign media. Today FMSO maintains this research tradition of special insight and highly collaborative work by conducting unclassified research on foreign perspectives of defense and security issues that are understudied or unconsidered.

Author Background

Timothy A. Krambs is a Major in the U.S. Army currently serving as a Eurasian Foreign Area Officer (FAO) with specific focus on the Central Asian region. His education includes a bachelor's degree in mechanical engineering from the Milwaukee School of Engineering and a master's degree in international security studies from the Universität der Bundeswehr München, completed at the George C. Marshall Center (GCMC), Germany. Besides three tours in Germany, his service includes two tours in the Middle East as an Army aviator in the capacity of a maintenance company commander and test pilot, as well as a platoon leader and mission pilot.

FMSO has provided some editing, format, and graphics to this paper to conform to organizational standards. Academic conventions, source referencing, and citation style are those of the author.

The views expressed are those of the author and do not represent the official policy or position of the Department of the Army, Department of Defense, or the U.S. government.

Drug Control in Central Asia

An Assessment of Compliance with International Law

By Major Timothy A. Krambs
U.S. Army

Introduction

The link between terrorist activity and the illicit drug trade is becoming more and more evident, which significantly affects stability and security in the Central Asian region. The United Nations Security Council (UNSC) expressed “strong concern (emphasis added)... [due to the] increased violent and terrorist activities by the Taliban, Al-Qaida, illegally armed groups, criminals and those involved in the narcotics trade, and the increasingly strong links between terrorism activities and illicit drugs....”¹



Caucasus and Central Asia map, via CIA World Factbook

Afghanistan has been for more than a decade the largest supplier of opium-based drugs in the world. Therefore, it is a significant concern to the international community to assist Afghanistan in its struggle for autonomy from terrorist organizations and their economic dependence on illicit opium production and cultivation. With such close proximity to Afghanistan, Central Asian countries are considerably affected by the unstable security situation in Afghanistan and therefore carry an even more significant responsibility to comply with the international law adopted by the United Nations (UN). Collectively Central Asian governments must cooperate with international and regional organizations to assist in stemming the illicit cultivation, production, trade, and trafficking of drugs in the region.

The region of Central Asia² has dealt with transnational crime involving the illicit trafficking of small arms, narcotics, and humans for many years. Of these, the illicit trafficking of narcotics con-

¹ United Nations, Security Council, Resolution 1890 (2009), October 08, 2009.

² Central Asia (CA) - includes the five (5) bordering countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, & Uzbekistan.

tinues to be a systemic burgeoning problem. Through treaty and custom the international community has established legal standards regarding the control of drugs in hopes of eradicating or reducing significantly the global illicit drug conundrum, to which each member of the UN must adhere. Furthermore, the UNSC has issued security resolutions and adopted UN presidential statements which express strong concern about the serious threats posed by drug trafficking and transnational organized crime to the international community.³

To meet the standards, goals, and desires set forth by international law via the UN regarding illicit drug trafficking, it is important to analyze which countries in Central Asia are affected the most by the trafficking of narcotics, and how effective they are at dealing with this trafficking. Compliance with international law regarding the trafficking of narcotics varies among the Central Asian states. Although all of them have established domestic law and policy regarding this transnational issue, their ineffective institutions to enforce compliance to meet international standards have resulted in sustained levels of illicit drug use and trafficking across the region.

The purpose of this paper is to analyze how each Central Asian country complies with the international law regarding the trafficking of narcotics through its political will in foreign and domestic policy, as well as in practice, as evaluated by the international community. In doing so, the paper is divided into three major sections. First, a background of the global drug situation and the significance of the Central Asian region to the drug trade are described. Second, the standards, mandates, and requirements of the international law community regarding the cultivation, use, and trafficking of drugs are briefly described. Third, each Central Asian country is assessed with regards to its compliance with these standards by observing its official policies and practice, as assessed from various country reports published by United States Department of State (US DOS) and the UN. Finally, through comparative analysis of these resources, deficiencies are identified and recommendations are offered to assist in coping with these transnational issues collectively.

This study proposes that a three-pronged multilateral approach should be implemented in order to bring together an effective regional security effort which focuses on minimizing transnational crime. I believe success can be attained through domestic reform in the problematic areas of corruption, political bureaucracy, and the limited allocation of necessary resources. Furthermore, enhanced cooperation between the Central Asia states to resolve these issues, as well as a collaborative approach to foreign assistance, is necessary. This will result in improved regional security against the trafficking of narcotics.

³ For a list of UN documents of the Security Council related to drug trafficking, see the security council website: <http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.5779445/>

Section I

Background of the Illicit Drug Trade

“Concerning Central Asia, the demand for and respective seizures of illicit drugs primarily concern opioids due to the region’s proximity to Afghanistan, which has remained the global leader in opium production and cultivation for more than a decade...”

The UN World Drug Report (WDR) acknowledges that the trafficking of drugs is fueling a global criminal enterprise valued in the tens of billions of US dollars. Such criminal enterprises drive terrorist organizations, have the capacity to corrupt public officials, and foster conflicts which pose a threat to national security and regional stability. From a global aspect, cannabis is by far the most widely used illicit drug type, followed by ATS (amphetamine-type stimulants), opioids (including opium, heroin and prescription opioids) and cocaine.⁴

Concerning Central Asia, the demand for and respective seizures of illicit drugs primarily concern opioids due to the region’s proximity to Afghanistan, which has remained the global leader in opium production and cultivation for more than a decade, accounting for 75-90% of global supply. The UN WDR 2011 reported an estimated 460-480 mt of heroin were trafficked in 2009 worldwide, of which an estimated 365 mt were from Afghanistan. From this estimate of Afghan heroin trafficked internationally, “Some 160 mt were trafficked to Pakistan, 115 mt to the Islamic Republic of Iran and ... 90 mt of Afghan heroin were trafficked into Central Asia, namely Tajikistan, Uzbekistan, Turkmenistan, Kyrgyzstan, and Kazakhstan.... Of the 90 mt that entered the region, the majority – 75 mt – was trafficked onwards to the Russian Federation.”⁵ Although the largest opiate seizures occur in the Asian region which includes Central Asia, they are even more pronounced in Iran and Pakistan. With an opiate market of US \$68 billion in 2009 - around US \$60 billion from Afghan opiates - it is no wonder why the temptation to profit in the illicit trafficking market is so strong, and why organized crime groups in regions of illicit traffic and consumption are so prevalent. Central Asia is no exception, where the heroin trafficking market was worth an estimated US\$1.4 billion in 2009.⁶ With the rapid development of transformation

⁴ UNODC, World Drug Report 2011, Sales No. E.11.XI.10 (Malta: United Nations Publication, 2011), Preface, pg. 8.

⁵ Ibid., pg. 21.

⁶ Ibid., EXEC SUMMARY, pgs. 48, 83. Cannabis is also becoming competitive to the opium poppy as a lucrative crop for Afghan farmers; however, they collectively earned only US \$440 million in 2010.

“...as much as 25 percent (2009 estimate) of Afghan heroin is trafficked through Central Asia via the northern route onto the Russian Federation.”

laboratories in Central Asia, criminal organizations are able to amass enormous profits locally before shipping products onward to Russia and Europe.⁷

In support of the WDR, the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB) both reported that as much as 25 percent (2009 estimate) of Afghan heroin is trafficked through Central Asia via the northern route onto the Russian Federation.⁸ Other agencies have added that there are ten main trafficking routes that make up this “northern route,” six of which run through the city of Osh in Kyrgyzstan.⁹ It is not surprising that the UNODC has concentrated its efforts in this area, known as the “Osh Knot,” against the trafficking of Afghan drugs.¹⁰ This area has criminal networks within the three neighboring provinces of the Osh province in Kyrgyzstan, Murgab district in Tajikistan, and the Andjian Province in Uzbekistan which all share a common border among the three states.

According to the UN WDR, UNODC Database on Estimates and Long Term Trend Analysis (DELTA) trends show increased seizures of all major drug types. Over the last decade, global seizures of cocaine, heroin and morphine, and cannabis nearly doubled.¹¹ Although this may be true, seizures are only a small percentage of actual drugs smuggled among states and regions around the globe. For example, recorded seizures yield a ratio of roughly 1:6 compared to UN WDR estimates of successfully smuggled heroin in the Central Asian region alone. Furthermore, more recent studies have revealed drug seizures in Central Asia reflect a downward trend.¹² Although cannabis is becoming profitable to Afghanistan and its neighbors, it is generally locally produced and consumed, and thus not as trafficked internationally as opiates. Trafficking

⁷ Sebastien Peyrouse, Institute for Security & Development Policy / Drug-Trafficking in Central Asia, Policy Brief, No. 8, September 23, 2009, pg. 2.

⁸ UNODC, “Drug Trafficking in Central Asia,” United Nations Office on Drugs and Crime, accessed January 6, 2012, <http://www.unodc.org/unodc/en/drug-trafficking/central-asia.html>. See also: INCB, Report of the International Narcotics Control Board for 2010, Sales No. E.11.XI.1 (Vienna: United Nations Publication, 2011), pg. 97.

⁹ Alexander Barentsev, “Russia and the Central Asian Drug Trade: The Role of Kyrgyzstan,” GlobalResearch.ca - Centre for Research on Globalization, May 09, 2010.

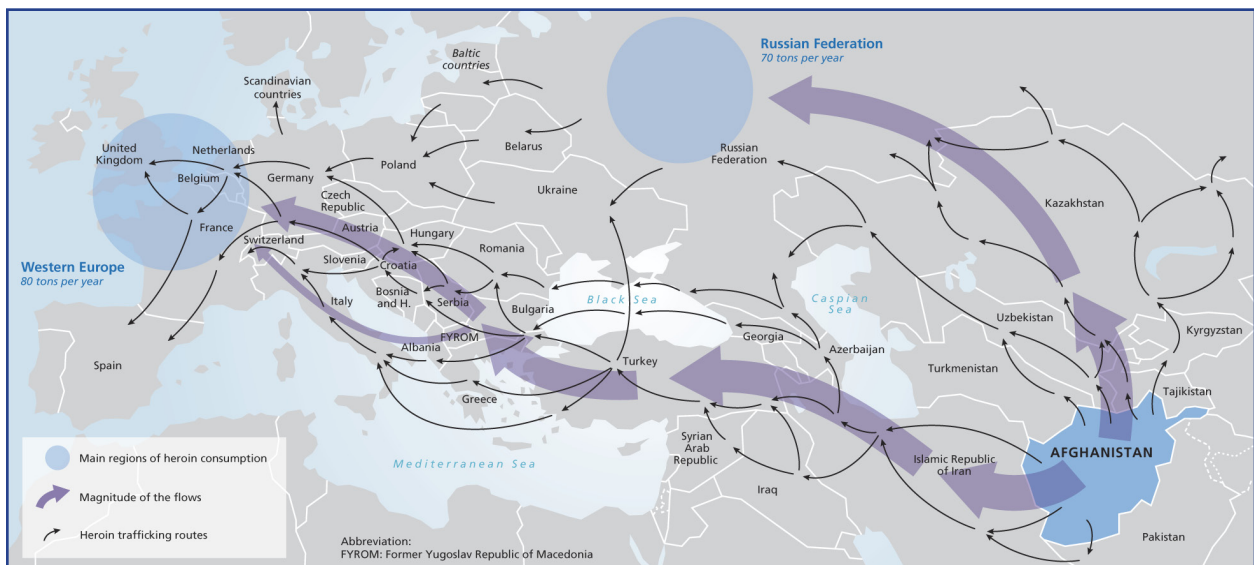
¹⁰ UNODC, “Countering Drug Trafficking from Afghanistan,” United Nations Office on Drugs and Crime: Central Asia, accessed January 6, 2012, <http://www.unodc.org/centralasia/en/drug-trafficking-and-border-control.html>.

¹¹ UNODC WDR 2011, pg. 15.

¹² INCB Report 2010, pg. 97.

“Although cannabis is becoming profitable to Afghanistan and its neighbors, it is generally locally produced and consumed, and thus not as trafficked internationally as opiates.”

of opium and heroin dominates in Asia, where Asian opium and morphine exports account for more than 99% of the world’s total; more than half of global heroin seizures occur in the Asian countries. Cannabis herb and resin seizures in Asia account for only 6% and 24% of the world totals respectively.¹³ Therefore, with both an intra- and inter-regional demand, heroin trafficking is more prevalent, more profitable, and therefore more detrimental to regional security in Central Asia.



The Northern and Balkan routes, via World Drug Report,

¹³ UNODC WDR 2011, pg. 42.

Section II

International Law Governing the Control on Drugs

“Interestingly, none of the scheduled drugs were identified as “illegal” under the Single Convention or the subsequent complementary sister treaties. The drugs themselves were never “prohibited.””

International law governing the control of drugs is composed primarily of UN conventions and UN resolutions. The UN conventions with regard to drugs date as far back as The Hague Convention of 1912. However, UN resolutions have succeeded based on political relevance and geopolitical security importance even up to the present, with the most recent resolutions adopted in 2011.¹⁴ This section focuses on describing these conventions and resolutions and how they pertain to the Central Asian region to control and regulate the flow of drugs.

Three main UN conventions preside over the international control of drugs: the Single Convention on Narcotic Drugs of 1961 (as amended in 1972), the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The UNODC describes them as “mutually supportive and complementary,” further stating,

“An important purpose of the first two treaties is to codify internationally applicable control measures in order to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, and to prevent their diversion into illicit channels. They also include general provisions on illicit drug trafficking and drug abuse. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances extends the control regime to precursors, and focuses on establishing measures to combat illicit drug trafficking and related money-laundering, as well as strengthening the framework of international cooperation in criminal matters, including extradition and mutual legal assistance.”¹⁵

Regarding the 1961 Single Convention on Narcotic Drugs, it is important to highlight that it was established as a “universal system for limiting the cultivation, production, distribution, trade,

¹⁴ For the most recent adopted resolutions visit: UNODC, “Drug-related Resolutions and Decisions,” <http://www.unodc.org/unodc/en/commissions/CND/09-resolutions.html>.

¹⁵ UNODC, “Legal Framework for Drug Trafficking,” United Nations Office on Drugs and Crime, accessed January 02, 2012, <http://www.unodc.org/unodc/en/drug-trafficking/legal-framework.html>.

use, and possession of narcotic substances strictly to medical and scientific purposes, with special attention on substances derived from plants: opium/heroin, coca/cocaine and cannabis.”¹⁶ The Single Convention replaced a full list of existing treaties that had been agreed upon since The Hague Convention of 1912.¹⁷ It also retained many of the features of these preceding treaties, notably, that “the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes.” However, it also charged parties to “prevent and combat this evil,” recognizing “...that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind.”¹⁸ It also respected the sovereignty of member states and maintained the indirect approach of earlier treaties placing obligations on the parties and then monitoring their implementation. Furthermore, parties are required to license and manufacture drugs similarly as required in the 1931 Convention, and remain obligated to submit statistical returns on the production, utilization, consumption, imports, exports, seizures, stocks and area of cultivation of drugs to the INCB¹⁹ – the board created by the UN as an independent body to monitor the implementation of the conventions and, where appropriate, make recommendations to states.²⁰

The amended Single Convention also reflected a “long-standing habit of the international community to privilege the supply-side approaches in the belief that this would eliminate non-medical and non-scientific drug use.”²¹ However, Article 36 added a significant change in penal provisions in that “the non-executing nature of the Convention leaves the offences and penalties to be applied up to the Parties themselves.”²² The Single Convention also extended existing controls in production and consumption of not only opium/heroin, but also on poppy straw,

¹⁶ Martin Jelsma, *The Development of International Drug Control: Lessons Learned and Strategic Challenges for the Future*, Series on Legislative Reform of Drug Policies Nr. 10, February 2011, pg. 3.

¹⁷ David Bewley-Taylor and Martin Jelsma, *Fifty Years of the 1961 Single Convention on Narcotic Drugs: A Reinterpretation*, Series on Legislative Reform of Drug Policies Nr. 12, March 2011, Table 1.

¹⁸ United Nations, “Single Convention on Narcotic Drugs of 1961 as Amended by the 1972 Protocol,” United Nations Office on Drugs and Crime, March 1972, Preamble.

¹⁹ *Ibid.*, Articles 19, 20.

²⁰ The INCB also administers the statistical control of drugs on the basis of data supplied by governments and assesses world requirements of licit drugs with a view to the adaptation of production to those requirements. It gathers information on illicit trafficking, and submits an annual Report on developments in the world situation to the Commission on Narcotic Drugs (CND) and to the Economic and Social Council (ECOSOC). See <http://www.incb.org/incb/mandate.html> for more on the mandates and functions of the International Narcotics Control Board.

²¹ David Bewley-Taylor and Martin Jelsma, *Fifty Years of the 1961 Single Convention on Narcotic Drugs: A Reinterpretation*, Series on Legislative Reform of Drug Policies Nr. 12, March 2011, pg. 6.

²² *Ibid.*, pg. 9.

coca leaf and cannabis. Its expanded categorization of I-IV schedules related cannabis to heroin, with similar substance properties of dependence and serious risk of abuse.²³ Finally, it included a unique objective to end all ‘quasi-medical’ and traditional uses of the poppy, coca, and cannabis plants on separate phase-out time schedules – 15, 20, & 25-year programs respective to each plant.²⁴

Interestingly, none of the scheduled drugs were identified as “illegal” under the Single Convention or the subsequent complementary sister treaties. The drugs themselves were never “prohibited.” Martin Jelsma simply states that only “...their production and trade were placed under strict controls in order to limit their use to medical and scientific purposes. Exactly the same controls apply to cocaine, methadone and oxycodone... The oft-used term “illicit drug” does not appear in the UN Conventions.”²⁵

The Convention on Psychotropic Substances of 1971 introduced controls on more than a hundred “psychotropic” drugs, distributed as in the Single Convention into four lists, or schedules. The 1971 treaty was developed due to the overwhelming diversification of drug use, and implemented weaker controls than imposed on plant-based drugs of the Single Convention. This legal instrument was lobbied by pressure from pharmaceutical companies in Europe and North America which feared their products might be subject to the Single Convention’s strict controls. “Street drug” hallucinogens in Schedule I are strictly controlled and pharmaceuticals included in Schedules II-IV are much more weakly controlled. The 1971 convention was also designed to avert the diversion of psychoactive pharmaceutical drugs for illicit (non-medical) purposes; however, its provisions did “not allow the monitoring of the movements of international shipments which are necessary for the prevention of their diversion.”²⁶

Although the newly established international control system effectively ended the illicit diversion of cocaine and heroin from pharmaceutical sources, non-medical demand and use of heroin, cocaine, and cannabis exploded in the Western world in the late 1960s, 1970s and 1980s. As a result, even after the 1961 Convention controls were implemented, mass-scale illicit production of scheduled substances began and international illicit drug trafficking expanded into multibillion dollar criminally controlled businesses. In response, the UN convened another conference and established the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. Martin Jelsma describes this convention:

²³ Ibid., pg. 10.

²⁴ UN, “Single Convention on Narcotic Drugs of 1961 as Amended by the 1972 Protocol,” Preamble and Article 49

²⁵ Jelsma, *The Development of International Drug Control*, pg. 5.

²⁶ Ibid., pg. 4.

It provided special measures against illicit cultivation, production and trafficking of drugs, the diversion of chemical precursors, as well as agreement on mutual legal assistance, including extradition. The 1988 Convention significantly reinforced the obligation of countries to apply criminal sanctions to combat all the aspects of illicit production, possession and trafficking of drugs.²⁷

Two more conventions defined by the UNODC as “crime-related treaties” complement the first three “drug-related treaties,” which are determined by the INCB to be “crucial” to promoting international cooperation in the fight against drug trafficking: the UN Convention against Transnational Organized Crime, and the Protocols thereto; and the UN Convention against Corruption. The latter requires parties to introduce effective policies to prevent corruption, where the former is presented as “an important legal instrument for establishing the legislative framework needed to address the illicit drug trade and for building mechanisms for international cooperation.”²⁸

There are numerous UN resolutions listed as the Series of Drug-related Resolutions and Decisions adopted by the General Assembly (UNGASS), the Economic and Social Council (ECOSOC) and the Commission on Narcotic Drugs (CND). Of significance is the twentieth special session,²⁹ during which the General Assembly developed a series of resolutions and programs in hopes of eradicating or reducing significantly the global illicit drug problem with a comprehensive international approach. It is a guide for member states in developing compliant national legislation to determine what international law requires of them. A product of this session, the Political Declaration of the General Assembly in June 1998, acknowledged, “Drugs are a grave threat to the health and well-being of all mankind,” and proclaimed its “commitment to overcoming the world drug problem through domestic and international strategies to reduce both the illicit supply of and the demand for drugs.”³⁰ In accordance with the adopted resolutions during its twentieth special session, the General Assembly established the year 2003 as the target for parties to establish or strengthen their national legislation and programs, creating the following programs: Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction³¹ and the measures to enhance international cooperation to counter the world drug problem, including the Action Plan against Illicit Manufacture, Trafficking and Abuse

²⁷ Ibid., pg. 5.

²⁸ INCB Report, 2010. Annex III, pg. 140-141.

²⁹ For a list of the UNGASS Special Sessions, visit: <http://www.un.org/en/ga/sessions/special.shtml>

³⁰ General Assembly, Resolution S-20/2 (1998), Political Declaration, by United Nations.

³¹ General Assembly, Resolution S-20/3 (1998), Declaration on the Guiding Principles of Drug Demand Reduction, by United Nations.

of Amphetamine-type Stimulants and Their Precursors, the measures to prevent the illicit manufacture, import, export, trafficking, distribution and diversion of precursors used in the illicit manufacture of narcotic drugs and psychotropic substances, the measures to promote judicial cooperation, the measures to counter money-laundering, and the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development.³² It also established the year 2008 as the target year “for Parties to achieve significant and measurable results in the field of demand reduction.”³³ Finally, the General Assembly charged parties to report biennially to the Commission on Narcotics Drugs on their efforts to meet the outlined goals by these respective target years. In September 2000 through the “United Nations Millennium Declaration”, world leaders resolved to redouble efforts to counter the world drug problem.³⁴

Although the resolutions made by the UN General Assembly are more numerous, the UNSC has adopted a few resolutions as well regarding the illicit drug cultivation and trade. Noting the role played by drug trafficking and organized crime, UNSC Resolutions (UNSCR) have been made concerning such conflicts in Sierra Leone, Guinea-Bissau, Haiti, and in particular affecting the Central Asian region, in Afghanistan.³⁵ In UNSCR 1890 (2009) the UNSC, acting under Chapter VII of the UN Charter, extended the authorization of the International Security Assistance Force (ISAF) to continue its mission, “to further, effectively support, within its designated responsibilities, Afghan led sustained efforts to address, in cooperation with relevant international and regional actors, the threat posed by the illicit production of and trafficking in drugs.”³⁶ Also, of particular interest to the Central Asian region is UNSCR 1817 (2008), which focuses on the connection between Afghan drug production and security, terrorism and organized crime.³⁷ Explicitly in resolution 1817 the UNSC recalls resolutions 1267 (1999) and 1735 (2006), in both of which the UNSC acts under Chapter VII to charge all member states with respect to Al-Qaida, Usama bin Laden, and the Taliban and others associated with them, to seize and deny them all financial resources related to terrorism, including but not limited to the use of proceeds derived from illicit cultivation, production, and trafficking of narcotic drugs originating in Afghanistan, and their precursors. The UNSC, acting under Chapter VII in UNSCR 1373 (2001), which fo-

³² General Assembly, Resolution S-20/4 (1998), Measures to Enhance International Cooperation to Counter the World Drug Problem, by United Nations.

³³ General Assembly, Resolution S-20/2 (1998), Political Declaration, by United Nations.

³⁴ General Assembly, Resolution 55/2 (2000), United Nations Millennium Declaration, by United Nations.

³⁵ UNSC resolutions 1829 (2008) Sierra Leone, 1876 (2009) Guinea-Bissau, 1892 (2009) Haiti, and other documents regarding Drug Trafficking are accessible at: <http://www.securitycouncilreport.org/site/cgi/KWLeMTIsG/b.5779445/>.

³⁶ Security Council, Resolution 1890 (2009), by United Nations, October 08, 2009.

³⁷ Security Council, Resolution 1817 (2008), by United Nations, June 11, 2008.

cuses on the threats to international peace and security caused by terrorist acts of 11 September 2001, “Decides that all States shall: Prevent and suppress the financing of terrorist acts; [and] Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials.”³⁸

Recently, The UNSC adopted significant Security Council presidential statements. During an open debate on drug trafficking in December 2009, the Council adopted presidential statement 2009/32, recognizing that drug trafficking and related transnational organized crime activities are a serious threat to international security.³⁹ It was significant in that the statement was seen as “the first coherent political commitment by the Council to address the global drug menace based on ‘common and shared responsibility’.”⁴⁰ Later, in February 2010, the Council adopted another presidential statement, 2010/4, stressing the increasing link among drug trafficking, the financing of terrorism and illegal arms trafficking.⁴¹ Both statements recognize the necessity of strengthening regional and international cooperation to counter the problems.

³⁸ Security Council, Resolution 1373 (2001), by United Nations, September 28, 2001.

³⁹ Security Council, Statement by the President of the Security Council 2009/32, by United Nations, December 08, 2009.

⁴⁰ United Nations Security Council Report Staff, Emerging Security Threats in West Africa, Special Research Report, May 02, 2011, pg. 5.

⁴¹ Security Council, Statement by the President of the Security Council 2010/4, by United Nations, February 24, 2010.

Section III:

Central Asian State Assessment of Compliance with International Law

“...member states are charged with developing their own national legislation and programs for implementing drug control in cooperation with regional and international organizations and programs.”

The Central Asian states were part of the USSR during the time of the initial ratification of the three mentioned UN drug convention treaties. Therefore, each country had to individually sign and ratify the documents in accordance with each treaty's legislative requirements. In compliance with international law outlined in UNGASS resolution 20/4, as of April 29, 1997, all five Central Asian states became signatories of these three treaties, Kazakhstan being the last.⁴² Therefore, they are obligated to abide by all the provisions and controls set forth in these conventions. In accordance with the above mentioned UN Resolutions and official statements that outline drug control programs with specific goals, member states are charged with developing their own national legislation and programs for implementing drug control in cooperation with regional and international organizations and programs. Central Asian states are of no exception. The following section briefly describes how each Central Asian country has stated its intent to comply with these obligations through their respective policies and legislation, and then gives an assessment in practice of such compliance. Although most Central Asian states have implicit legislation that complies with international law, their successful implementation is all too often difficult to achieve.

⁴² Confirmed from access to the status of UN Treaties, CHAPTER VI : Narcotic Drugs and Psychotropic Substances, accessed January 05, 2012, <http://treaties.un.org/Pages/Treaties.aspx?id=6&subid=A&lang=en>.

“In practice Kazakhstan remains a transit country for drugs bound for Europe, but is unfortunately becoming a consumer of Afghan opiates, as well as harvesting and marketing marijuana (cannabis), ephedra, and opium poppies.”

1. Kazakhstan

In declaring that cooperation with the UN is “one of the priorities of the state foreign policy,” Kazakhstan intends to comply with international legislation. This embraced relationship is evidenced in that 16 organizations are represented by the UN in Kazakhstan, including the UNODC. In addition, Kazakhstan has achieved a number of tasks of



Kazakhstan map, via CIA World Factbook

the Millennium Development Goals, as well as reflected cooperation in its UN Assistance for Development Framework (UNDAF) for 2010-2015.⁴³ Regarding drug trafficking and Afghanistan, “Kazakhstan is interested in steady and stable development of Afghanistan from which territory threats of the international terrorism, illicit drug trafficking, religious extremism proceed.”⁴⁴ Kazakhstan has also developed national policy to follow suit. In 2000 the president of the Republic of Kazakhstan issued a decree on the establishment of the independent Drug Abuse and Drug Trafficking Control Agency of the Republic of Kazakhstan, which is tasked to monitor on behalf of the State, formulate and implement State policy, develop legislative and other regulatory statutory acts, and coordinate and implement international cooperation activities relating to trade in narcotic drugs, psychotropic substances and precursors and to the prevention of their illicit trafficking and abuse. Shortly thereafter Kazakhstan passed several laws and decrees to comply with UN resolutions and treaty obligations, which include Decision No. 1037, dated 30 June 1997, on *Licensing the Export and Import of Goods (Labor, Services)*, Decision N° 1624, dated 28 October 2000, on *Approval of the Regulations for Licensing Activities Involving the Production and*

⁴³ Ministry of Foreign Affairs of the Republic of Kazakhstan, “Cooperation of the Republic of Kazakhstan with the United Nations Organization,” Kazakhstan and International Organizations, January 20, 2010.

⁴⁴ Ministry of Foreign Affairs of the Republic of Kazakhstan, “Kazakhstan’s Stand on Afghanistan,” Kazakhstan in Global and Regional Issues, August 15, 2009.

Sale of Medical Preparations, and Decision N° 1693, dated 10 November 2000, on the *Approval of the Regulations for State Monitoring of Trade in Narcotic Drugs, Psychotropic Substances and Precursors*, as well as the *Law on Narcotic Drugs, Psychotropic Substances and Precursors and the Measures to Counteract Illicit Drug Trafficking and Abuse*. Kazakhstan's National Security Policy includes the illicit traffic in arms and narcotic drugs as a national security threat.⁴⁵

In practice Kazakhstan remains a transit country for drugs bound for Europe, but is unfortunately becoming a consumer of Afghan opiates, as well as harvesting and marketing marijuana (cannabis), ephedra, and opium poppies. Recently in 2010, Kazakhstan focused on a series of approaches to combat the illicit drug industry, including reform of its infrastructure, disruption of supply, and strengthening of its borders, and supported demand reduction with drug treatment programs.

The Kazakhstan Ministry of Interior (MVD) is undergoing reform, because historically the Committee on Combating Drugs (CN Committee) has lacked the capability to prosecute even though they have been most familiar with drug-related cases. By presidential decree the new reform will give the CN Committee both investigative and prosecution responsibility, as well as treatment responsibility instead of incarceration for drug-addicted criminals. As the CN Committee continues to coordinate the counternarcotics work of ministries, agencies, and nongovernmental organizations (NGO), the Committee for National Security (KNB) will focus on drug-related crimes which directly affect national security, and the Border Guard Service will continue searching persons and vehicles at the border. New legislation passed in 2008 which increased penalties for narcotics trafficking. Since then, about 100 drug dealers have received lengthier penalties. Law enforcement agencies have used such strengthened legislation, as well as the mass media, to reduce drug trafficking through public awareness. Fortunately, the International Narcotics Control Strategy Report (INCSR) declared that in 2010 there were no reported cases of corruption among senior government officials, who would have engaged in illicit trafficking or production of drugs.⁴⁶

Through a 2006-2014 strategy to combat drug addiction and trafficking launched in 2005, Kazakhstan has improved drug demand reduction, evidenced by a decreased number of registered drug-addicts in 2010 (by nearly 9%) from those registered the year prior. This included a significant decrease in drug addicted youth, minors, and women. The strategy includes educational

⁴⁵ See Kazakhstan country page within the UNODC Legal Library, available and accessed on January 2, 2012 at: http://www.unodc.org/enl/browse_country.jsp?country=KAZ.

⁴⁶ US DOS Bureau of International Narcotics and Law Enforcement Affairs (INL), 2011 International Narcotics Control Strategy Report (INCSR), Annual Report, Volume 1: Drug and Chemical Control, March 2011, Kazakhstan, pg. 337-341.

programs through “Narcoposts” in schools and the website www.narcopost.kz,⁴⁷ national publicity through television and magazines regarding the battle against drug trafficking, and improved equipment and staffing of regional treatment services monitored by the Commission on the Coordination of Work on Demand Reduction and Combat Against Drug Trafficking, established in 2003.⁴⁸

Amid efforts to comply with international legislation regarding supply reduction, a decrease of 54 percent in heroin seizures was evident in 2009 from previous year totals.⁴⁹ A further 50% decrease in heroin seizures continued in 2010; however, the Kazakhstan government achieved a slight increase in marijuana seizures than the year before. Kazakh law enforcement agencies registered 7189 drug-related crimes in 2010, and seized 24.6 tons of drugs, including 23.7 tons of marijuana and 252.6 kg of heroin.⁵⁰

Kazakhstan has increased its international cooperation substantially. Through a newly formed Customs Union with Russia and Belarus, Kazakhstan has invested about US\$112 million to strengthen its southern border. However, it still remains porous for drug trafficking, evidenced by citizens from Tajikistan, Kyrgyzstan, and Russia being arrested for narcotics trafficking. Kazakhstan is trying to harmonize its legislation to create a unified list of narcotics, psychotropic substances and precursors subject to control, and train uniformly law enforcement agencies to fight against illicit drug trafficking through its Interagency Counternarcotics Training Center. Kazakhstan also hosts the Central Asian Regional Information Coordination Center (CARICC), established in 2007, which is a platform that coordinates efforts for information exchange and counternarcotics interaction of multi-lateral organizations such as the Collective Security Treaty Organization (CSTO), the Shanghai Cooperation Organization (SCO), Interpol and Europol. Kazakh law enforcement agencies cooperate with the drug control agencies of the Kyrgyz Republic, Tajikistan, Uzbekistan, and Russia.⁵¹

⁴⁷ Access to this website can be better achieved by utilizing the following link: <http://web.archive.org/web/20110722142412/http://www.narcopost.kz/>

⁴⁸ US DOS INL, INCSR, Kazakhstan, pg. 337-341.

⁴⁹ INCB Report 2010, pg. 98.

⁵⁰ US DOS INL, INCSR, Kazakhstan, pg. 339.

⁵¹ *Ibid.*, pg. 338.

“Kyrgyzstan seems to suffer from several dilemmas which prevent it from being effective in complying with the international standards regarding drug-related issues common among the Central Asian countries. Its location, topography, poor economy, lack of governmental control (with recent changes in leadership), and recent ethnic unrest all hinder its progress in preventing illicit drug trafficking through its country.”

2. Kyrgyzstan

Kyrgyzstan (also referred to as the Kyrgyz Republic) has complied with its obligations to the UN conventions by first establishing the State Commission of the Republic of Kyrgyzstan for Narcotics Control (GKKN) in 1993, as the state authority implementing state policy in the sphere of licit trafficking in narcotic drugs and psychotropic



Kyrgyzstan map, via CIA World Factbook

substances and control of the spread of drugs. In 1997 the Kyrgyz Republic approved by governmental decision the Regulations Governing the Procedure for the Confiscation, Storage and Destruction of Narcotic Drugs, Psychotropic Substances and the Substances Used to Manufacture Them (Precursors), and in 1998 the Legislative Assembly approved the Narcotic Drugs, Psychotropic Substances and Precursors Act, which “regulates social relations in respect of the trade in narcotic drugs, psychotropic substances and precursors, establishes responsibility and a system of measures to counter illicit trafficking in and abuse of these substances and defines the rights and obligations of juridical persons and citizens in connection with the application of the Act.”⁵² In 1999, by Decree of the Ministry of Interior, the Kyrgyz Republic established Instructions on the Procedure for Undercover Purchases of Narcotic Drugs, Psychotropic Substances and Precursors, as well as Instructions on Arrangements for the Treatment for Drug Addicts and Alcoholics in Correctional Labor Institutions. In May, 2000 the Kyrgyz State Drug Control Commission

⁵² Kyrgyz Republic, Legislative Assembly of the Jogorku Kenesh (Parliament), Narcotic Drugs, Psychotropic Substances and Precursors Act, by President of the Kyrgyz Republic, A. Akayev, May 22, 1998.

issued a decree which systemized the regulatory enactments concerning the national schedules of narcotic drugs, psychotropic substances and precursors under national control on the territory of the Kyrgyz Republic and the quantities detected in illicit traffic, in accordance with obligations under international treaty and UN resolutions.⁵³

Kyrgyzstan seems to suffer from several dilemmas which prevent it from being effective in complying with the international standards regarding drug-related issues common among the Central Asian countries. Its location, topography, poor economy, lack of governmental control (with recent changes in leadership), and recent ethnic unrest all hinder its progress in preventing illicit drug trafficking through its country.

Unfortunately, this republic still suffers from a crumbling infrastructure and lack of natural resources or significant industry, a luxury some of its neighbors have capitalized upon. It remains one of the poorest successor states of the former Soviet Union. Government counter-narcotics efforts are stifled from lack of financial, training, equipment, and manpower resources. Electricity, running water or modern amenities are rarely available in isolated and sporadic government outposts.⁵⁴

Adding to its conundrum, Kyrgyzstan continues to have problems monitoring its border with Uzbekistan and Tajikistan, which is 94 percent mountainous, due to topographical difficulties, and 30 percent of its borders remain virtually uncontrolled due to ongoing negotiations concerning them with neighboring countries. Mountainous terrain, poor road conditions, and inhospitable climate make seizing drug caches or apprehending traffickers who take advantage of these conditions very difficult. Many traffickers use hiking trails and horse paths to cross the mountainous terrain undetected.⁵⁵ Kyrgyzstan is the host of the “Osh Knot,” mentioned earlier, which organized criminal groups network to traffic the drugs.

In 2003, Kyrgyzstan established its own Drug Control Agency (DCA) to coordinate all drug enforcement activities of the republic with those of its counterparts in Kazakhstan, Tajikistan, Uzbekistan, and Russia. With agents from the DCA, Ministry of Interior, Customs Service and Border Guards, the government formed Mobile Interdiction Teams (MobIT). These MobITs were tasked to jointly identify drug-trafficking targets and seize illicit narcotics in remote areas of the south near Tajikistan and Uzbekistan. Unfortunately, they never achieved their joint purpose, and were further put in disarray by then-president Bakiyev, who abolished the DCA in

⁵³ See Kyrgyzstan country page within the UNODC Legal Library, available and accessed on January 2, 2012 at: http://www.unodc.org/enl/browse_country.jsp?country=KYR.

⁵⁴ US DOS INL, INCSR, Kyrgyzstan, pg. 352-356.

⁵⁵ Ibid.

2009 and divided its assets between the Ministry of Interior and the Ministry of Health. In April 2010 President Bakiyev was ousted from office, surrounded by a serious of protests, and the interim President Otunbayeva was put in power. Shortly thereafter, in June 2010, ethnic small-scale wars flared up, assumed by some to be instigated by organized criminal groups. Only after Otunbayeva established the State Service on Drug Control (SDC) in August 2010 did the MobITs fall under unified jurisdiction, codified by presidential decree the following month. As a result of two different drug agencies in 2010 and political unrest, little attention was paid to counternarcotics efforts.⁵⁶

Despite Otunbayeva's benevolent intentions, corruption among the Kyrgyz elite inhibits effective governance and drug control implementation. The INCSR states that in Kyrgyzstan "Corruption remains a serious problem and a deterrent to effective law enforcement."⁵⁷ Since many in Kyrgyzstan suffer from living below the poverty line, much animosity is projected against government members living in relative luxury, the source of which allegedly related to laundered profits from drug trafficking. Leading up to the presidential elections in October 2011, several accusations against governmental officials surfaced related to profits in narcotics smuggling.⁵⁸ Furthermore, a group of independent Kyrgyz journalists and bloggers recently appealed to the FBI and U.S. embassy in Kyrgyzstan for assistance in getting the government's attention in stemming the corruption burgeoning among shadow institutions and state officials linked with the drug trade.⁵⁹

In concert to comply with international legislation regarding supply reduction, an increase of 14 percent in heroin seizures was evident in 2009 from the previous year's totals.⁶⁰ However, as a result of the many political and institutional changes in 2010, drug seizures results significantly dropped from those in 2009. Nearly eight tons of drugs and precursors were seized in 2009, including 341 kg of heroin, 376 kg of opium, 2029 kg of marijuana and 718 kg of hashish. Only statistics from the first half of 2010 were available: 637 kg of drugs were seized, including 100 kg of heroin, 33 kg of opium, 136 kg of marijuana, and 341 kg of hashish.⁶¹

⁵⁶ Ibid.

⁵⁷ Ibid., pg. 355.

⁵⁸ Nate Schenkkan, "Kyrgyzstan, Vexed by Drug-Trafficking Allegations, Bans Casinos," EurasiaNet.org, September 29, 2011.

⁵⁹ "Kyrgyzstan Drowned in Drug Trafficking (Letter Obtained by Kanal PIK)," Kanal PIK TV, September 18, 2011.

⁶⁰ INCB Report 2010, pg. 98.

⁶¹ US DOS INL, INCSR, Kyrgyzstan, pg. 354.

“Tajikistan is reported to interdict more Afghan heroin than all other Central Asian countries combined, through its Drug Control Agency, which consistently receives recognition as being the most effective as well.”

3. Tajikistan

Tajikistan has complied with international treaty obligation and legislative requirements by establishing its proprietary Drug Control Agency by presidential decree in June 1999, in accordance with the Protocol between the Republic of Tajikistan and the United Nations Office for Drug Control and Crime Prevention. This governmental



Tajikistan map, via CIA World Factbook

agency is the “public authority responsible for implementing State policy on licit trade in narcotic drugs, psychotropic substances and precursors and on the campaign against illicit trafficking in such substances, and for monitoring the effective execution of that policy within the Republic of Tajikistan.”⁶² Shortly thereafter the Law of the Republic of Tajikistan ‘On Narcotic Drugs, Psychotropic Substances and Precursors outlined the state’s legal standpoint in counteracting their illicit circulation, prevention of drug abuse, and provisions of narcological aid to drug and toxic abusers. In 2000 Tajikistan approved by governmental decision the Regulations Governing the Procedure for the Issue of Licenses to Engage in Licit Trade in Narcotic Drugs, Psychotropic Substances and Precursors. In 2002 the government outlined the basic functions and responsibilities of the customs authorities in the Customs Code of the Republic of Tajikistan, which includes specific instructions to prevent the illicit transfer of narcotic and psychotropic substances.⁶³

⁶² Tajikistan, Office of the President, Statute of the Drug Control Agency, by President Emomali Rahmon, July 12, 1999.

⁶³ See Tajikistan country page within the UNODC Legal Library, available and accessed on January 2, 2012 at: http://www.unodc.org/enl/browse_country.jsp?country=TAJ.

“Heroin and opium remain the primary drugs smuggled through Tajikistan, heroin being the focus of interdiction due to its top priority for the international community.”

Tajikistan is reported to interdict more Afghan heroin than all other Central Asian countries combined, through its Drug Control Agency, which consistently receives recognition as being the most effective as well.⁶⁴ However, Tajikistan has a 1344-km border with Afghanistan, which is sparsely guarded. Lack of funding and attention to properly build, refurbish, or staff border posts by Tajikistan continually deteriorates the security along its border. This allows only a small portion of illicit drugs to be seized annually, while a majority passes through into other Central Asian countries and on to Europe and the Russian Federation. Ethnic and linguistic ties with Afghanistan, as well as poverty and high unemployment in Tajikistan, all contribute to illegal narcotics trafficking.⁶⁵

In April 2010 Tajikistan adopted a “National Border Management Strategy” with help from the Organization for Security and Co-operation in Europe (OSCE), which outlines plans from 2010-2025. The strategy promotes cooperation with all government agencies that regulate the flow of people and goods across Tajikistan’s borders, and “addresses narcotics and precursor chemical trafficking, customs and border guard reform, corruption, improvements in training, and the use of sniffer dogs to detect narcotics and other contraband.”⁶⁶ Due to national unrest in the Rasht Valley later that year, funding and attention was diverted from promoting this strategy. Furthermore, there still remains institutional reluctance among Tajikistan governmental agencies to coordinate efforts or to work with other countries. Counternarcotics institutions consistently struggle to cooperate.

Amid efforts to comply with international legislation regarding supply reduction, a decrease of 31 percent in heroin seizures was evident in 2009 from the previous year’s totals.⁶⁷ In 2010 Tajikistan law enforcement agencies seized 3313.5 kg of narcotics, significantly lower than the previous year’s seizure of 4337.2 kg. 2010 seizures included 800.3 kg of heroin, 712.7 kg of opium, and 1800.5 kg of cannabis. Heroin and opium remain the primary drugs smuggled

⁶⁴ US DOS, Fact Sheets, by Bureau of International Narcotics and Law Enforcement Affairs, Tajikistan Program.

⁶⁵ US DOS INL, INCSR, Tajikistan, pg. 517.

⁶⁶ Ibid.

⁶⁷ INCB Report 2010, pg. 98.

through Tajikistan, heroin being the focus of interdiction due to its top priority for the international community.⁶⁸

Tajikistan continues to work on joint antidrug operations with Russia, the US, and Kazakhstan, resulting to numerous drug-related arrests and convictions. However, traffickers employ several techniques to smuggle drugs through Tajikistan, including body concealment by air, over land and rivers by vehicle, or by foot as climate allows. Trade agreements allow sealed cargo containers to pass by rail uninspected to Russia. Complicity of negligent or corrupt Tajik or Afghan border guards allows narcotics to pass on official crossways as well, concealing drugs in hollowed parts of crates or within other cargo.⁶⁹

Tajikistan has implemented drug-trafficking prevention via mass media aimed at public awareness of the harms associated with drug use. Programs such as the “Joint Program for Drug Prevention and Interdiction of Illegal Drug Trafficking in the Republic of Tajikistan” promote healthy lifestyles through counseling youth in educational institutions and sport competitions.⁷⁰

One of the major problems facing good governance and effective counter-narcotics measures in Tajikistan is corruption. Even though significant laws exist against corruption, the low salaries of law enforcement officers and other governmental workers results in them often trying to supplement their income illicitly. In 2010 alone, 25 of the 43 corruption crimes registered were in the office of the Prosecutor General itself. High ranking officials among the narcotics control business and border control are often arrested in Tajikistan, and some of them go unpunished.⁷¹

⁶⁸ US DOS INL, INCSR, Tajikistan, pg. 518.

⁶⁹ Ibid., pg. 518-519.

⁷⁰ Ibid., pg. 519.

⁷¹ Ibid., pg. 519-520..

“Turkmenistan is a prime drug transit corridor due to its 744-km border with Afghanistan and outlet to the Caspian Sea.”

4. Turkmenistan

A recent INCB mission to Turkmenistan noted that since 2003 Turkmenistan has progressed in some areas of drug control and pursued a series of measures to implement international drug control treaties. In 2009 the national drug control legislation and Penal Code were amended. To counter drug-trafficking, the government has strengthened border control, enhanced law enforcement and implemented drug abuse prevention programs.⁷²

The INCSR reports that although some progress has been made, Turkmenistan is still not in full compliance. President Berdymukhammedov has recently emphasized the need for joint efforts of citizens with law enforcement to effectively battle the war against drugs as an uncompromising priority. The Turkmen government is gradually realizing the importance of public awareness as a critical thread to weave together this strategic precedence. The president has established the State Counter Narcotics Service (SCNS), and mobilized the National Program for Combating Illegal Drug Trafficking and Assistance to Drug and Psychotropic Substance Addicts. As a result of the new revised Criminal Code which punishes the acquisition and/or possession of small amounts of narcotics for personal use, the authorities are now able to treat, instead of punish, drug addicts. Although Turkmenistan has previously been inconsistent with international law-reporting requirements, in 2010 President Berdymukhammedov reported to the UNODC for the first time its drug abuse statistics for the years 1999-2006.⁷³



Turkmenistan map, via CIA World Factbook

⁷² INCB 2010 Report, pg. 21.

⁷³ US DOS INL, INCSR, Turkmenistan, pg. 545-546..

Turkmenistan is a prime drug transit corridor due to its 744-km border with Afghanistan and outlet to the Caspian Sea. It also shares a 992-km boundary with Iran. These two borders are where most of the illegal drug seizures occur, but also where Turkmenistan directs its law enforcement measures. The border with Uzbekistan is less guarded against narcotic smuggling, allowing illicit drug traffickers to exploit such a weakness. However, commercial truck traffic from Iran and Caspian Sea ferry traffic from Russia and the Caucasus, as well as concealment in the cavities of humans and animals on land-borne cargo and passenger vessels, continue to be opportune methods of illicit drug trafficking.⁷⁴

In June 2010 the SCNS reported the largest seizure of opium trafficked from Iran – a total of 237.4 kg of opium and 12.8 g of heroin during a single operation. During the first half of 2010 law enforcement agencies reported a total of 672.1 kg of drugs seized, including 79.1 kg of heroin, 448.3 kg of opium, 31.5 kg of marijuana, and 88.8 kg of hashish. This trend is significantly lower compared to 2009's total of 1921.3 kg.⁷⁵

Like most other Central Asian countries, Turkmenistan suffers from corruption, which hinders its progress to combat drug trafficking and loses the trust of the general public. Law officials receive low monthly salaries and carry broad general powers, which fosters bribe solicitation, and the acceptance of payments at border crossings to allow smuggling to occur. Furthermore, some senior government officials are reported to be directly linked to the illicit drug trade. For example, the chairman of the state-controlled “Dayhan” Bank was involved in the sale, as well as the consumption, of opium. High ranking military and Border Service officers are also often reprimanded for cross-border smuggling.⁷⁶

⁷⁴ Ibid., pg. 545.

⁷⁵ Ibid., pg. 546.

⁷⁶ Ibid., pg. 547.

“Smugglers unfortunately exploit Uzbekistan’s thousands of miles of open desert, the Amudarya River, and rugged mountain ranges to transit not only illicit drugs, but also humans and weapons, and support organized crime or terrorist activity undetected.”

5. Uzbekistan

The Republic of Uzbekistan complied with treaty obligation and international law in a series of measures. Uzbekistan established its proprietary State Drug Control Commission in April 1994, and, by decision of the Cabinet Ministers, transformed it into the National Information Analysis Center for Drug Control in 1996 to strengthen law-enforcement agencies combating illicit drug trafficking. With a view to improve its judicial practice and application of new legislation, Uzbekistan established its Judicial Practice in Cases of Offences Involving Illicit Traffic in Narcotic Drugs or Psychotropic Substances in 1995, via decision of the plenum of the Supreme Court. In 1997 the government established the Customs Code of the Republic of Uzbekistan, which provides customs legislation including authorization for employment of the controlled-delivery method to prevent international illicit trafficking and to discover persons engaged in such trafficking. Finally, effective January 2000 the National Assembly of the Republic of Uzbekistan established its Law on Narcotic Drugs and Psychotropic Substances, aimed at preventing illicit drug and precursor trafficking through regulation of trade and proper scheduling of these substances, in accordance with international agreements and conventions it is party to.⁷⁷

Hindering successful treaty compliance in practice, not only its location and topography, but also the corruption that permeates all levels of government make Uzbekistan a victim of illicit drug transit. Uzbekistan borders every other Central Asian republic and shares a 137-km border with Afghanistan, altogether bestowing 134 legitimate crossing points. Smugglers unfortunately



Uzbekistan map, via CIA World Factbook

⁷⁷ See Uzbekistan country page within the UNODC Legal Library, available and accessed on January 2, 2012 at: http://www.unodc.org/enl/browse_country.jsp?country=UZB.

exploit Uzbekistan's thousands of miles of open desert, the Amudarya River, and rugged mountain ranges to transit not only illicit drugs, but also humans and weapons, and support organized crime or terrorist activity undetected. The profits gained from illegal narcotics are used to further support regional terrorist organizations in Uzbekistan, as well as to influence officials and corrupt key government institutions and sustain regional destabilizing efforts. To further complicate the drug problem, drug use is believed to be on the rise in Uzbekistan, affecting the number of AIDS victims, particularly intravenous drug users. A renewed political will to deal with drug trafficking is hindered by lack of resources and the proper attention needed to effectively manage the drug control institutions such as drug abuse and demand reduction programs or drug addiction treatment centers.⁷⁸

Other hindrances to progressive drug control are the huge institutional obstacles Uzbekistan has to establish healthy working relationships with its neighbors and other international partners such as the U.S., the EU, OSCE, and CSTO. Uzbekistan does not trust the law enforcement effectiveness of its neighbors. It believes that drug traffickers operate with impunity in Kyrgyzstan and Tajikistan. It also fears that recent national political unrest in these countries will spill over and affect the stability and security of Uzbekistan. This lack of trust and collaboration is a major weakness to law enforcement efforts. Furthermore, foreign access to Uzbek government officials is very slow and bureaucratic, and law enforcement officers are not free to act without heavy political oversight. Despite these drawbacks, Uzbekistan's multilateral relationships with other countries and organizations continually try to break this barrier. U.S.- and UNODC-led programs focus on sharing drug-related intelligence and coordinating joint counter narcotic efforts in Central Asia. The US Drug Enforcement Administration (DEA) has reestablished presence in Tashkent and the US Department of Defense (DOD) has supported counternarcotics efforts through the Office of Military Cooperation (OMC). The UNODC has worked with the DEA and the US DOD Bureau of International Narcotics and Law Enforcement Affairs (INL) to conduct programs which focused on controlled deliveries, border control, and interdiction. The Border Management and Drug Action Program in Central Asia (BOMCA/CADAP) is implemented by the UN Development Program (UNDP), and Russia partners with Uzbekistan in combating drug trafficking through the CSTO.⁷⁹

Modes of transporting illicit drugs have remained stable in Uzbekistan over the past decade. Organized traffickers smuggle larger quantities of illicit drugs hidden in concealed compartments or cargo of tanker trucks while paying large bribes to bypass border posts and for protection by

⁷⁸ US DOS INL, INCSR, Uzbekistan, pg. 570.

⁷⁹ Ibid., pg. 571-2..

corrupt government officials. Smaller independent groups smuggle smaller quantities by foot, car, or crude floatation devices across the Amudarya River. Despite these *modi operandi*, Uzbek law enforcement seized a total of 2457 kg of illicit drugs in the first half of 2010, an increase in comparison to the previous year. Opium poppy straw, opium, heroin, cannabis and hashish mostly comprised this total.

Uzbekistan lags behind in complying with international law by not meeting the country's needs in drug abuse awareness, demand reduction and treatment. Experts believe that drug addiction is actually getting worse, and the number of addicts could be more than ten times the official figures, reaching a total already greater than 200,000.⁸⁰ Pharmacies legally dispense drugs without a prescription, and the few treatment centers and programs cannot handle the thousands of registered and unregistered addicts. Additionally, the general population and drug users have a low level of awareness to the risk of infection and reportedly, doctors have a disregard for patients' rights and punish addicts.⁸¹

Although national policy does not promote or support it, corruption has taken hold in all levels of government via the "pyramid of corruption," where even the lowest underpaid police officers accept bribes, of which a percentage is paid off to the chain of bosses, likely to reach high public officials. There has also been an increase recently in Uzbek media reports on the arrest of public officials for corruption, instead of only law enforcement officers. However, this can be attributed to tightly controlled government media outlets. The Uzbekistan president has issued a decree and an action plan developed on countercorruption measures, but they have yet to be fully implemented, or their effectiveness properly measured.⁸²

⁸⁰ Sebastien Peyrouse, Institute for Security & Development Policy / Drug-Trafficking in Central Asia, Policy Brief, No. 8, September 23, 2009, pg. 2.

⁸¹ US DOS INL, INCSR, Uzbekistan, pg. 572-4.

⁸² *Ibid.*, pg. 574.

Conclusion

This study has provided a background of the drug control problem as it pertains to Central Asia, described the international law as it pertains to drug control outlined in the three main UN drug-related conventions and supportive resolutions, and provided a brief assessment of each of the Central Asian countries on how they have complied with this law in policy and practice. Although international law has matured in development for nearly a century and signatory parties of international conventions have developed national law to follow suit, the Central Asian states still have difficulty fulfilling their treaty obligations because of poorly managed and resourced institutions for implementing their stated policies.

As the Executive Director of the UNODC stated, “Drug markets and drug use patterns change rapidly, so measures to stop them must also be quick to adapt.”⁸³ In comparative analysis, I have assessed that three main problems are common among the CA States which need immediate attention. The problematic issues of corruption, political bureaucracy, and lack of resources to effectively implement drug control programs must be corrected to further succeed in fighting the organized crime of illicit drug trafficking. Furthermore, multi-lateral approaches should be continually pursued and implemented in order to bring together an effective regional security effort which focuses on minimizing transnational crimes such as drug trafficking. I believe success can be attained through enhanced cooperation between the Central Asian States to resolve such an issue as well as a collaborative approach to foreign assistance. This will result in improved regional security against the current level of illicit trafficking of narcotics.

⁸³ UN WDR 2011, Preface, pg. 8.

EXPLANATORY NOTES

The following abbreviations have been used in this paper:

AIDS	Acquired Immune-Deficiency Syndrome
ATS	Amphetamine-Type Stimulants
CARICC	Central Asian Regional Information Coordination Center
CIS	Commonwealth of Independent States
CND	Commission on Narcotic Drugs
CSTO	Collective Security Treaty Organization
DEA	United States, Drug Enforcement Administration
DELTA	UNODC Database on Estimates and Long Term Trend Analysis
DOS	Department of State
ECOSOC	Economic and Social Council
INCB	International Narcotics Control Board (United Nations)
INCSR	International Narcotics Control Strategy Report (USDOS)
INL	Bureau of International Narcotics and Law Enforcement Affairs (USDOS)
ISAF	International Security Assistance Force
NGO	Non-governmental organization
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
SCO	Shanghai Cooperation Organization
UNODC	United Nations Office on Drugs and Crime
UNGASS	United Nations General Assembly
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSC/PST	United Nations Security Council Presidential Statement
US	United States
WDR	World Drug Report

Weights and Measurements referenced:

l – *liter* g – *gram* kg – *kilogram* mt - *metric ton*

DISCLAIMER

An earlier version of this paper was submitted to fulfill the requirements of the M.A. International Security Studies - Program of the Universitaet der Bundeswehr Muenchen in cooperation with the George C. Marshall European Center for Security Studies.

Bibliography

- Barentsev, Alexander. "Russia and the Central Asian Drug Trade: The Role of Kyrgyzstan." GlobalResearch.ca - Centre for Research on Globalization. May 09, 2010. Accessed January 16, 2012. <http://www.globalresearch.ca/index.php?context=va&aid=19067>.
- Bewley-Taylor, David, and Martin Jelsma. Fifty Years of the 1961 Single Convention on Narcotic Drugs: A Reinterpretation. Series on Legislative Reform of Drug Policies Nr. 12. March 2011. Accessed January 02, 2012. <http://undrugcontrol.info/images/stories/documents/dlr12.pdf>.
- Bureau of International Narcotics and Law Enforcement Affairs, US DOS. 2011 International Narcotics Control Strategy Report. Annual Report, Volume 1: Drug and Chemical Control. March 2011. Accessed January 02, 2012. <http://www.state.gov/g/inl/rls/nrcrpt/2011/>.
- Совета командующих Пограничными войсками (Council of Commanders of Border Troops). Accessed March 29, 2012. <http://www.skpw.ru/index.htm>.
- DeKlein, Kim, and Meg Penstone. "How You Can Be An Effective Leader." Ontario Ministry of Agriculture, Food and Rural Affairs. July 1994. Accessed January 12, 2012. <http://www.omafr.gov.on.ca/english/rural/facts/94-081.htm>.
- General Assembly. Resolution 20/4 (1998) - Measures to Enhance International Cooperation to Counter the World Drug Problem. By United Nations. Accessed January 6, 2012. <http://www.un.org/ga/20special/coop.htm>.
- General Assembly. Resolution 55/2 (2000) - United Nations Millennium Declaration. By United Nations. Accessed January 2, 2012. <http://www.un.org/millennium/declaration/ares552e.htm>.
- General Assembly. Resolution S-20/2 (1998) - Political Declaration. By United Nations. Accessed January 2, 2012. <http://www.unodc.org/unodc/en/commissions/CND/09-resolutions-90s.html#1998>.
- General Assembly. Resolution S-20/3 (1998) - Declaration on the Guiding Principles of Drug Demand Reduction. By United Nations. Accessed January 2, 2012. <http://www.unodc.org/unodc/en/commissions/CND/09-resolutions-90s.html#1998>.
- Heilmann, Daniel. "International Control of Illegal Drugs and the U.N. Treaty Regime: Preventing or Causing Human Rights Violations." *Cardozo Journal of International and Comparative Law* 19, no. 2 (Spring 2011): 237-86. Accessed December 09, 2011. http://www.heinonline.org/HOL/Page?handle=hein.journals/cjic19&collection=journals&set_as_cursor=1&men_tab=srchresults&terms=THE|INTERNATIONAL|CONTROL|OF|ILLEGAL|Drugs|and|the|U.N.|Treaty|Regime&type=matchall&id=241.
- International Narcotics Control Board. Report of the International Narcotics Control Board for 2010. Sales No. E.11.XI.1. Vienna: United Nations Publication, 2011. Accessed January 6, 2012. <http://www.incb.org/incb/en/annual-report-2010.html>.
- Jelsma, Martin. The Development of International Drug Control: Lessons Learned and Strategic Challenges for the Future. Series on Legislative Reform of Drug Policies Nr. 10. February 2011. Accessed January 2, 2012. <http://undrugcontrol.info/images/stories/documents/dlr10.pdf>.

- Karabayev, Aibek. "Kyrgyzstan Plagued by Drug Trafficking." Central Asia Online. August 06, 2010. Accessed January 02, 2012. http://centralasiaonline.com/en_GB/articles/caii/features/main/2010/08/06/feature-01.
- Комитета по борьбе с наркобизнесом и контролю за оборотом наркотиков МВД Республики Казахстан (Committee on Narcotics and Drug Control Ministry of Internal Affairs of the Republic of Kazakhstan). Accessed March 29, 2012. <http://web.archive.org/web/20110722142412/http://www.narcopost.kz/>.
- Kyrgyz Republic. Legislative Assembly of the Jogorku Kenesh (Parliament). Narcotic Drugs, Psychotropic Substances and Precursors Act. By President of the Kyrgyz Republic, A. Akayev. May 22, 1998. Accessed January 02, 2012. <http://www.unodc.org/enl/showDocument.do?documentUid=2176&country=KYR>.
- "Kyrgyzstan Drowned in Drug Trafficking (Letter Obtained by Kanal PIK)." Kanal PIK TV. September 18, 2011. <http://pik.tv/en/cj/item/kyrgyzstan-drowned-in-drug-trafficking-letter-obtained-by-kanal-pik>.
- Malikova, Anna. "The Fight against Illegal Drug Trafficking in Tajikistan." Central Asia Online. July 15, 2008. Accessed January 17, 2012. http://centralasiaonline.com/en_GB/articles/caii/features/2008/07/15/feature-05.
- Ministry of Foreign Affairs of the Republic of Kazakhstan. "Cooperation of the Republic of Kazakhstan with the United Nations Organization." Kazakhstan and International Organizations. January 20, 2010. Accessed January 02, 2012. <http://portal.mfa.kz/portal/page/portal/mfa/en/content/policy/organizations/UN>.
- Ministry of Foreign Affairs of the Republic of Kazakhstan. "Kazakhstan's Stand on Afghanistan." Kazakhstan in Global and Regional Issues. August 15, 2009. Accessed January 02, 2012. <http://portal.mfa.kz/portal/page/portal/mfa/en/content/policy/security/afghanistan>.
- Namatbaeva, Tolkun. "Drug Trade Tarnishes, Imperils Kyrgyzstan." Universal Newswires. December 09, 2011. Accessed January 12, 2012. <http://www.universalnewswires.com/centralasia/viewstory.aspx?id=10895>.
- Peyrouse, Sebastien. Institute for Security & Development Policy / Drug-Trafficking in Central Asia. Policy Brief, No. 8. September 23, 2009. http://www.humansecuritygateway.com/documents/ISDP_DrugTrafficking_CentralAsia.pdf.
- Schenkkan, Nate. "Kyrgyzstan, Vexed by Drug-Trafficking Allegations, Bans Casinos." EurasiaNet.org. September 29, 2011. <http://www.eurasianet.org/node/64239>.
- Security Council. Drug Trafficking and Small Arms. Security Council Report. June 2011. http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.7497343/k.E28A/June_2011brDrug_Trafficking_and_Small_Arms.htm.
- Security Council. Resolution 1267 (1999). By United Nations. October 15, 1999. Accessed January 15, 2012. [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1267\(1999\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1267(1999)).
- Security Council. Resolution 1373 (2001). By United Nations. September 28, 2001. Accessed January 12, 2012. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/1373%20SRES1373.pdf>.
- Security Council. Resolution 1735 (2006). By United Nations. December 22, 2006. Accessed January 15, 2012. [http://www.undemocracy.com/S-RES-1735\(2006\).pdf](http://www.undemocracy.com/S-RES-1735(2006).pdf).

Security Council. Resolution 1817 (2008). By United Nations. June 11, 2008. Accessed January 12, 2012. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afghan%20SRES%201817.pdf>.

Security Council. Resolution 1890 (2009). By United Nations. October 08, 2009. Accessed January 12, 2012. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afghan%20SRES%201890.pdf>.

Security Council. Statement by the President of the Security Council 2009/32. By United Nations. December 08, 2009. Accessed January 02, 2012. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DT%20SPRST%202009%2032.pdf>.

Security Council. Statement by the President of the Security Council 2010/4. By United Nations. February 24, 2010. Accessed January 02, 2012. Security Council, Statement by the President of the Security Council 2009/32, by United Nations, December 08, 2009, accessed January 02, 2012, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DT%20SPRST%202009%2032.pdf>.

Security Council. Update Report No. 5: Briefing by the UN Office of Drugs and Crime. Security Council Report. February 18, 2010. http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.5812311/k.7C2F/Update_Report_No_5brBriefing_by_the_UN_Office_of_Drugs_and_Crimebr18_February_2010.htm.

Sindelar, Daisy. "As Corruption Rises Worldwide, Georgia Proves The Exception." Radio Free Europe / Radio Liberty. December 09, 2010. Accessed January 12, 2012. http://www.rferl.org/content/georgia_corruption/2243593.html.

Tajikistan. Office of the President. Statute of the Drug Control Agency. By President Emomali Rahmon. July 12, 1999. Accessed January 02, 2012. <http://www.unodc.org/enl/showDocument.do?documentUid=2194&country=TAJ>.

Transparency International. "Anti-corruption Commitments." Transparency International Georgia. Accessed January 12, 2012. http://transparency.ge/en/anti_corruption_commitments.

United Nations. "Convention against Corruption." United Nations Office on Drugs and Crime. September 2004. Accessed January 6, 2012. <http://www.unodc.org/unodc/en/treaties/CAC/index.html>.

United Nations. "Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988." United Nations Office on Drugs and Crime. Accessed January 16, 2012. <http://www.unodc.org/unodc/en/treaties/illicit-trafficking.html>.

United Nations. "Convention on Psychotropic Substances of 1971." United Nations Office on Drugs and Crime. Accessed January 2, 2012. <http://www.unodc.org/unodc/en/treaties/psychotropics.html>.

United Nations Office on Drugs and Crime (UNODC). "Countering Drug Trafficking from Afghanistan." Accessed January 6, 2012. <http://www.unodc.org/centralasia/en/drug-trafficking-and-border-control.html>.

United Nations Office on Drugs and Crime (UNODC). "Drug Trafficking in Central Asia." Accessed January 6, 2012. <http://www.unodc.org/unodc/en/drug-trafficking/central-asia.html>.

United Nations Office on Drugs and Crime (UNODC). "Drug-related Resolutions and Decisions." Accessed January 02, 2012. <http://www.unodc.org/unodc/en/commissions/CND/09-resolutions.html>.

- United Nations Office on Drugs and Crime (UNODC). "Legal Framework for Drug Trafficking." Accessed January 02, 2012. <http://www.unodc.org/unodc/en/drug-trafficking/legal-framework.html>.
- United Nations Office on Drugs and Crime (UNODC). "Legal Library." Accessed January 02, 2012. http://www.unodc.org/en/browse_countries.jsp.
- United Nations Office on Drugs and Crime (UNODC) Regional Office for Central Asia, Paris Pact Coordination and Analysis Unit. Illicit Drug Trends in Central Asia. Report. April 2008. http://www.unodc.org/documents/regional/central-asia/Illicit%20Drug%20Trends_Central%20Asia-final.pdf.
- United Nations Office on Drugs and Crime (UNODC). World Drug Report 2011. Sales No. E.11.XI.10. Malta: United Nations Publication, 2011. Accessed January 6, 2012. <http://www.unodc.org/unodc/en/data-and-analysis/WDR-2011.html>.
- United Nations Security Council Report Staff. Emerging Security Threats in West Africa. Special Research Report. May 02, 2011. <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Research%20Report%20Emerging%20Threats%202%20May%202011.pdf>.
- United Nations. "Single Convention on Narcotic Drugs of 1961 as Amended by the 1972 Protocol." United Nations Office on Drugs and Crime. Accessed January 02, 2012. <http://www.unodc.org/unodc/en/treaties/single-convention.html>.
- United Nations. "United Nations Convention against Transnational Organized Crime and Its Protocols." United Nations Office on Drugs and Crime. September 2004. <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>.
- United States. Department of State. Fact Sheets. By Bureau of International Narcotics and Law Enforcement Affairs. Accessed January 02, 2012. <http://www.state.gov/j/inl/rls/fs/index.htm>.