

Developing Counter-Narcotics Policy in Central Asia

Legal and Political Dimensions

Kairat Osmonaliev

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Developing Counter-Narcotics Policy in Central Asia: Legal and Political Dimensions

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Preface

Among the array of challenges facing the Central Asian region, illicit drugs have since the mid-1990s gradually risen to prominence. With continuously increasing opium production in Afghanistan and an increasing share of that production transited northward through Central Asia, the impact of the drug trade on the region is only worsening. The implications of the drug trade are multi-faceted: through addiction, epidemics, and related crime, it affects public health and societal security. Through its profit margin and sheer financial weight, it affects the economies of the region. By exacerbating and deepening political corruption and due to ensuing damage to the national and international legitimacy of governments, it affects political stability. Finally, through its role in the financing of terrorism and insurgency, it affects national security in the most basic, military sense of the term. Presently, illicit drugs therefore pose a clear and present danger to the security of states, societies and individuals in this region.

In response, the states of the region have gradually tried to cope with the multiple threats posed by the illicit drug trade. But on their own, Central Asia's states do not have either the institutional structure, expertise, experience or the resources of developed countries – who themselves have often been at a loss in devising effective strategies to deal with the drug trade and its consequences. As meaningful regional cooperative mechanisms are missing in the region, the states of Central Asia have chosen different paths in their conceptual and organizational approaches to the problem, while no state has fully arrived at a complete strategy for its counter-narcotics policy. Without such a strategy, the efforts of individual states are unlikely to succeed.

The illicit drug trade being a transnational phenomenon by nature, any successful response to it, however well formulated and implemented, cannot be limited to national boundaries. As in other regions of the world, only an international response to an international problem can be truly effective. Yet in spite of numerous declarations, memoranda, conferences and initiatives, regional and

international cooperation in counter-narcotics in the region leaves much to be desired.

This array of problems makes the Monograph at hand a most valuable contribution. A leading scholar and practitioner in the field of Drug Control in Central Asia, Dr. Kairat Osmonaliev draws on his substantial expertise and long practical experience in counter-narcotics to seek to identify the crucial challenges facing counter-narcotics in the region and devising guidelines to respond to these challenges. This study therefore deals with the legal and organizational provisions of counter-narcotics policy in Central Asia. It focuses both on the elaboration of serious and effective counter-narcotics policies in the Central Asian governments, and equally importantly, on specifics of the implementation of these policies. In so doing, Dr. Osmonaliev warns of the dangers of both excessively repressive and excessively liberal policies in counter-narcotics, arguing that a war on drugs can be won only if it balances interdiction activities and supply control with meaningful demand reduction efforts and treatment.

The study specifically addresses the need for strengthening regional cooperation in counter-narcotics. It makes a powerful argument for the need to coordinate approaches to counter-narcotics across the region, and developing regional and international cooperation in counter-narcotics in this strategic region of the world. While the study points to many problems and challenges, it nevertheless emphatically argues that the battle is not lost – that Central Asian states have a chance to formulate and implement policies that will reduce the threat posed by the illicit drug trade to a level that does not threaten the security of their states and societies.

As such, Dr. Osmonaliev's work is aimed at a wide audience. It will undoubtedly be of value to students of the Central Asian region and of the global illicit drug trade and organized crime. But beyond an academic audience, Dr. Osmonaliev's work contains analysis and recommendations that are of importance to practitioners. Government officials of the region, international civil servants and members of non-governmental organizations dealing with any of the multitude of sectors affected by the illicit drug trade in the region are all likely to find thoughtful and valuable advice in this monograph.

Support for Dr. Osmonaliev's Research stay at the Silk Road Studies Program and the Department of East European Studies of Uppsala University was generously provided by the Swedish Foundation for the Internationalization of Higher Education (STINT). This support is gratefully recognized. Moreover, Dr. Osmonaliev's research took place within the framework of the Joint Research Project on Narcotics and Organized Crime in Eurasia conducted by the Silk Road Studies Program and the Central Asia-Caucasus Institute, Johns Hopkins

University-SAIS. This Project is funded by the Office of the Swedish National Drug Policy Coordinator and the Swedish Crisis Management Agency. Their generous funding for the project was a prerequisite for the academic environment in which Dr. Osmonaliev's research was conducted. At Uppsala, the Project's coordinator, Ms. Maral Madi, played a central role in arranging Dr. Osmonaliev's stay and provided valuable comments. Moreover, the efforts of Mr. Jacob Townsend were key in the final editing of the monograph.

Svante E. Cornell
Project Director

Executive Summary

Since 1993, there has been a thirty-fold increase in heroin seizures in Central Asia. The social pathology of organized crime, which supervises and carries out illicit drug trafficking to Russia and Western countries as well as the laundering of illegal proceeds, has grown to become a significant threat to the regional states. So far, law enforcement agencies have proven unable to formulate, let alone implement, adequate measures against this threat. The scale and multi-faceted nature of the struggle against narcotics in the region has not been matched by a serious analytical forecasting effort to understand its development. Without such analysis, it is impossible to obtain a full understanding of the situation and planning for relevant time frames while determining the purpose and objectives of counter-narcotics policy. Moreover, this analysis is required to determine priorities in counter-narcotics and the range of their institutionalization.

This analysis of the drug situation in Central Asia over the last few years reveals a large expansion that poses an escalating danger to the stable and secure development of the Central Asian region. The situation in the sphere of illegal trafficking in Central Asia is exacerbated by a negative societal situation that has intensified a sense of desperation and hopelessness especially among exposed layers of population, in turn leading to increased addiction problems.

Among other issues, drug trafficking is considered to be an essential source of income for international terrorism, and the coalition powers in Afghanistan have so far been unable to effectively deal with the issue. Nevertheless, the struggle against drug trafficking in Afghanistan is closely associated with the settlement of a range of social and economic problems, primary among which is political stability. Huge drug markets in Russia, Europe and China have developed into stable consumption countries, stimulating supply. Furthermore, the lack of political stability in Central Asia and the weakness of the regional states makes countries vulnerable to international drug trafficking.

It is apparent that the forces involved in drug trafficking are interested in regional instability that permits their business to continue, implying that these groups pose significant security challenges. The vast profits gained from the drug trade have

served to support militant forces with links to global terrorism, indicating a threat not only to the countries in Central Asia but beyond the region. In sum, the deteriorating drug situation increases the risk of the region becoming a cauldron of instability.

That said, The Central Asian countries still have the possibility to contain drug addiction and trafficking at levels that do not pose vital threats to society and state. However, if the tendencies in drug addiction and trafficking continue as presently without a reasonable and well-directed state policy, the chances of seeing the drug situation stabilized over the next three years are low.

The most likely scenario is that the region will see a steady increase in the drug trade in the coming three to five years. Drug related criminal activity is therefore expected to rise at a level of 4-5%. As a result, the social systems will degenerate even more. Less law-conscious people will be pushed into drug trafficking, which will increase the poverty level in the long run. Trafficking through ill-guarded borders will significantly increase. Lacking logistical support, law enforcement agencies will in general remain poorly trained and partly criminally infiltrated. This will consequently rise to pose an ever greater national security threat.

The main task of state counter-narcotics policy as a part of comprehensive security could be termed narcological security, a social condition achieved when drug addiction and drug-related crime do not present a threat to state and society. There are different ways to achieve narcological security, and the success of government drug policy depends on several factors. Sweden is a country that appears to have achieved narcological security, through a well-balanced approach to supply and demand reduction. On the other hand, excessively liberal or repressive policies have failed to generate desired results.

On the repressive side, a policy based on declaring war against drugs is distinguished by the prevalence of punitive and repressive measures while counteracting illegal drug circulation and drug abuse. The fallacies of this approach is illustrated by the U.S. now changing the priorities of its counter-narcotics policy. Likewise, Chinese efforts in their war on drugs focus increasingly on the prevention of drug usage among young people.

On the liberal side, policies focusing on the legalization of drugs convey great costs for society. The Netherlands and Switzerland legalized drug use many years ago, causing a close to unlimited supply of both soft and hard drugs. As a result, the drug situation is beyond the control of authorities, especially when noted that the Netherlands attracts drug dealers and addicts from countries with stricter drug policies. Despite the fact that legalizing reduces hidden drug addiction, it also leads

to an expansion of overall rates of drug abuse, of illegal trafficking and of the general level of demand.

The Central Asian states have not yet reached a full understanding of their counter-narcotics strategies and policies. Work on demand reduction in society and on managing drug abuse is carried out unsystematically, without due state support. The system of treatment of drug addicts is in a most complicated situation, as the social rehabilitation of drug addicts under state supervision is not being carried out.

Public opinion on drug use is one of the major components included in any government's efforts to fight drug addiction. The Swedish aim of a drug-free society is a high objective expressing society's attitude toward narcotics. There, drug use remains a socially unaccepted form of behavior; therefore, drug abuse remains a marginal phenomenon. The Swedish drug-policy model is a model to follow for countries in which the vision of a drug-free society is widely accepted and seldom seriously questioned in the political arena or the media. Nevertheless, one of the most important enabling factors in the effectiveness of Swedish counter-narcotics policy is state-financed support for most governmental and non-governmental treatment and prophylactic measures.

The Central Asian counter-narcotics concept needs to recognize that success in fighting the drug problem requires a well-balanced approach based on a wide use of law-enforcement as well as preventive measures, directed to the achievement of total control of the problem by the state, resulting in a consistent reduction of its negative social consequences. A successful restrictive counter-narcotics policy uses a variety of harsh and liberal approaches combined with a complex strategy for both demand and supply reduction. Simultaneously, the social condemnation of drug addiction is expressed, which remains the essence of the counter-narcotics measures adopted.

The countries of Central Asia generally cling to restrictive counter-narcotics policies, although there are some differences among them in their legal and administrative nuances. The increasing danger of an expanding illegal drug trade requires the application of adequate and well-coordinated measures by all the Central Asian republics. The effectiveness of counter-narcotics policies depends mainly upon their uniformity and purposefulness. The major components in the implementation of counter-narcotics policy include: the observance of human rights and civil liberties; a realistic approach where achievable objectives are set; a wide scope of operations including the use of governmental organizations and NGOs; civil society involvement where cooperation between governmental institutions and public organizations, including religious and local communities, creates societal awareness rooting out drug use; and increased development of

international cooperation. The Central Asian states have agreed that the effort to establish a “security belt” around Afghanistan is one of the long-term objectives.

Appropriate counter-narcotics policy begins by establishing a legal framework and prioritizing legislative initiatives. Like any other state policy, counter-narcotics must not only be adopted but implemented. Besides, the Central Asian countries should harmonize their counter-narcotics legislation in order to conduct cooperative and effective counter-narcotics policy. Several recommendations can be made for the improvement of drug-related legislation in the following areas: curtailing drug trafficking; preventing illegal drug use; treating and rehabilitating drug addicts; regulating the legal usage of drugs; and expanding international drug control cooperation. Improving the organizational basis of counter-narcotics efforts requires a functioning and effective system of control. Within this framework, it is necessary to determine the optimal balance of institutional and public control over the realization of counter-narcotics policy.

The states in Central Asia have made effort to work closer together in their attempt to solve their common narcotics problems. The Central Asian Community (CAC) has been established in order to increase regional cooperation and integration toward strengthening security in the region. Under the auspices of one or several great powers, cooperative mechanisms such as the Shanghai Cooperation Organization (SCO) and the Collective Security Treaty Organization (CSTO) have been created. Moreover, the Economic Cooperation Organization (ECO) has brought Central Asian states closer together with their southern neighbors in their effort to rebuild Afghanistan. All these organizations and initiatives have instigated nominal efforts to address drug trafficking, yet practical regional cooperation leaves much to be desired. Likewise, numerous other memoranda and agreements between the regional states aim at providing security and stability. The Silk Road Diplomacy doctrine launched by Kyrgyzstan’s president Akaev in 1999 represents a general road map for the region and in which direction the cooperation should move.

The lack of effective regional cooperation has given increased importance to international initiatives involving outside powers and organizations. The European Union seems so far not to consider the Eurasian drug problem as its own. Opium poppies remain the most sustainable crop in the remote and suffering Afghanistan, and the region’s only link with globalization. The UNODC has by default become the most active international actor in counter-narcotics.

The last ten years have shown that the repressive counter-narcotics policies of Central Asian states cannot work alone and in isolation. It should nevertheless be noted that cooperation between institutions has become much more effective. Drug control agreements are more of a declarative nature and are not observed

properly, particularly in areas related to legal assistance, information exchange and controlled deliveries. The need for long-term planning is eminent.

In summary, Central Asian states have completed the first stage of formulating their counter-narcotics policy. However, there is still little interaction between law enforcement structures in the border and peripheral areas. In many ways cooperation remains merely declarative, information is only exchanged formally, the system of communication officers is dysfunctional and controlled deliveries do not occur frequently. Overall, it is clear that closer cooperation between the countries of Central Asia is needed. Governments need to find mechanisms for implementing agreements in their entirety, with adequate financial support, and to begin to harmonize their legal frameworks on countering drug trafficking, money laundering and human trafficking. All proposals that aim to straighten overall security in Central Asia rest on the ability of countries there to deepen their cooperation. Given that these threats to security and stability are held in common, they should be a force for unity rather than argument.

Analysis of the actions of Central Asian law enforcement agencies against drug trafficking holds little promise for an improvement of the situation in the near future. In fact, current trends suggest that it will worsen and the unfortunate fact is that drug-related crime is entrenching itself deeper into Central Asian societies and institutions. Established methods of countering the drug trade, legislation to attack it and research achievements that suggest methods to counter it all lag far behind the expansion of the drug trade, its changing methods, and its success in corrupting the state apparatus.

Finally, it should be noted that the states of Central Asia, particularly Tajikistan and Kyrgyzstan, face a significant risk, in the longer term, of becoming illicit drug producers themselves. These Central Asian states, currently in a process of development, are in danger of choosing the wrong model for the formulation of their counter-narcotics policy. Therefore, international cooperation is not only a necessary condition for countering drug trafficking and organized crime, but it is also an important preventive instrument. Every country must recognize their vulnerability to transnational criminal organizations. To achieve the effective mitigation of the problems of drug trafficking and abuse, organized crime, and terrorism, economic growth must be a priority, including a central role for the development of infrastructure and devised social programs.

Introduction

Until recently the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan did not consider narcotics as a serious threat.¹ Since independence in 1991, the countries of the Central Asian region have nevertheless faced ever more severe socio-economic problems such as increased crime and drug abuse. Central Asia, because of its geographic location and infrastructure, has become a convenient trafficking corridor for drugs from Afghanistan, the world's largest illicit opium producer. Some imports from Afghanistan remain in the region. The rapid increase in drug abuse has started to constitute a national threat. Central Asia has changed from merely being a transit region into a consumption region of heroin, which has provoked a HIV/AIDS outbreak, mostly among intravenous drug users. It should be noted that Central Asia has the potential to become a producer of both opiates and cannabis. Drug abuse and the illicit circulation of drugs have become a serious threat to the health of the Central Asian nations, specifically to societal security and to democracy in the region.

In the past decade, the measures taken against drug abuse by the Central Asian governments have not reflected an adequate response to the size and character of the drug expansion. Counter-narcotics efforts need to be implemented within the framework of a single state policy comprised of concepts, legal provisions and institutions. Criminologists have found that drug-related crimes and drug abuse are responsive to the application of relevant policies. There is a general consensus that the drug abuse problem cannot be resolved by simple prohibition and detention measures. The problem's solution lies in thorough counter-narcotics policies based on an in-depth understanding of drug smuggling and abuse trends. Illicit drug markets follow economic laws such as demand and supply and they also react to economic stimulus and pressures. An understanding of drug abuse

¹ According to official statements, the former Soviet Union including Central Asia did not have a drug abuse problem.

expansion mechanisms allows a better balance and distribution of complex measures and resources, which increases the efficiency of drug control strategies.²

The novelty of the present research is that it is a contemporary legal investigation into the problems of developing and implementing policies at the regional level that are designed to curtail drug trafficking and drug abuse in Central Asia. The literature on illicit drugs is mostly devoted to policy issues and is quite fragmented. This research draws upon the work of scholars such as Martha Brill Olcott and Natalia Udalova, Svante E. Cornell, Tamara Makarenko, Roger N. McDermott, Alexander Zelitchenko, Alexander Knyazev, Nancy Lubin et. al., Tamara Makarenko and Maral Madi.³ Their findings are important in guiding this project. Despite considerable attention paid by scientists and politicians to these issues, a range of important aspects of this problem remain unexplored, e.g. analysis of counter-narcotics concepts; the legal and organizational provision of counter-narcotics policy in contemporary conditions; and issues in strengthening regional cooperation.

The subjects of this investigation are: firstly, the policies of Central Asian governments on drug trafficking abuse; and, secondly, certain elements of the implementation of these policies. The following resources are used:

- the legal provisions of international drug control
- the legislation enacted in Central Asian countries
- drug control concepts, programs and strategies of Central Asian countries
- analytical data of UN Office on Drugs and Crime (UNODC) and other international organizations

² UNODC, *World Drug Report 2004*, p. 8.

³ Martha Brill Olcott and Natalia Udalova, "Drug Trafficking on the Great Silk Road: Security Environment in Central Asia". Working paper # 11, March 2000. Carnegie Endowment for International Peace; Svante Cornell, "The Nexus of Narcotics, Conflict and Radical Islamism in Central Asia", CCC Caspian Brief No. 24, June 2002; Tamara Makarenko, "Crime, Terror and the Central Asian Drug Trade". *Harvard Asia Quarterly*, vol. 6 no. 3, Summer 2002; Roger McDermott, "Border Security in Tajikistan: Countering the Narcotics Trade?" Defense Academy of the United Kingdom, 2002; Alexander Zelitchenko, *Afghan Narcoexpansion of the 1990s and Kyrgyzstan's National Security Problem*, Bishkek: Kyrgyz-Russian Slavonic University, 2003; Alexander Knyazev, *History and Current Drug Manufacture and its Spread in Afghanistan*, Bishkek: Ilim, 2003; Nancy Lubin et. al., *Narcotics Interdiction in Afghanistan and Central Asia: Challenges for International Assistance*, New York: Open Society Institute, 2002; Maral Madi, "Drug Trade in Kyrgyzstan: Structure, Implications and Countermeasures", *Central Asian Survey*, vol. 23, no. 3/4, September 2004.

- reports from international conferences on drugs⁴
- reports and documents from relevant drug-related law enforcement bodies in Central Asia
- publications from NGOs and others working on drug issues

This paper seeks to analyze the current drug situation in Central Asia, the concepts underlying and applications of counter-narcotics policies, current problems impeding the successful implementation of drug control programs, and the effectiveness and avenues for improvement of drug control cooperation in Central Asia.

⁴ International conference “Drug Trafficking Routes to Europe en Route Central Asia”, Paris, 2003; International Colloquium “Opium War in Central Asia”, Bishkek 2000; International Conference “Enhancing Security and Stability in Central Asia: an Integrated Approach to Counter Drugs, Organized Crime and Terrorism,” Tashkent, 2000; International Workshop “Great Silk Road: Combat Drugs in Central Asia”, Bishkek 1999.

1. The Current Drug Situation in Central Asia

1.1. Trends in the Drug Situation in Central Asia

After the collapse of the Soviet Union the security of Central Asia's new sovereign states was threatened by the danger of drug expansion.⁵ The Iron Curtain fell and the countries of Central Asia were given new opportunities to integrate with the global economy and political community. The geopolitical position of these countries is convenient for the development of trade and political ties with Europe, Southeast Asia and China. Existing communication structures inherited from the Soviet Union are well developed, while trade links southward are being recreated. In some ways, it is possible to talk of a renaissance of the Great Silk Road.⁶

During the last decade the governments of the Central Asian states have been working to determine priorities for cooperation, even as drug traffickers in the region grasped that porous regional borders, corruptible law enforcement bodies, intra-regional commodity trade, common languages, cultural affinity and ethnic diasporas created a favorable environment for the establishment and development of a "great heroin road" or "Northern route" for Afghan drugs.⁷ Afghan and Tajik

⁵ The Central Asian region is formed of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Northward the region borders Russian Federation, in the South Iran and Afghanistan; it spans from China in the East and up to the Caspian Sea in the West. Hereafter, according to Alexander Zelichenko's definition, drug-expansion implies an intensive increase in illegal drug trafficking as well as broadening of the areas of other states where the drugs are trafficked to, often accompanied by arms trafficking on state borders. Alexander Zelitchenko, *Afghan Narcoexpansion of the 1990s and Kyrgyzstan National Security Problems*, Bishkek: Kyrgyz-Russian Slavonic University, 2003, pp. 5-6.

⁶ The so-called "silk routes" represent numerous side roads which branched off, then joined together again, skirting round mountains and deserts, and linking oases and market towns. The term "silk route" itself, however, dates only from the 19th century. Long after, therefore, the caravan trails were interrupted by the Mongolian invasions of the 13th century and the Eurasian trade route was abandoned in favour of maritime trade in the 15th century. Summary data from International conference "Drug Routes from Central Asia to Europe", Paris, 2003.

⁷ Opium has probably been one of the many products transported along Great Silk Route. The development of the production of and international trade in opium in Asia dates principally from the 18th century, and more particularly from the 19th century when the European colonial empires shared a large part of the Asian continent between them. However, the opium trade could not use the routes in Central Asia, apart from those in Chinese Turkistan, as Lower Central Asia was suddenly closed off after Russia took over the khanate of Khiva in 1873. The movements of illicit

drug clans, interested in establishing channels for heroin delivery to Europe, began to test them. They started to exploit the northern route after some disruption in traditional drug routes through Pakistan and Iran and in the midst of a rapid increase in heroin demand in Central Asia and Russia. Factors influencing the development of the drug situation in Central Asia since the 1990s are:

- A steady growth of drug production in Afghanistan and increase in the volume of smuggling;
- Increase in demand for drugs in the CIS countries and Europe;
- The establishment of a new “Northern route” via the countries of the former USSR, the importance of which is increasing due to the strengthening of controls along the Iranian border;
- A worsening social and economic situation in the region, which has encouraged the involvement of some layers of society in the drug trade;
- Poor condition of drug abuse prevention systems and a lack of medical clinics and rehabilitation centers;
- Changes in the use of narcotic substances, which have been a crucial factor in the spread of HIV/AIDS, Hepatitis, tuberculosis and other infectious diseases;
- The emergence of new synthetic drugs (such as ecstasy), as well as an increase in the number of users of these drugs;
- Availability of raw material drug base in the form of wild-growing hemp and ephedrine,⁸ as well as the persistence of illicit poppy cultivation in some regions.⁹
- It should be noted that some western experts have occasionally misrepresented the amount of local hemp and poppy cultivation. For example, one researcher declares that “within Central Asia, over 4.5 million

opiates now using the Central Asian transport routes are thus more of a new phenomenon than history repeating itself.

⁸ The 1998 survey found extensive growth of ephedra, which can be used to produce ephedrine (used in the form of ephedrone in the region), the main precursor for the manufacture of methamphetamine or methcathinone. Some 88,200 ha of ephedra were identified in Kazakhstan, 46,400 ha in Kyrgyzstan and 3,500 ha in Tajikistan. UNODC, *Illicit Drugs Situation in the Regions Neighboring Afghanistan and the response of ODCCP*, October 2002, p. 3.

⁹ Climatic conditions in all five Central Asian countries are, in principle, favorable for the growth of opium poppy and cannabis which are illicitly cultivated on small individual plots in villages, or in remote mountainous regions. UNODC Report *Illicit Drugs Situation in the Regions Neighboring Afghanistan and the response of ODCCP*, October 2002, p. 3.

hectares of hemp is planted in the Chuy Valley - an amount capable of producing approximately 6,000 tons of hashish annually.”¹⁰ This statement contradicts the data from the UNODC project “Mapping the extent of illicit drug cultivation in Kazakhstan, the Kyrgyz Republic and Tajikistan.”

- The area of wild growth of cannabis in Kazakhstan covers more than 400,000 ha (329,628 ha found in 1998 plus 72,049 ha identified in 1999 in districts not covered by the 1998 survey). An estimated total amount of 3,900 metric tons of marijuana was harvested (approximately 1,000 metric tons of hashish) in the surveyed areas during 1998-1999. According to the UNODC survey carried out in 1998 and 1999 in selected parts of Central Asia, the total harvested opium poppy area was 3.6 hectares in 1999 (86 % in Tajikistan) and 10 hectares in 1998 (93 % in Tajikistan). These are small plots compared to areas under opium poppy cultivation in Afghanistan.¹¹

The drug problem is not a new phenomenon in the Central Asian region.¹² Nevertheless, levels of drug abuse and drug-related crime rates have been much lower than in the West. Bogdan Lisovich, Regional Representative of UNODCCP, making an estimate of the drug trafficking volume in Central Asia in 1999 at the international seminar “The Great Silk Road: Combat Drug Trafficking in Central Asia”,¹³ noted that:

UNODCCP had incontestable proofs of existence of not only air, automobile and railway “Moscow” smuggling routes, the routes via Baku to Turkey and, besides, the seven land routes from Tajikistan, but of direct air ways of transportation of Afghan drugs via Pakistan, and then via Uzbekistan, Kyrgyzstan and Kazakhstan and further on in the direction of Frankfurt and New York. In this connection, the facts of “a

¹⁰ Tamara Makarenko, “Crime, Terror and the Central Asian Drug Trade”, *Harvard Asia Quarterly*, Volume 6 no. 3, Summer 2002.

¹¹ Source: UN drug and crime office report “Illicit Drugs Situation in the Regions Neighboring Afghanistan and the response of ODCCP”. October 2002, p.3. Tamara Makarenko refers to other data on opium cultivation in Kazakhstan. “In addition, it was estimated in 1997 that 2,000 hectares of opium poppy were planted in Kazakhstan, capable of producing 30 tons of opium annually”. Tamara Makarenko, “Crime, Terror and the Central Asian Drug Trade”, *Harvard Asia Quarterly*, Volume 6, no. 3, Summer 2002.

¹² Kyrgyzstan, for example, cultivated opium poppy legally up to 1974, meeting 86% of the USSR pharmaceutical industry demand, which equated to 16% of world legal opium poppy cultivation. Up to the 1990s, USSR Lekarsprom association made up to 500 tons of ephedra in Kyrgyzstan. Not far away, in the city of Shymkent, Kazakhstan, there used to be a pharmaceutical plant producing narcotic and psychotropic medicines.

¹³ United Nations Office for Drug Control and Crime Prevention (UNODCCP), now renamed to United Nations Office on Drugs and Crime (UNODC).

kilo” seizures, usually well highlighted in mass media need to be seriously considered. While a seizure of insignificant quantity of narcotic substance causes a strong reaction, dozens of tons of drugs in heroin equivalent pass via the region. Unfortunately, the illegal drug traffic situation is quickly deteriorating.¹⁴

During the last five years, the situation has worsened dramatically. Aside from being transit zones for drug trafficking, the region has also become an active consumer of the most dangerous drug of modernity – heroin. The data suggests that around one third of drugs transiting Central Asia are consumed there.¹⁵ As has happened in Iran and Pakistan, countries that are along trafficking routes experience a strong increase in drug abuse.¹⁶ From the spillover of trafficking routes, drug addiction, especially of heroin, has skyrocketed. In 1990 there were more than 5,000 registered drug users out of 50 million people in the region. Since then, Central Asia has experienced the fastest growth in drug addiction of any region of the world. In the period up to 2002, there was an 18-fold increase, with users rising to over one percent of the population of the region.

In many respects drug addiction growth was predetermined by the changes in drug consumption that have taken place in the last five to six years. Previously hashish was the drug of choice, but now opium and heroin addiction is becoming endemic, facilitated by the inflow of cheap opium and heroin from Afghanistan.¹⁷ Moreover, it needs to be kept in mind that many drug users consume a variety of drugs. Surveys suggest that the biggest problems are in the republics bordering Afghanistan, where heroin is the mostly used drug.¹⁸ The data obtained by a rapid

¹⁴ Lisovich, Bogdan. Presented Paper at the International Workshop “Great Silk Road: Combat Drugs Trafficking in Central Asia”. Bishkek, 19-20 May 1999.

¹⁵ In recent years the countries of the Central Asia have been likely turning into a kind of “sump” for drug traffic. Simultaneously this affects a general increase in drug crime and addiction. In December 1999 a cache of unprecedented size was found in the village of Tuleikan, Osh province, Kyrgyzstan, which contained 831 kg of opium, 2, 6 kg of heroin.

¹⁶ According to the UNODC estimation in 2003 there were 1, 2 million drug addicts in Iran and 0,5 million in Pakistan.

¹⁷ According to official sources, in 2002 in Kazakhstan opium was used by 66,5 % of drug users persons, cannabis by 23,3 %; in Kyrgyzstan by 41, 5 %, heroin - 21,8 %, cannabis 25,3 %; in Tajikistan 75,4 % of drug users persons used heroin, 14,2 % opium ; in Uzbekistan heroin was used by 58,9 % of drug users persons, opium 19,5 % - *Drugs in Central Asia 2003*, Bishkek: WHO, pp. 25-26.

¹⁸ This conforms with WHO data - the level of drug addiction in these republics has decreased slightly in 2002 against 2001 and is at the following rate of per 100,000 population: in Kazakhstan, 70,6; in Kyrgyzstan 16,5; in Tajikistan 8,6; in Uzbekistan 12. In early 2003, the number of drug users registered was: Kazakhstan 49736; Kyrgyzstan 5600; Tajikistan 8813 and in Uzbekistan 21360. *Ibid.*, pp. 27-31

assessment study of drug addiction in the region carried out by UNODC in 2000-2002 differ from the official numbers of drug users.¹⁹ The UNODC estimate was of a population of 300,000 users across the region, and the rate of users per 100,000 people was 1,110-1,251 in Kazakhstan, 1,644-2,054 in Kyrgyzstan, 734-991 in Tajikistan, and 262-367 in Uzbekistan.

Comparison with official statistics on the number of drug abusers suggests some inaccuracies in this assessment – the rates in Kazakhstan and Kyrgyzstan seem overstated and those in Uzbekistan and Tajikistan understated. Executives of the UNODC Project concede that the data on the republics is a rough estimation. However, the general results of the research are accurate and it is clear that the Central Asian states are ill-prepared to deal with the current drug situation. Given that the problem of drug addiction grows as a result of trafficking to northern and western markets, it is necessary to balance assistance provided by the international community in the field of counter-narcotics with an increase in the sphere of demand reduction.²⁰

Drug abusers are prone to HIV. In 2000, HIV outbreaks were registered among intravenous drug users (IDU) in the cities of Temirtau (Kazakhstan), Osh (Kyrgyzstan) and Yangiul (Uzbekistan).²¹ According to statistics, 70% of HIV infections across Central Asia have been contracted through drug injection (the figure in Kazakhstan and Kyrgyzstan is ca. 82 %). Intravenous drug administration is the main cause of the rapid spread of HIV/AIDS as well as other sexually or intravenously transmittable diseases. A sudden and drastic rise in HIV has been registered in the region since 1997, before which HIV/AIDS was a very slight problem. In the period 1990-1996, HIV/AIDS cases hovered around 0.2 cases per 100,000 people per year, before jumping to 1.4 in 1997. It is not a coincidence that it was in that same year that large volumes of heroin trafficking began – from its beginning, the spread of HIV in Central Asia was directly related to intravenous drug use, above all of heroin.²²

¹⁹ Their estimates are: Kazakhstan 165.000-186.000 while the population is 14.869.021; Kyrgyzstan 80.000-100.000 while the population is 4.867.481; Tajikistan 45.000-55.000 while the population is 6.131.000; Uzbekistan 65.000-91.000 while the population is 24.813.109.

²⁰ Report of the Regional conference on drug addiction problems in Central Asia "Estimation of the situation and relevant measures", June 26-28, 2002, Tashkent, Uzbekistan.

²¹ In 2002 the number of HIV infections were 3,257 persons in Kazakhstan, 362 in Kyrgyzstan, 77 in Tajikistan, 17602 in Uzbekistan. Out of these 711 were intravenous drug users in Kazakhstan, 297 in Kyrgyzstan, 47 in Tajikistan, and 1137 in Uzbekistan.. *Drugs in Central Asia*, Bishkek, 2003, pp. 37-38.

²² *The Drug and Crime Situation in Central Asia*, ROCA UNODC, 2003.

According to a compilation of unofficial sources, slightly over half of Afghan drugs seem to be trafficked via Pakistan and Iran (with an estimated 15% smuggled directly into Afghanistan from Iran and up to 40% through Pakistan and Iran), and the overwhelming majority of the remainder goes along the Northern route, i.e. via the countries of Central Asia. Of this, about half is trafficked through Turkmenistan and half through Tajikistan and Uzbekistan. Opium is delivered to Dushanbe and to the northern regions of Tajikistan from the borders of Afghanistan via Khatlon province. From Tajikistan, the drugs continue to Kyrgyzstan and Uzbekistan. Ten years ago, the main flow of drugs was along the Khorog-Osh highway. Currently, drug seizure data shows that drug transportation in this direction is mostly done on foot or pack animal and crossings are spread along the Kyrgyz-Tajik border in the direction of the regional centers of Batken and Osh. Six main directions of drug trafficking into Kyrgyzstan have been identified and the Batken direction is the most troublesome of them.²³

During recent years the largest drug seizures have taken place in the Batken region. Batken borders Uzbekistan and Tajikistan and includes several Uzbek enclaves that were used by international extremists from the Islamic Movement of Uzbekistan (IMU) during the summer and autumn of 1999 and 2000. This region might therefore be expected to be problematic as terrorist activity and drug mafias have led to its destabilization and it is precariously positioned across the frontiers of Kyrgyzstan, Uzbekistan and Tajikistan.

Drug trafficking routes from Uzbekistan wind through the territory of Russia and the Caucasus via western Kazakhstan.²⁴ Practically the entire territory of Kazakhstan is affected by trafficking. Turkmenistan does not provide data on seizures but some analysts have hypothesized that the strengthening of checkpoints on the Iranian-Afghan border have encouraged a diversion into Turkmenistan of drugs previously trafficked via Iran. Turkmenistan has access to the Caspian Sea, which makes transportation faster and cheaper and makes Turkmenistan a favorable transit zone. However, the country's authorities are

²³ Apart from the Batken route which covers mountainous paths from Jergetal and Garm districts of Tajikistan to the Batken province and the Kadamjai district, Osh province, Kyrgyzstan, and the above-mentioned Kyzyl-Art route, which covers the Osh-Khorog highway and adjacent areas, neighboring with the Murgab district of Gorny Badakhshan autonomous province of Tajikistan, the following routes should be fetched out: Altyn-Mazar route, which starts on the Rushan plateau then via gorges of the Zaalai range to the Chon-Alai valley, and, at last, the Leninobod route, which covers all the automobile roads from the Lyailyak district and neighboring districts of Uzbekistan to the city of Osh.

²⁴ Since 2000, when Uzbekistan established a visa regime, automobile drug flows from Afghan-Tajik routes switched to Kyrgyzstan again, via Gorno-Badakhshan (Khorog-Osh) in particular.

reluctant to speak on the subject and snub initiatives on cooperation to combat drug trafficking. Access to information on the quantity of drugs moving through Turkmenistan is difficult, which affects the efficiency of efforts to address drug trafficking.²⁵

When analyzing the structure and dynamics of drug crimes, the fact that these crimes are murky by nature, and often neither visible nor recorded should not be forgotten, and it should be noted that the data available reflects more the activity of law enforcement agencies than the real prevalence of such crimes. Strengthening law enforcement against the drug crimes leads to an increase in the number of registered crimes and generally increases the volume of drug seizures. The murkiness of illegal drug trafficking is preconditioned by both objective and subjective factors. For example, even with all available means of counteracting smuggling from Afghanistan, it is unrealistic to provide effective examination of hundreds of trucks passing along the highway. It is practically impossible to establish proper control over the thousand of gorges that connect Kyrgyzstan, Uzbekistan and Tajikistan and which are used by smugglers. Nevertheless, statistics on illegal drug trafficking, despite their relative unreliability, confirm its steady growth.

In 2002, for example, Kazakhstan seized 56 tons of various narcotics, psychotropic substances and precursors from illegal circulation and the number of registered crimes was 13,313. The largest drug seized (about 17 tons), however, was cannabis.²⁶ While large quantities of cannabis products are seized in the region, most attention has been paid to opiates, in particular heroin, both because of the enormous increase in the opiates seizures since the late 1990s and the particularly grave dangers associated with heroin and opium addiction. Heroin flows are increasing in the region. Since 1993 there has been a 30-fold increase in heroin seizures in Central Asia. Tajikistan alone ranked fourth worldwide in heroin seizures in 2003. While in 1995 heroin seizures accounted for 3% of all Central Asian opiates seizures (expressed in heroin equivalents), this share increased to 74 % in 2000 and, based on preliminary data, exceeded 90% in 2001. Central Asian heroin seizures tripled from less than 1 metric ton (mt) in 1998 to over 3 mt in 2000, a trend that continued in 2001. Preliminary figures for Central Asia as a whole

²⁵ Nadejda Jarkova, "Drugs in Central Asia", *Zerkalo*, no. 45 (201), 13-19 November 2003, p. 2.

²⁶ *Drugs in Central Asia*, Bishkek, 2003, p.12. In 2003 Kazakhstan seized 17 tons 300 kg of various drugs, psychotropic substances and precursor (marijuana- 16 tons 514 kg, hashish - 164 kg 274 g, poppy straw 262 kg 185 g, opium - 219 kg, heroin - 123 kg, pills - 444 units, and capsules of psychotropic substances - 20).

show that heroin seizures amounted to more than 5 mt in 2001.²⁷ The leader in terms of volumes of opiates seized is Tajikistan. According to the data of the Tajik Drug Control Agency, 9,603 kg of narcotic substances were seized by Tajik law enforcement and Russian border guards in 2003.²⁸ This is close to three times more than 1996, and a 43% increase over 2002. Heroin is the main type of illicit drug. The quantity of the heroin seized increased from 6 kg in 1996 to 5,600 kg in 2003.²⁹ The tendency is similar in Kyrgyzstan³⁰ and Uzbekistan.³¹

The authorities in Turkmenistan have made seizures of varying amounts of opiates in the past. Heroin seizures peaked at nearly 2 mt in 1997, by far the largest amount seized in Central Asia at the time. Similarly, 4.6 tons of opium were seized in 1999.³² According to the UNODC, several years ago large shipments of illicit drugs and precursors were seized in Turkmenistan. In 1996-1998, 77% of heroin seized in Central Asia was apprehended in Turkmenistan. During 1995-2000, more than 198 tons of precursor chemicals were seized in Turkmenistan, mostly acetic anhydride, used in the manufacture of heroin.³³ However, Turkmenistan has not been providing any data on drug seizures since 2000.

²⁷ UNODC, *Illicit Drugs Situation in the Regions Neighboring Afghanistan and the response of ODCCP*, October 2002, p. 3.

²⁸ In 2003 Russian border guards seized more than 5 320 kg of drugs (32% more than in 2002) the heroin share made about 2 750 kg. See: Igor Vitebsky, "Kriminalnaya armia spetsialnogo naznacheniya", *Nezavisimoe Voennoe Obozrenie*, 19 March 2004.

²⁹ From the survey of the Tajik Drug Control Agency's activities in 2003. Tajikistan's share was 82% of Central Asia's total opiate seizures. Since 1999 over 30 tons of opiates including 16 tons of heroin were seized in Tajikistan. Certainly, the contribution of Tajikistan to suppression of Afghan drug traffic is far greater than that of other republics of Central Asia.

³⁰ In 2003, 3,548 kg of drugs of all kinds were seized in Kyrgyzstan (in 2002 - 2,906 kg). However, the basic increase took place due to the products of the cannabis group (hashish and marihuana), whereas the share of "hard" drugs - opium and heroin, against the similar period of 2002, decreased a little: opium - 45, 6 kg (2002 - 109, 2 kg); heroin - 104, 5 kg (2002 - 271, 2 kg). In 2003 the number of drug crimes revealed increased 2, 9 % (3.106 against 3.018 drug crimes in 2002 - Survey of the Kyrgyz Republic Drug Control Agency Activity for 2003.

³¹ In 2002 839,6 kg of the drugs seized were heroin - 256,3 kg, 76 kg of opium, 44,7 kg of hashish, 462,6 kg - marijuana and koknar. In 2003, 1080, 5 kg of narcotics were seized in Uzbekistan. As a result of the measures taken in 2003, law enforcement bodies discovered 8893 drug-related crimes, representing a growth rate of 2%. Judicial bodies processed 5,460 drug-related cases involving 6,845 persons. Altogether in 2003, 177 citizens from the CIS countries and further abroad were detained because of drug-related crimes. Survey for 2003 of the National Center on Drug Control of Uzbekistan.

³² *The Drug and Crime Situation in Central Asia*, ROCA UNODC, 2003.

³³ UNODC, *Illicit Drugs Situation in the Region Neighboring Afghanistan and the Response of ODCCP*, November 2002, p. 13. It should be noted that some Central Asian countries have their own large

The conclusion that drug-related criminal activity is progressing is suggested by the dynamics of drug crimes in the overall crime structure. For example, in the early 1990s each 23rd crime was related to drugs, but by the end of the 1990s each 10th crime registered was directly related to illegal drug circulation. Similar trends were observed in other Central Asian countries. Among these, registered crimes constituting handling drugs without intention to sell prevail. Restrictive legal measures are applied against individuals obtaining and storing drugs for personal use and against small distributors (peddlers). Under such conditions the efficiency of legal measures is decreasing. Meanwhile, larger criminal groups engaged in illegal drug circulation are rarely caught by law enforcement agencies due to difficulties in detection and interdiction.

In the early 1990s the spontaneous self-development of organized crime began when small criminal groups of 3-4 persons with rather narrow specialized interests and localized criminal influence formed, after which a new stage of criminal community formation began. In this sense, the development in parts of Central Asia differs from the depiction of sophisticated drug syndicates raised by some researchers.³⁴ It is unclear whether such syndicates are dominating the drug trade, and the picture defers from country to country. In the case of Tajikistan and Turkmenistan, it is clear that there are developed criminal groups involved in drug trafficking and the volume of drug seizures in these countries are significant. There are also examples of high-level official involvement in drug trafficking in these countries. However, Kazakhstan, Kyrgyzstan and Uzbekistan do not yet show signs of drug syndicates similar to the Colombian cartels. Letizia Paoli noted that:

According to Moscow's police officers, groups of heroin smugglers from Afghanistan and Tajikistan usually consist of five to ten people, which may be on exception expand up to 20-25. The strength and cohesion of most of these (and other) illegal networks, however, should not be overestimated.³⁵

Thus, comparatively small individual shipments of heroin are trafficked from Tajikistan and the chain of distributors is usually short – three or four links including the final consumer. An importer is usually also a wholesaler who pushes

chemical industries, which makes it possible to divert all the chemicals required for heroin manufacture. During 1995-1998, 77,6 tons of precursor chemicals were seized in Uzbekistan.

³⁴ Tamara Makarenko, "Crime, Terror and the Central Asian Drug Trade", *Harvard Asia Quarterly*, volume 6, No. 3, Summer 2002.

³⁵ Letizia Paoli, "The Development of an Illegal Market: Drug Consumption and Trade in Post-Soviet Russia", *British Journal of Criminology*, vol. 42, 2002, p. 34.

heroin in small quantities after its arrival in Russia. However, along the Afghan borders all the indications of drug-syndicate organization are present, characterized by strategy, armament and sustainability. There are incessant armed clashes on the border and in two decades of opposition to drug trafficking Iran has lost more than 3000 drug control officers at its border with Afghanistan.

According to the Chief of the Headquarters of Russian Federal Border Service in the Republic of Tajikistan, General Alexander Baranov, in 2003 border checkpoints were fired at 12 times, both from neighboring Afghanistan and from Tajik territory, and 25 armed clashes with armed traffickers of superior numbers took place. The military units are confronted by an international criminal army that has a sharp and branching structure as well as strict discipline.³⁶ While trying to cross the river the smugglers demonstrate good training and consistency in the coordinated actions of different groups. Their leaders permanently try to misinform and side-track the border guard services. In addition, drug traffickers are well-equipped and quite mobile. The usage of scrambled communication devices has become widespread. In 2003 14 radio transmitters were seized from drug traffickers. The traffickers also carry arms potentially useful for terrorism as well. In 2003, seizures included 13 portable anti-aircraft rocket complexes of the "Strela" type, three launchers for them, jet and tank shells, mines, grenades and ammunition for grenade launchers. In addition, over 100 kg of explosives were seized, a five-fold increase over 2002.³⁷

Tajik organized drug groups openly challenge law enforcement agencies in their home country and in neighboring states. In May 2004 officers of the Southern counter-narcotics department of the Kyrgyz Ministry of Interior detained a citizen of Tajikistan with 3 kg of heroin. Later, these officers were attacked by an unknown group from Tajikistan, who demanded the release of the drug courier. Armed with three machine-guns and a Makarov pistol, they shot twice in the air and took their compatriot, presumably an accomplice, away.³⁸ There is a custom in Tajikistan and the south of Kyrgyzstan that property and even family members are left as hostages to drug lords as a guarantee.

These examples confirm the strengthening of organized drug-related crime at the micro (local) level, which is not properly controlled by authorities. Organized crime takes advantage of weak government by any means. The dramatic events

³⁶ Igor Vitebsky, "Kriminalnaya armia spetsialnogo naznacheniya", *Nezavisimoe Voennoe Obozrenie*, 19 March 2004.

³⁷ Ibid.

³⁸ Oibek Khamidov, "Drug Courier Was Taken Abroad", *Vecherny Bishkek*, 19 May 2004.

connected with the intrusion into Kyrgyz territory in 1999 and 2000 by international Islamic armed extremists with experience from the wars in Afghanistan and Tajikistan serves as a striking example of this.³⁹

The drug business generates enormous profits and the temptation to grab a cut creates favorable conditions for corruption in law enforcement agencies. Corruption, as a form of social pathology related to patronage and cooperation with criminals, promotes a significant increase in drug trafficking. Drug-related corruption includes not only basic bribery of public officials but also any actions assisting and developing drug businesses, such as officers covering sales of heroin on the streets and in drug dens in return for remuneration. Other examples are the sale of seized heroin and investigators and judges contributing to the “disruption” and falsification of criminal cases. Until legal salaries in these positions are higher, corrupt officials will not disappear. For example, in early 2004, an officer serving as Department Head of Tajikistan’s DCA in the Zaravshan valley (Tajikistan) was arrested with 30 kg of heroin. Later 6 kg of opium were seized near his house. It was speculated that this arrest was related to the ongoing war between law enforcement agencies in Tajikistan over control of the drug trade.⁴⁰

Another well-known case was the involvement in trafficking of Tajik diplomats and the leadership of the national defense ministry. The Tajik ambassador to Kazakhstan was twice caught transporting drugs, including 62 kg of heroin, and shortly after his expulsion the Tajik trade representative in Kazakhstan was caught with 24 kg of heroin. In August 2002 a former Tajik deputy defense minister was imprisoned for using a military helicopter to smuggle drugs.⁴¹ According to the estimates of American experts, corruption is blooming in Uzbekistan and the planting of narcotics on suspects appears to be a standard practice of law enforcement officers. In the same report it was noted that Kazakhstan is continuing to undertake efforts to combat drug abuse, but that corruption complicates the fight against the drug trade.⁴² There are numerous

³⁹ Alexander Knyazev, *History and current drug manufacture and its spread in Afghanistan*, Bishkek: Ilim, 2003.

⁴⁰ “Voyna narkobaronov”, *Rossia*, 12 April 2004.

⁴¹ Roger McDermott, *Border Security in Tajikistan: Countering the Narcotics Trade?* London: Defense Academy of the United Kingdom, 2002.

⁴² US State Department Report on International Strategy on Drug Control. “USINFO.STATE.GOV”. February 2004, <<http://usinfo.state.gov/ruski/>> (4 June 2004).

publications regarding the pervasive levels of drug-related corruption in Turkmenistan.⁴³

The drug business is much more profitable than other kinds of criminal business, including the trade in illegal arms, which is why it has become one of the basic types of activity of organized crime in Central Asia. Organized crime is a form of social pathology that is a high-level threat and it is embodied in the permanent functioning of criminal communities. It supervises and carries out illegal drug trafficking to Russia and to the Western countries and includes the laundering of illegal proceeds. At present, law enforcement agencies are unable to implement adequate measures against this threat.

All statistical data on drug trafficking is of questionable reliability, most drug related crimes are unreported, drug addiction is widespread and analysis of the drug situation is always based on approximate conclusions. However, factors related to the continuing growth of drug trafficking are expressly negative influences on the development of the countries of Central Asia and pose a permanent threat to security.

1.2 Drug Situation Forecast for Central Asia

The scale of the problems concerning the struggle against drugs, the dynamism of the situation and the great variety of the processes and aspects related to the development of this phenomenon require an analytical forecast. Without such analysis it is impossible to obtain a full picture and plan for relevant time frames while determining the purposes and objectives of counter-narcotics policy, the range of their institutionalization and priorities. A trial and error method costs too much in this context, which is why forecasting is the basis for planning and administration in the sphere of counter-narcotics policy as well as for legal regulation of this fight. If properly constructed, it allows for timely findings and the implementation of optimal solutions instead of only reaction and improvisation.

An analysis of the drug situation in Central Asia over the last few years reveals a large expansion that poses an escalating danger to the stable and secure development of the Central Asian region. In forecasting the development of the drug situation in the future, the following can be stated with some degree of confidence:

⁴³ Gennady Lebedev, "Turkmen Transit", *Novaya Gazeta*, 4 November, 2002 # 81; Abdi Kuliev, "About Drug abuse and Drug Trade in Turkmenistan", *Erkin Turkmenistan*, 24 April 2002; Rashid Nazarov, "Niyazov's Drug Syndicate", *Gundogar*, 1 March, 2004.

- The trend of continuously increasing demand for drugs in the countries of Europe, CIS and Central Asia in particular, will persist;
- As a result, the transit of drugs of Afghan origin via the territory of Central Asia is unlikely to decrease but will at least stay stable, with the high possibility of an increase. This is likely because of a range of factors – a huge amount of opium cultivation in Afghanistan; continuous increase of heroin production; and a probable escalation of international terrorists' activity on the territories of Tajikistan, Kyrgyzstan and Uzbekistan. The unstable situation in Afghanistan also exacerbates the situation;
- Growth of criminal activity, especially more sophisticated crimes in Central Asia are possible direct outcomes of the drug situation. One of the factors facilitating crime is the difficult social and economic situation in the countries of Central Asia, in particular in Tajikistan;
- Concurrently, the number of drug addicts will increase, particularly intravenous drug users;
- Along with the increase in drug trafficking, the level of corruption in law enforcement agencies of the Central Asian states will also increase.
- It should be noted that the potential pervasiveness, due to its dormant character, of criminal activity is steadily increasing given the re-orientation of significant layers of the population toward criminal-type relations, and the obliteration of boundaries between illegal and legally acceptable behavior in the conscience of citizens. This is being expressed in the form of legal nihilism and a more tolerant attitude towards drug addiction as well as towards narcotic-related criminal activities.

The negative developments in the sphere of illegal drug trafficking in Central Asia are coupled with a negative societal situation and the amplification of a sense of desperation and hopelessness, which, in turn, stimulate the search for oblivion (especially among vulnerable layers of the population). This socio-economic factor is particularly important in contributing to the development of illegal drug trafficking in the region, which in turn has provoked the extreme growth of drug-related criminal activity of the 1990s. It is common knowledge that socio-economic factors have a certain influence, often a dominating one, upon the behavior of individuals and groups participating in drug trafficking. It is safe to say that the socio-economic situation in Central Asia produces drug activity, forces certain layers of the population to get involved in drug trafficking, and that this situation

is a factor in the spread of drug addiction.⁴⁴ Generally, with the notable exception of Kazakhstan, living standards in the region are the lowest in the CIS, and are getting worse. Vulnerable layers, such as pensioners and youths, are often involved in drug activities. Easily available drug crops, relatively high incomes, and the absence of pensions or the endless delay of payments of salaries are all factors that push the population towards drug-related activity. The Gorno-Badakhshan province of Tajikistan is an obvious example in the 1990s, when opium was the only form of payment in that area. It is apparent that the effectiveness of counter-narcotics measures is negligible without the realization of a wide range of comprehensive social and economic measures, most importantly poverty alleviation.

This is the most likely and disheartening forecast of the development of the drug situation, based on a continuous increase in drug demand and in Afghan opiate production. The combination of increasing drug addiction and religious extremism should force state authorities to prioritize solutions to drug addiction. Drug trafficking in the Central Asian region has become a direct source of political instability and terrorism. The events linked to the intrusion of Islamic terrorists belonging to the Islamic Movement of Uzbekistan (IMU) into the territory of Kyrgyzstan and Uzbekistan in the summer and fall of 1999 and 2000 demonstrated this. Afghan drug trafficking to a great extent influenced the drug situation in Central Asia and the populations of the region became hostages of this the world's fastest-growing drug producer. As Afghanistan's Minister of Foreign Affairs Mr. Abdullah stated:

Let us not forget that Afghanistan's historical misfortunes and troubled politics over the past two decades gave birth to a poppy-driven agriculture in large areas of our country. We did not face this problem 25 years ago. The root causes of increased reliance on poppy cultivation are directly linked to invasions, massive exodus of people and skills, drought, war and poverty. Afghanistan was agriculturally self-sufficient prior to the 1978 coup d'état, but as internal conditions worsened over time, narcotics became a means of livelihood for many inside the country, but also a very profitable business venture for producers, smugglers and criminal circles in our region and beyond.⁴⁵

The combined effect of increased production and high prices explained the estimated value of 2003's production at \$1.2 billion, equivalent to 52% of

⁴⁴ About 55 million people live in Central Asia, mainly in rural localities. There are nearly 100 ethnicities. Children and youths make up 30-45% of the population, about 50% are employable.

⁴⁵ Abdullah, Abdullah. Speech at the international conference "Drug Routes from Central Asia to Europe". Paris, May 22, 2003.

Afghanistan's legal GDP. Lower prices in 2004 led to some decrease in the farmgate value in spite of increasing production. However, although opium represents a major source of income for Afghan peasants (approximately 10% of the Afghan population depends on the drug economy according to UNODC), over 90% of the profits from drug trafficking are earned in consumer countries (\$25 billion).⁴⁶ From 18 of 32 provinces cultivating opium in 1999, the figure had increased to 28 in 2003, and in 2004, a;; provinces produced opium. In 2003 the average income from poppy - \$12,700 per hectare - was much higher than from wheat, at \$222 per ha. Though opium prices have dropped since, the difference remains significant. According to UNODC research, 69% of all farmers interviewed in poppy-growing regions of Afghanistan intended to increase poppy cultivation in 2004, 16% to keep it stable and only 4% to reduce it.⁴⁷ Indeed, final production estimates released by the UNODC in November 2004 showed a 64% increase over 2003 to 131,000 ha, and opium production increasing almost 20% to 4,200 tons.

These statistics show that despite some eradication, the struggle against opium cultivation in Afghanistan is ineffective. No changes will take place in the short term as the economic capacity of the Afghan government cannot not alter the precepts of the agriculture of the country. A long-term timeframe of perhaps 10-15 years will likely be necessary to convince peasants not to cultivate poppy. All this means that neutralizing drug trafficking from Afghanistan will be a long-term and difficult effort. As Peter Scott puts it, though emphasizing the role of the United States:

... the new interim Afghan government has initiated a nominal ban on opium cultivation. But the United States has not given the Hamid Karzai regime enough financial support to make the ban work. Clearly the drug traffic itself is now a well-financed transnational player in the region, and there are no serious current plans to reduce it.⁴⁸

Aside from this, it was observed that during the US counter-terrorist operations the world community expected an extermination of the deep-rooted drug industry as a corollary. Judging by the reports of UN experts, it was the weakness of the central authorities and the dissociation of the coalition forces, as far as the combat against illegal drug production was concerned, that resulted in the present

⁴⁶ Summary Report from international conference "Drug Routes from Central Asia to Europe". Paris, May 22, 2003.

⁴⁷ UNODC, *Afghanistan: Farmers Intentions Survey 2003/2004*, February 2004, p. 3.

⁴⁸ Peter Dale Scott, *Drugs, Oil, and War: the United States in Afghanistan, Colombia, and Indochina*, Lanham, Md.: Rowman & Littlefield, 2003, p. xii.

situation, where Afghan drug trafficking is a danger not only for the Central Asian countries but also for countries that share no border with Afghanistan. Drug trafficking is considered to be an essential part of international terrorism, and the coalition powers in Afghanistan have not effectively dealt with the issue, as noted among other by Russian General Alexander Baranov, leader of the Russian peacekeeping forces in Tajikistan:

The armed forces of the Transitional Government and foreign military units in the Islamic Republic of Afghanistan control the situation nominally. At the moment an armed opposition has been formed. The opposition makes a stand against the governmental and international forces, in particular in the Southern and South-eastern provinces of the country. These forces strive to create supporting bases which let large-scale partisan activity on border Northern provinces – Kunduz, Takhor and Badakhshan as well. This predetermines continuous attempts of illegal drug trafficking over the border line. It is only reasonable to suggest that opium and heroin trade is the basis of financial support for the opposition.⁴⁹

Against the background of drug trafficking spreading from Afghanistan, the Tajik authorities are actively discussing the question of step-by-step transfer of borders guarded by Russian forces to Tajikistan's own border guards. The Russian observers forecast an increase in drug expansion because of the inability of Tajik border guards to combat drug traffickers' activities. If only Tajik border guards serve on the Afghan-Tajik border, then it is perceived, especially in Russia, that the main drug interdiction theater will move to the comparatively quiet Russian-Kazakh border. In addition, should Tajikistan be unable to secure the border, the actual Afghan border will get closer to Kyrgyzstan. According to UNODC, many Afghan heroin processing laboratories have moved to the northern borders near the countries of Central Asia, most notably Tajikistan. There are apparently numerous laboratories of different sizes in the area extending from Faizabad to Kunduz. These small laboratories are often family-run and produce a maximum of 5-10 kg of heroin per day. The establishment of small mobile laboratories is generally seen as a strategy to minimize the risk of detection.⁵⁰

The struggle against drug trafficking in Afghanistan is closely associated with the settlement of a range of social and economic problems. Political stability is foremost. Nearly all Central Asian states are interested in establishment of strong

⁴⁹ Igor Vitebsky, "Kriminalnaya armia spetsialnogo naznachenia", *Nezavisimoe Voennoe Obozrenie*, 19 March 2004.

⁵⁰ UNODC, *Illicit Drugs Situation in the Regions Neighboring Afghanistan and the response of ODCCP*, October 2002, p. 20.

governmental authority in Afghanistan, which would be able to put an end to drug trafficking. If the “Golden Triangle” scenario of offering alternative agriculture is duplicated in Afghanistan, then the drug situation can definitely stabilize, but only if there is strong democratic power in the Central Asian republics and a coherent, restrictive counter-narcotics policy is implemented. As one expert notes:

Even if opium production in Afghanistan were to cease tomorrow and traffickers’ stockpiles run dry, the flow of heroin into Europe would diminish only briefly, if at all. Prices would rise, stimulating production in other states, mainly in Central Asia, where networks for growing, processing, and trafficking are already well-established.⁵¹

Such a development cannot be dismissed out of hand. As mentioned earlier, Kyrgyzstan used to be the largest producer of legal opium in the Soviet Union and climatic conditions for poppy cultivation are favorable in Kyrgyzstan, Tajikistan and Uzbekistan. Today, there are already functioning drug trafficking and distribution networks in these countries. Huge drug markets in Russia and in China have developed into stable consumption countries, stimulating supply. Tajikistan, lacking stability and the poorest country in Central Asia, is exceedingly vulnerable to international drug trafficking. In the long term and under the right circumstances, the Golden Crescent could spill over into Central Asian territory. As in Myanmar, continuing economic decline, growing inflation and increasing poverty and malnutrition, as well as widespread corruption and repression of human rights, have contributed to illicit drug trafficking.⁵²

Besides the Central Asian states, Iran is also focusing efforts interdicting narcotics from Afghanistan. For more than a dozen years, Iran has spent considerable resources, practically fighting alone to halt drug smuggling from Afghanistan. Since the 1979 revolution, about 3,600 law enforcement officers and border guards have lost their lives in a virtual war against drug trafficking. Tehran has spent more than \$1 billion on strengthening the 800 km border with Afghanistan and Pakistan, including the construction of protective concrete walls in ravines, setting up barbed wire, and digging up to 25 kilometer long ditches along the border line. Iran spends about \$500 million annually to combat drug trafficking. Iran has made the largest seizures and arrests in counter-narcotics during the past decade. About 70,000 Iranian law enforcement and border guard officers are engaged in this fight.

⁵¹ Svante Cornell, “The Nexus of Narcotics, Conflicts, and Radical Islamism in Central Asia”, Caspian Brief no. 24, June 2002. Peter Scott also believes that “even if there an effective ban on opium production and trafficking in Afghanistan, one could still predict with some confidence that it would increase in neighboring areas, such as Tajikistan or Kyrgyzstan”.

⁵² Zarina Othman, *Human Security in Southeast Asia: a Case Study of Illicit Drug Trafficking as a Threat in Myanmar (Burma)*, Denver, Colo.: University of Denver. PhD Dissertation, 2002, p. 249.

For Iran, fighting drug trafficking has become state policy and an issue of national security.

In comparison to the ongoing Iranian fight against drug trafficking, the position of Turkmenistan seems a passive one at best. Turkmenistan is obviously one of the most comfortable corridors for drug transit, considering its friendly relationship with the Taliban movement and its refusal to cooperate in regional and international counter-narcotics efforts. Turkmenistan's refusal to cooperate with the international community on counter-narcotics projects was criticized by the International Narcotics Control Board with stern language in 2003. As the country has a 700 km border with Afghanistan, its cooperation is necessary for global efforts against drug and precursor trafficking to be effective.⁵³ Several articles in various media outlets alleging Turkmenistan's complicity in drug trafficking have been published, some suggesting direct dealings between high level officials and the Afghan drug mafia. While not yet proven, these allegations are often plausible.⁵⁴ If Turkmenistan would take an open, uncompromising stand, and most importantly would agree to combat drug trafficking, then the drug situation in the region would change for the better. Aidar Kurtov, an expert with the Russian strategic research institute said:

Taking into consideration the historic experience of counter-narcotics struggle, the Chinese experience of the nineteenth century in particular, if the best possible outcome happened in the coming 10-15 years, some decrease in the number of drug addicts is feasible as a result of the realization of a complex counter-narcotics program. If the program is rejected, CIS countries can witness the Colombian scenario, where drug barons have risen above the drug trade and become political figures. This scenario has already partially been started at the local level in the Central Asian states, where coalescence of drug business and government agencies is actually in progress.⁵⁵

The influence of corruption upon drug trafficking was mentioned previously but deserves to be repeated: positive changes in the drug situation are unlikely to occur unless the issue of drug-related corruption is addressed. Researchers have argued that drug laboratories producing heroin have been present in Tajikistan and

⁵³ "International Drug Control Council Criticizes Turkmenistan", US State Department Report, 5 March, 2004.

⁵⁴ Abdi Kuliev, "About Drug Abuse and Drug Trade in Turkmenistan", *Erkin Turkmenistan*, 24 April 2002; Gennady Lebedev, "Turkmen Transit", *Novaya Gazeta*, 4 November 2002, no. 8; Rashid Nazarov, "Niyazov's Drug Syndicate", *Gundogar*, 1 March, 2004.

⁵⁵ Press release, International Conference "Drug trafficking in Central Asia: Problems and Prospects". Almaty, Kazakhstan, 19 December, 2003.

Kyrgyzstan and label those two and Turkmenistan as potential “narco-states”, although little evidence is provided.⁵⁶ Other researchers believe that if drugs were allowed to freely spread through Central Asia, the whole region would be infected by a kind of “Dutch disease”, when all branches of the economy unconnected to drugs stagnate and decline.⁵⁷ Such a hypothesis is probable, but only partially and unlikely in Kazakhstan, where the basis of a rather strong economy have already been established. It is certainly imaginable in Tajikistan, however. Central Asian countries are not homogeneous, their political, cultural and economic potentials often differ greatly, implying that drug trafficking stands to affect them in different ways and magnitude.

Others depict even more horrible visions of a vicious circle that will make Central Asia more dependent on the illegal drug trade. It is apparent that drug dealers are interested in regional destabilization in order to carry out their plans. Huge profits gained from the drug trade are spent to support their paramilitary forces, which pose a threat to the countries in the region and beyond. Radical and terrorist organizations are often fed with drug money. However, it is difficult to say how political, social and economic changes in Central Asia might affect Russia, China, Afghanistan and Iran. The drug situation increases the risk of the region becoming a cauldron of instability.⁵⁸ Potentially strong security mechanisms involving regional powers, such as the Collective Security Treaty Organization or the Shanghai Cooperation Organization, are the main institutions working to mitigate against this occurrence.

All the factors discussed above serve as the basis for the forecast that follows, which comprises qualitative and quantitative estimations of changes as well as approximate time frames. An accurate medium- (5-10 years) or long-term forecast (over 10 years) does not appear possible given the rapid pace of changes taking place in Central Asia’s transitional societies. Because of this, the scenarios laid out below are short-term (1-5 years) forecasts. In making these forecasts, the history of

⁵⁶ Tamara Makarenko, “Crime, Terror and the Central Asian Drug Trade”, *Harvard Asia Quarterly*, Vol. 6, No. 3, Summer 2002. Kyrgyzstan was the first CIS country which ratified the UN counter-narcotics conventions, created legal and organizational basis of counteraction to illegal drug trafficking. All these measures allow Kyrgyzstan to integrate into the global drug control system. In 1993 Kyrgyzstan officially confirmed its position not to restart opium poppy cultivation for legal purposes. These two arguments seem to be sufficient to refrain from labeling Kyrgyzstan as a narco-state.

⁵⁷ Martha Brill Olcott and Natalia Udalova, *Drug Trafficking on the Great Silk Road: Security Environment in Central Asia*. Washington DC: Working paper no. 11, Carnegie Endowment for International Peace, March 2000.

⁵⁸ *Ibid.*

the phenomena above are considered, as is the close relationship between drug usage, the spread of addiction and criminal activity connected both to drug trafficking and the socio-economic situation. In particular, the crisis situation in the Central Asian countries in economic, psychological and other areas will only gradually be limited by stabilizing tendencies. The level of drug addiction depends largely on factors such as an increase in transnational drug trafficking, continued unemployment of a significant proportion of teenagers and young adults, and their neglect by governments.

Taking into consideration the aforementioned, three scenarios of the development of the drug situation are outlined. Scenario One involves the mechanical extrapolation of current trends. Scenario Two stipulates maximum possible positive changes in the tendencies observed. Scenario Three supposes maximum negative changes in the tendencies observed.

Scenario One. Officially registered drug-related criminal activity in Central Asia will either experience a general decrease or an insignificant increase. The amount of drugs seized cannot be predicted because it depends on chance and the efficacy of law enforcement agencies, but a stable increase in seizures is probable. The number of drug addicts registered will increase by 5-7%. The main efforts of law enforcement will be applied while detaining persons involved in drug criminal activity without intent to traffic (the rate of such crimes in the structure of drug-related criminal activity will be over 70%). This forecast is based on the elementary extrapolation of the data on counter-narcotics activities in the Central Asian republics for the past 5-10 years.

Scenario Two. The drug situation will be stable in the coming three years. There will be a steady decrease of 2-3% per year of drug addicts. The number of offenses related to drug trafficking will increase by 5-6%, while the number of non-trafficking-related drug crimes will decrease by 10-15%. Empowerment of the Afghan government, realization of alternative agricultural programs, effective interdiction on the Tajik, Turkmen and Uzbek borders, effective implementation of international projects within the framework of the 6+2 Security Belt aimed to strengthen the potential of law enforcement along Afghanistan's borders, will all contribute to a stabilization of the drug situation. The realization of international development cooperation projects on poverty reduction and similar national programs may reduce criminal activity.

Scenario Three. In the coming two-three years a steady increase in drug-related criminal activity, either qualitative or quantitative, is expected. The annual increase will not be less than 4-5%. The situation will be aggravated by the crisis of social systems, and less law-conscious people will be pushed into drug trafficking. Recurrent conflict related to religious extremism and international terrorism in

Tajikistan, Uzbekistan and/or Kyrgyzstan remains possible. Trafficking through ill-guarded borders will significantly increase. The construction of the China-Tajikistan highway could provoke an increase in drug smuggling via Tajikistan and China.⁵⁹ Turkmenistan will continue to pursue a policy of neutrality and isolation in the sphere of drug trafficking and thus it will be the softest target for drug smuggling in Central Asia. Appeals to strengthen efforts against drug trafficking will only be good intentions and the corruption of law enforcement agents engaged in drug control will rise significantly. Lacking logistical support, law enforcement agencies will remain generally poorly trained and partly criminally oriented, and will pose a threat to national security. As in the 1990s, demand reduction will not develop properly due to the lack of logistical support, and will contribute to the growth of drug addiction. Drug trafficking will become one of the most powerful trends in transnational criminal activity and a factor in its growth.

Central Asian countries still have an opportunity to contain drug addiction and trafficking at levels that do not pose vital threats to society. However, if the tendencies in drug addiction and trafficking continue as presently without a reasonable and well-directed state policy, the chances of seeing the drug situation stabilized over the next three years is low. If the Central Asian republics continue to lack the logistical facilities to control the drug situation and to confront drug expansion, they will face the prospect of seeing their current levels of stability challenged. This is especially true of Tajikistan, where conditions are conducive to a significant worsening of security. The drug problem in Central Asia is a significant long-term issue and is aggravated by international terrorism, organized crime and religious radicalism, all of which challenge the social vitality and integrity of states that are trying to move out of their transitional period.

⁵⁹ Sultanbek Aksakolov, "A New Silk Road? Tajikistan-China Border Crossing Opens", *Central Asia-Caucasus Analyst*, 2 June 2004.

2. Conceptual, Legal and Organizational Aspects of Counter-narcotics Policy in the Central Asian States

2.1 Conceptual Models of Counter-narcotics Combat and its Impact on the CAR Drug Control Policy

There are three broad methods of implementing counter-narcotics policies. The first is a strict counter-narcotics policy or a 'war against drugs'; the second is a liberal counter-narcotics policy, focusing on legalization; and the third is a restrictive counter-narcotics policy.

The policy of declaring a war against drugs is distinguished by the prevalence of punitive and repressive measures taken while counteracting illegal drug circulation and drug abuse. Against a background of decreasing legal consciousness, there is an increase in drug-related offences, and a gradual weakening of factual control. In turn, this leads to the strengthening of punitive aspects of criminal law by increasing punishments for drug-related crimes. Being inexperienced in criminal policy issues, the population demands a wider application of severe kinds of punishment including capital punishment, taking repression of crime as a panacea. As a rule, such an approach increases the power of law enforcement agencies, which in turn can create a basis for police abuse. The 'war on drugs' punitive policy is characterized by wide application of capital punishment, minimization of democratic procedures during sentencing, and the imposition of sentences by default. Nevertheless, in countries where this approach has been adopted, criminal organizations engaged in drug trafficking do not scale down their activities, and instead upgrade their methods of carrying out drug-related crimes.

The arguments put forward by adherents of this approach are quite convincing and find support in the wider population, particularly the prescription of punitive measures.⁶⁰ Thus, severe punishments for drug crimes have been very popular in the USA. In 1988, when Congress adopted a set of corresponding laws, 62% of Americans interviewed by Gallup were ready to forfeit some liberties for the sake of counter-narcotics struggle. It is still not clear how significant the outcome of these draconian laws have been. They certainly contribute to prison overcrowding

⁶⁰ Leonid Elin, ed. *Voyna s Narkomafiei: Poka bez Pobeditelei*, Moscow: Juridical Academy, 1992, p. 132.

- in 1960 every 25th convicted felon was charged with a drug-related crime. By 1994, every third convict, and 45% in New York, was in prison for a drug crime.⁶¹

Experience has shown that this approach is not always productive and has a short-term effect. The application of repressive laws is a dead-end and the “war” scenario is mainly useful for political purposes. Having declared a ‘war’ on drugs due to the expansion of crack, the U.S. is now changing the priorities of its counter-narcotics policy. Many Americans believe that the “war on drugs” is too expensive, whereas demand reduction is under-funded.⁶² As some observers note, the “war on drugs” has gone out of fashion before crack did. Now the term ‘war’ is being replaced with “struggle”⁶³ However, some opponents of the ‘war on drugs’ in the U.S. are not aiming for a simple budgetary redistribution away from law enforcement and towards demand reduction, but go to the extreme of advocating the legalization of drugs. A similar situation exists in Great Britain.

The war on drugs increasingly recalls the battles between super-states described in George Orwell’s “1984”: the government trumpets its victories, but the war is never to be won. In 1998, U.S. customs officers found and confiscated drugs worth one billion dollars, but it did not affect either the availability, or the prices of drugs in the country. Whereas this strict policy demands more and more funds for police raids, that, correspondingly, leaves fewer funds for prophylactics and treatment of addicts. The arguments of the strict law proponents seldom consider the indisputable fact that prohibitions considered unreasonable by society do not work.⁶⁴

Counter-narcotics policy in China is also named the “people’s war on drugs.”⁶⁵ But in comparison to U.S. policy, the Chinese approach is nuanced by a complex

⁶¹ Vladimir Kozlovsky, “Voinu Zamenili Borboi”, BBC, 11 June 2004.

⁶² In 1998 an Effective National Drug Control Strategy was considered in the U.S., prepared by the Network of Reform Groups in consultation with the National Coalition for Effective Drug Policies. The document’s aim was to reduce the harm caused by the “War on Drugs”. It was suggested that the counter-narcotics budget of the Office of National Drug Control Policy (ONDCP) be redistributed as follows: treatment - 33%, youth drug use - 34 %, law enforcement - 33 %, taking into account that the budget of ONDCP in 1999 was composed of treatment - 22%, youth drug use - 12 %, law enforcement - 66 % - The Effective National Drug Control Strategy Prepared by the Network of Reform Groups in consultation with the National Coalition for Effective Drug Policies. Available from <<http://www.csdp.org/edcs/theneed.htm>>. [5 June 2004].

⁶³ Vladimir Kozlovsky, op. cit.

⁶⁴ Tatiana Berg, “War 1984”, BBC, 17 June 2004.

⁶⁵ Liu, Zhang, and Messner, *Crime and Social Control in a Changing China*, Westport, Conn.: Greenwood Press, 2001, p. 154.

system of government. Its basis is complete drug prohibition. The goal of the Chinese government is to provide private life security and to guarantee the existence and development of the people. The government has developed and is carrying out a number of political programs:

- Fighting drugs is to be considered as something concerning the destiny of the Chinese nation. It is to be included into the program of social and economic development, along with the establishment of a system for holding authorities responsible at all levels;
- Strategy in the counter-narcotics struggle incorporates complex measures and the carrying out of legal, administrative, economic, cultural, educational and medical actions, requiring the mobilization of all social forces.

The central focus of Chinese counter-narcotics policy is the prevention of drug usage among young people. Thus, the basic emphasis is on the organization and coordination of preventive activities by governmental authorities and public organizations and the encouragement of a careful attitude to life.⁶⁶ Chinese criminologists believe that their “people’s war on drugs” will be more successful because:

In the United States, the call for legalization of drugs has tended to be more popular recently. If gaining the support of the people is the first prerequisite for victory in modern warfare, as claimed by the American opponent, then the Chinese government has such support from the masses. The Chinese can never forget their history as the “sick men of Eastern Asia,” which was caused by drug abuse. “Zero tolerance for drugs” is socially accepted, and decriminalization of drugs has no voice in China. The popularity of the war on drugs provides the Chinese government with a basic condition to win.⁶⁷

Criminologist Hangar Alikperov suggests a rejection of the widespread opinion that strengthening legal punishments could seriously affect the current levels of criminality.⁶⁸ Global experience demonstrates that severe sanctions do not redress nor deter drug-related crime. Iran is perhaps the best example. Furthermore, it should be recalled that prisons are often ‘criminal nurseries’ and rehabilitation is not common. Rates of return among drug addicts are particularly high.

⁶⁶ George V. Zazulin, and Natalia Frolova, *Aktualnye Voprosy Antinarkoticheskoi Politiki: Otechestvennyi I Zarubejnyi Opyt Sankt-Peterburg*, SPb State University, 2003.

⁶⁷ Liu, Zhang, and Messner, *op. cit.*

⁶⁸ Hanlar Alikperov, *Prestupnost i Compromis*, Baku: Elm, 1992. p. 17.

A liberal counter-narcotics policy is often carried out in the name of “humanizing” the fight against drug trafficking and abuse. Such an effort may develop into the legalization of drug circulation, or the decriminalization of non-medical usage. This is not without negative consequences as a lack of criminal prosecution can foster a permissive atmosphere. Following from this, the number of drug-related crimes and the number of crimes committed under intoxication explode. For example, in May 2004 Russia took one step toward legalization in a series of legislative amendments decriminalizing the possession of quantities of drugs that had previously been enough to earn a criminal conviction. Deputy Director of the Federal Drug Control Service of Russia Alexander Mikhailov believes:

...the consequences of this decision are catastrophic. According to the rules offered by the Ministry of Justice, there will be tons of legal heroin in drug dealers’ and addicts’ pockets daily! Meanwhile, in 2008 our country will have to report upon the changes in the drug situation in Russia at the Assembly of the United Nations. If we follow the scheme of the Ministry of Justice, our report at the United Nations will be about increase of addicts’ number and volume of drugs spread.⁶⁹

Such legislative initiatives lay an imprint on the implementation of legal measures in counter-narcotics. It should be noted that the Netherlands and Switzerland legalized many years ago, and at present face an unlimited supply of both soft and hard drugs. As a result, the drug situation is beyond the control of authorities.

The Netherlands attracts drug dealers and addicts from various countries with stricter drug policies. In describing the situation in Holland, observers note that unintended consequences – such as an increase of drug addiction – arose following the legalization of ‘soft’ drugs. Youths from Germany, England, Italy, France and other European countries headed to ‘Marijuana’s Mecca’, effectively bypassing interdictions and obstacles carefully erected by governments with more traditional drug policy regimes. In France, the Dutch policy was deemed incomprehensible and some politicians labeled the Netherlands a ‘narco-state’. Georgiy Zazulin and Nataliya Frolova, who conducted a comparative study of counter-narcotics policies, noted:

The transformation of Holland into the European drug capital has taken place not only due to the decision of the Dutch government to legalize sale of products made of hemp in their well-known cafes. Similar practical models of liberal drug policy are being imposed on Russia, the CIS countries, for example, Ukraine, and Kazakhstan. In particular,

⁶⁹ Tatiana Kosobokova, “Bitva za Dozu”, Rosbalt, 25 May 2004. Available from <<http://www.rosbalt.ru/2004/05/25/162787.html>>. [2 June 2004].

Kazakhstan was recommended “to become the tourist Mecca for hemp fans from the entire world.”⁷⁰

Despite the fact that legalization reduces hidden drug addiction, it also leads to an expansion of overall rates of drug abuse, of illegal trafficking and of the general level of demand. Perhaps with an accurate perception of this, the majority of respondents to polls regarding drug abuse in Western Europe opposed legalization.⁷¹

The restrictive policy is characterized by its social-preventive orientation. It provides precise legal restrictions, different approaches to different drug-related crimes, and is carried out through the legal system. This approach is flexible and excludes the extremes described above. Sweden has pursued such a policy, with generally positive results.⁷² In 1994 the Declaration Against the Legalization of Drugs was signed in Stockholm by 23 European cities. Under the initiative of the mayor of Stockholm, a non-profit international public organization – European Cities against Drugs (ECAD) – was established. By 2004 it had 245 members. The following statement sums up this policy: “Drug abuse is not an illness, but a wrong behavior with bad consequences.”⁷³ In the 1960s, Swedish counter-narcotics policy was fairly liberal, basically reflecting a harm reduction approach. For example, from 1965 to 1967 it was possible for chronic drug users to obtain prescriptions for morphine and amphetamines. Over time, Swedish policy has become more restrictive, with the aim of current Swedish counter-narcotics strategy being a ‘drug-free society’. The authors of this concept wrote:

A drug-free society is a high objective expressing society's attitude to narcotic drugs: we do not accept the integration of narcotic drugs in society, and our aim is a society in which drug abuse remains a socially unaccepted form of behavior, a society in which drug abuse remains a marginal phenomenon.⁷⁴

⁷⁰ George Zazulin and Natalia Frolova, *Aktualnye Voprosy Antinarkoticheskoi Politiki: Otechestvennyi I Zarubejni Opyt*. Sankt-Peterburg, SPb State University, 2003.

⁷¹ *Borba s Narkotikami i Posledstva ih legalizatsii v Evrope, Obzor Zarubejnogo Opyta*, Moscow: VNII MVD, 1997, p. 7-10.

⁷² *Restrictive Drug Policy: Swedish experience*, Stockholm: Swedish National Institute of Public Health, 1993.

⁷³ Thomas Hallberg, ECAD director.

⁷⁴ *Restrictive Drug Policy: the Swedish Experience*, Stockholm: Swedish National Institute of Public Health, 1993, p.11. It may be said that Sweden has actually improved the USSR experience of solving drug-related problems as far as general approaches are concerned.

The following principles lie at the heart of the above-mentioned overall objective of restrictive counter-narcotics policy:

- Harm reduction programs are only available in a limited fashion;
- Treatment is based on obtaining complete abstinence and it is possible to force people into treatment;
- Consumption of narcotics is an offense, and urine and blood test are used to detect those suspected of drug use;
- Drug legislation is strictly enforced;
- Discussions regarding the medical value of cannabis are almost non-existent;
- Swedish legislation strictly adheres to and in some respects surpasses the requirements set out in the three United Nations drug conventions.⁷⁵

Moreover, Sweden's policy does not distinguish between hard and soft drugs and marijuana is viewed as a dangerous drug that leads to harder drugs and lifelong addiction.⁷⁶ An ECAD representative in Russia, Georgiy Zazulin, says:

If one says that Swedes have not managed to win drug addiction, then again, it has not been done in a single country of the world yet. At the same time, drug addiction constitutes a real threat to national security, whereas in Sweden it has been reduced to a level that makes it interesting mainly to professionally engaged experts. Other people just do not feel alarm in this concern because the scale of the problem is not comparable to ours. 95% of the Sweden population opposes drugs. They were able to do what we are just planning to: to form the public opinion.⁷⁷

Swedish counter-narcotics programs start early and regularly appear in school curricula. The Swedish vision of a drug-free society is so widely accepted that it is seldom seriously questioned in the political arena or the media. The obvious success of Swedish drug policy has engendered support from all political parties and, according to opinion surveys, the general public. The Swedish population in general has a negative view of drug use and is convinced that drugs pose a major threat to society. However, it should also be emphasized that one of the stated

⁷⁵ National Drug Policy: Sweden, report prepared for the Senate Special Committee on Illegal Drugs. Law and Government Division, 18 April 2002.

⁷⁶ Swedish National Drug Policy Coordinator, *Is Cannabis A Harmless Drug? Connecting Research to Drug Policy*, Stockholm: ONDPC, 2003. (http://www.mobilisera.nu/upload/dok_cannabis.pdf)

⁷⁷ Zazulin and Frolova, *op. cit.*.

goals of Swedish drug policy is to rehabilitate the users rather than to punish them by way of the criminal justice system. One of the most important enabling factors in the effectiveness of Swedish counter-narcotics policy is state financial support of most governmental and NGO treatment and prophylactic measures.

Thus, a simultaneously restrictive and flexible counter-narcotics policy seems to be the most successful model for the construction, development and realization of corresponding strategies, programs and plans.

The Swedish experience is relevant to that in the Central Asian countries. In reality, not a single state in Central Asia is likely to criminalize non-medical drug usage and it would be something of a step back in the development of counter-narcotics policy. However, it must be noted that although usage *per se* is not punishable, Central Asian penal codes are quite strict, since the possession of small amounts of drugs constitutes a criminal offence, except in Turkmenistan. The results of these policies are that 70% of drug-related charges were brought for possession of quantities for personal use. In Kyrgyzstan, for example, criminal prosecution is the only legal instrument applicable to possession of personal use quantities. In Kazakhstan and Uzbekistan, the law is more flexible with regard to possession without intention to sell.

Thus, counter-narcotics policy in Central Asia, excluding Turkmenistan, is restrictive and does not differentiate strongly between personal and commercial possession. Turkmenistan has legalized the possession of up to 5 grams of opium and heroin⁷⁸ and has applied a moratorium on the application of the death penalty for large-scale drug trafficking, but simultaneously maintains harsh sentences in general. Overall, it may be characterized as a tough liberal policy, i.e. an extreme combination featuring legalization and a tough sentencing regime.

Only recently have the Central Asian republics developed the conceptual bases for their counter-narcotics policy. Thus there is Kazakhstan's "Strategy of Counter-narcotics Struggle and Drug Trafficking in 2001-2005", approved by the Decree of the President of Kazakhstan in May 2000. In Kyrgyzstan, there is the "Plan of Drug Counteraction in 2004", approved by the Act of the Government of Kyrgyzstan in April 2004, as well as a "Concept of Counter-narcotics Counteraction", currently being adopted. In Uzbekistan, there is a "Program of Counteraction of Illegal Circulation of Narcotics, Psychotropic Substances and Drug Abuse in 2002-2005". In Tajikistan there is the "Third National Plan on Measures on Combat Illegal Drug Circulation and Rendering Assistance to Drug

⁷⁸ See for example Rashid Nazarov, "Niyazov's Drug Syndicate", *Gundogar*, 1 March, 2004. Available from <http://www.gundogar.org/?topic_id=33&id=828>. [15 May 2004]; Abdi Kuliev, "About Drug Abuse and Drug Trade in Turkmenistan", *Erkin Turkmenistan*, 24 April 2002.

Addicts in 2001 – 2005”. These documents determine with some precision the priorities of counter-narcotics policy, including supply and demand reduction, as well as the minimization of harm related to usage. The states of Central Asia have been making active efforts at all levels in order to suppress the illegal manufacture, circulation and spread of drugs.⁷⁹ Over the last thirteen years the UNODC has come to understand that the most effective solution to the drug problem lies in complex and coherent cooperation, including mutually strengthening measures on both sides of the supply/demand divide.

The main task of state counter-narcotics policy as a part of comprehensive security is Narcological security. Narcological security is a social condition achieved when drug addiction and related crime does not present a threat to the genetic pool of a nation. It also requires that the drug situation is under the control of appropriate state and nongovernmental organizations. Sweden, for example, is a country that appears to have achieved narcological security, which has been accomplished through a well-balanced approach to supply and demand reduction.

Unfortunately, such an approach has not been taken in the countries of Central Asia yet. Until the mid-1990s the problem of drug abuse was seen as belonging to other, consumption, states. International drug control cooperation was essentially concerned with the strengthening of counter-narcotics law enforcement measures. The experience of Iran and Pakistan, who have been along the major opiate trafficking routes originating in Afghanistan, shows that such a position creates the potential for high levels of local drug abuse. Thus, since 1995, when heroin processing began in a systematic way in Afghanistan and its products started moving northward, the drug abuse problem has taken on new dimensions in Central Asia. States were forced to engage in the search for solutions to the whole range of drug-related issues. In addition, the official position of the governments of these countries has changed due to the spread of HIV/AIDS, in particular among intravenous drug users.⁸⁰

Central Asian governments have conceded that their concentration on the law enforcement component of counter-narcotics policy has not generated the desired outcome. The work on drug-demand reduction in the society and drug abuse prophylactics is carried out unsystematically, without due state support. The attention to the drug related problems on the part of mass media, the institutes

⁷⁹ This paper cannot analyze Turkmen counter-narcotics efforts fully because the data is fragmentary or completely unavailable.

⁸⁰ Summary Report "Estimation of the situation and corresponding measures" at the Regional conference upon the drug-related problems in the Central Asia, Tashkent, Uzbekistan, June 26-28, 2002.

forming culture and morals, is mainly determined by search for sensations, rather than by well-thought-out and systematic work. The system of treatment of drug addicts is in a most complicated situation; the social rehabilitation of drug addicts' under the state's supervision is not actually being carried out. Moreover, since 1991 there is a gradual reduction of the number of narcological clinics and other establishments of a similar type in various regions of the republic against the background of the multiplied increase of officially registered addicts.⁸¹

Across Central Asia there has been a substantial reduction in the number of doctors, psychiatrists, narcologists and facilities devoted to rehabilitative care.⁸² In the last few years, however, the non-governmental sector has developed a preventive and rehabilitative sector even as state-based assistance has dwindled. International organizations such as the UNODC, OSCE and the Soros Foundation, as well as a host of NGOs, are active in implementing demand and harm reduction programs, including among HIV-infected drug addicts.

Kyrgyzstan has also experimented with a methadone program, implemented by the Narcological Center and the Osh narcological clinic. About 100 chronic opium and heroin drug addicts are participating. A pilot program had been functioning rather successfully for several years. Managers in Kyrgyzstan's counter-narcotics coordinating agency will not allow the enlargement of this program since its expansion would contradict the restrictive aspects of the current counter-narcotics policy.⁸³ In current conditions, it would be unacceptable to expand harm reduction programs – particularly methadone programs – lest it lead to excessive liberalization.⁸⁴

Because of this, a restrictive counter-narcotics policy uses a variety of harsh and liberal approaches combined with a complex strategy for both demand and supply reduction. Simultaneously, the social condemnation of drug addiction is expressed, which remains to essence of the counter-narcotics measures adopted. As

⁸¹ *Strategy of the Counter-Narcotics Struggle in the Republic of Kazakhstan in 2001-2005*, Astana: DCC, 2001.

⁸² According to the data of the WHO Information center in the Central Asia narcological berths in the Central Asia are provided per 10,000 people: in Kazakhstan – 2,9; in Kyrgyzstan – 0,6; in Tajikistan – 0,082; in Uzbekistan – 0,25. *Drugs in Central Asia*, Bishkek: WHO, 2003.

⁸³ Similar programs function in Sweden and the number of drug addicts participating in the substitute therapy was 600 people at the beginning of 2000.

⁸⁴ The government must directly demonstrate its position in relation to drug addiction, as in which kind of policy it chooses: harsh, restrictive, constraining of liberal one. The society, in its turn, must support such a position while being informed upon the priorities and the objectives counter-narcotics policy by means of conceptual documents (strategies, programs, plans and etc.), normative acts and through implementation.

mentioned above, the countries of Central Asia generally cling to restrictive counter-narcotics policies, although there are some differences among them in their legal and administrative nuances.

However, conceptual approaches need to be uniform in order to carry out an efficient regional counter-narcotics policy. The increasing danger of an expansion of the drug trade requires the application of adequate and well-coordinated measures by all the Central Asian republics. Effectiveness depends upon a uniform and purposeful counter-narcotics policy. Given current counter-narcotics concepts, strategies, programs and plans, it is possible to foresee the development and adoption of a Counter-Narcotics Concept in Central Asia in the near future.⁸⁵ The guiding principles of this Concept should be:

Observance of human rights and civil liberties. This principle inhibits attempts to carry out a “war on drugs”, which inevitably involves mass infringements of human rights. It requires that the state not practice extreme and unconstitutional measures to fight the drug trade. Instead, it must develop a counter-narcotics system that deals with both trafficking and addiction while respecting constitutional rights and liberties. This requires respect for human rights and the principles of the Universal Declaration of Human Rights.

Consideration of the sovereignty and territorial integrity of other states. This principle applies to Central Asian states and external powers and requires that states refrain from interfering in the internal affairs of others. Therefore, states cannot use the territory of another or take actions in contravention of international law under the pretext of counter-narcotics action. The fight against transnational drug trafficking must not flout this principle.

Operability. It is necessary to determine the range of objectives and tasks which are to be solved on the basis of uniform approaches and standard principles in order to successfully utilize the Concept. A holistic approach to drug control is required and the Concept must be operable in order to allow a common effort.

Monitoring of results. If the Concept is a fundamental document, its ability to generate concrete results should be the main principle in determining its utility. To that end, an adequate monitoring and estimation system is required, so that the Concept can be dynamically assessed and refined.

⁸⁵ The conceptual ideas of the State program on counteraction of the spread of drug abuse and drug trafficking in the Kyrgyz Republic in 2001-2003 and the Strategy of counter-narcotics in the Republic of Kazakhstan for 2001-2005 could serve as the basis for a draft Central Asian Counter-narcotics Concept.

Integrated approach. Drug abuse and trafficking is in many ways connected with the difficulties faced by states in transition. Successful usage of the Concept will only be realized through a well-balanced and well-coordinated approach on the part of state agencies, with the support of the general public and international organizations. This will take the form of a multilateral, complex program directed at both demand and supply reduction. It should include preventive programs, treatment and social rehabilitation, the integration of drug addicts, etc. The Concept should incorporate separate internal components (law enforcement activity, prevention, lawmaking, treatment etc.) as well as correspond with the states' social and economic policies.

Scientific approach. A rational and well-balanced policy must rest upon facts and forecasts obtained through a range of modern scientific techniques. The low visibility of drug crime can lead to inaccurate estimations and conclusions that subsequently affect decision-making and implementation. The consolidation of drug-related research carried out by scientists, physicians, sociologists and others would assist in formulating and implementing the most effective policies.

Sustainability. Constant preventive efforts are necessary to achieve narcological security. There is not short-term solution to Central Asia's drug problem and the presentation and explanation of the situation to a new generation is required. For this reason, states should implement a regular and consistent system of counter-narcotics measures.

Realistic approach. Only realistically achievable objectives should be set within a counter-narcotics framework. Unrealistic objectives deform social practice and ultimately undermine belief in the possibility of success.

Wide scope. The drug problem is not solely a problem for particular members or layers of society, but evenly influences the security of all social groups and the society as a whole. It has a destructive influence on tangible and spiritual potential of Central Asian peoples. Societal criminalization, corruption and the growth of organized crime all erode the bases of national and societal security, and state agencies need to increase their efforts against such ills as money laundering, terrorism, human trafficking and religious radicalism, all of which are becoming increasingly widespread. Similarly, the formulation and implementation of counter-narcotics programs should use governmental, non-governmental and community organizations.

Civil society component. The major aim of a state counter-narcotics policy at the domestic level is the reduction of drug addiction and accordingly the decrease of threats to social development. Given the scale of the problem, however, this aim cannot be achieved through the action of state agencies alone. It requires the broad

and regular expansion of cooperation with public organizations, charities, religious groups and local communities. In order to achieve this, citizen participation in counter-narcotics policy should be encouraged, which requires that it be transparent and accessible;

Development of international cooperation. Drug abuse and trafficking are transnational phenomena and addressing these problems is more effective if countries work systematically to strengthen and expand international cooperation bilaterally and multilaterally. For Central Asia, the effort to establish a ‘security belt’ around Afghanistan deserves significant attention.

Observance of the above-mentioned principles will facilitate the attainment of the following long-term objectives:

- An increase in the efficiency of countering illegal trafficking in drugs, psychotropic substances and precursors, including the cultivation of narcotic plants in the Central Asian states;
- A large-scale reduction of the demand for and non-medical usage of drugs;
- A strengthening of control over narcotics, psychotropic substances and precursors;
- Development of international cooperation in countering terrorism, drug trafficking, religious radicalism and organized crime at the national, regional and international levels;
- Establishment of preventive systems to counter narcotics trafficking and other drug-related crimes;
- Maintenance of public and social security in the Central Asian states in order to provide harmonious and conflict-free development in the long term;
- Mitigation of medical and societal consequences related to drugs.

The Central Asian Counter-Narcotics Concept should recognize that in order to achieve success against the drug problem a well-balanced approach is needed, based on a wide usage of law enforcement and preventive measures and directed to the achievement of total control of the problem by the state, resulting in a consistent reduction of its negative social consequences. For these reasons, this Concept requires a restrictive counter-narcotics policy. This paper now turns to the legal, organizational and international aspects of the Concept and of current counter-narcotics policies in Central Asia.

2.2 Legal Issues and the Organizational and Resource Basis of Counter-Narcotics Policy

The observable and increasing threats of drug trafficking and addiction require an effective state response. The most important of these is the creation of efficient legal, organizational and resource base for counter-narcotics policy. An appropriate counter-narcotics policy begins by establishing a legal framework and prioritizing legislative initiatives. Like any other state policy, counter-narcotics must be implemented in accordance with a country's legal system. Acting outside the legal system can create inefficiencies in policy implementation and possibilities for unlawful processes peculiar to the concept of a 'war on drugs'. The old phrase 'law is a concentrated expression of politics' is applicable in this context. The system of legal regulation depends on the state's choice of policy model, which as described above can be rigid, restrictive, liberal or a combination of these. The efficiency of legal regulation depends on the extent to which it reflects the state's political-legal capacities, and on the relevance of the regulation to social customs and norms, taking into account the level of legal consciousness in the population.

All the Central Asian republics are parties to the UN counter-narcotics conventions and relevant additional protocols. The major conventions are the 1961 Single Convention on Narcotic Drugs amended by the Protocol of 1972, the 1971 Convention on Psychotropic Substances, and the Convention against Illicit Traffic in Narcotic Drugs adopted in 1988. These conventions are the latest of the multilateral counter-narcotics treaties. They reflect the efforts of the world community to cooperate in fighting drug abuse and to limit the use of drugs to medical and scientific purposes. The conventions represent general principles that should form the foundation for other bilateral and multilateral agreements.

These conventions represent a kind of international counter-narcotics constitution. The general principles of regional counter-narcotics cooperation in Central Asia are established in the Memorandum on Mutual Understanding and Cooperation in Controlling Illegal Drug Production, Drug Trafficking, Drug Abuse and Psychotropic Substances and Precursors, signed on May 4, 1996, in Tashkent, and in the Agreement on Cooperation in Countering Illicit Drug Trafficking or Psychotropic substances and their Abuse, signed on April 5 1996 by the Kazakh, Kyrgyz and Uzbek governments.

The first document is a declaration and serves as the foundation for UNODC activities in Central Asia. The Memorandum aims to establish mechanisms for: coordination at the political and operational levels; the harmonization of drug-related laws; the organization of national analytical information centers and assistance in exchange of information at sub-regional level; the determination of

the level of demand for illegal drugs; the exchange of experience in implementing efficient programs for the prevention and treatment of addiction; joint action against trafficking in drugs and precursors; the organization of joint expert training; and for controlling the legal use of drugs, psychotropic substances and precursors. According to the UNODC's former Director Pino Arlacchi, "this Memorandum [of Understanding], which I personally consider one of the best we have ever joined, has proved to be a useful instrument for the coordination of our plans and strategies."⁸⁶

The second document dealt with the totality of social, legal and medical problems connected to drugs. It revealed more concrete methods of cooperation, including information exchange, has set up an institute of communication officers, has stipulated the conducting of controlled deliveries, etc. In order to develop the basic regulations of the UN conventions and other agreements, Central Asian governments have adopted a range of laws on drugs, psychotropic substances and precursors.⁸⁷ The preliminary analysis of these laws suggests that Kazakh, Kyrgyz, Uzbek and Tajik legislation meets the requirements of all three drug-related UN conventions.

Central Asia's criminal and administrative legislation is generally restrictive, and criminal codes are relatively severe. On average, they provide for an average of 20 years' imprisonment for illicit and commercial drug trafficking. By contrast, Sweden's rigid and restrictive laws provide for 10 years for the same crime. In most cases the possibility of rigid punishment is used by courts to collect bribes for softer penalties.⁸⁸ Furthermore, the Central Asian criminal justice systems are overloaded. Prisons are overcrowded and by international standards, the conditions in them are deplorable. Drug addicts do not receive necessary medical and psychological aid. Because of this, counter-narcotics policy is undermined since its main goal – correction and the rehabilitation of convicted persons – is not attainable. Released prisoners generally return to crime and drug addiction. From an economic point of view the state has wasted time and money in imprisoning drug addicts under such conditions. Concurrently, mechanisms for alternative criminal punishment and for the treatment of addicts remain undeveloped because the number of

⁸⁶ Pino Arlacchi, Presentation on International conference "Enhancing Security and Stability in Central Asia: An Integrated Approach to Counter Drugs, Organized Crime and Terrorism", Tashkent, 19-20 October 2000.

⁸⁷ The Republic of Kazakhstan Law "On narcotics, psychotropic substances, precursors and measures of counteraction to their illicit trafficking and abuse" of 10 July 1998, no. 279. The Kyrgyz Republic law "On Narcotics, psychotropic substances and precursors" of 22 May 1998, no. 66.

⁸⁸ For example, in 2000 the courts of the Osh region of Kyrgyzstan gave fines as punishment in 30.7% of criminal cases related to drugs, when most of the cases were related to seizure of heroin. This is possible evidence of criminal justice corruption.

institutions for drug addiction and alternative prison rehabilitation centers are insufficient.⁸⁹ Thus, counter-narcotics policy should be based on legislation that differentiates state agencies' responsibilities for crimes related to the illegal distribution of drugs, for the treatment and rehabilitation of addicts, and for setting the legitimate level of demand for drugs, psychotropic substances and precursors.

In the last decade, all Central Asian countries have established an appropriate legal basis for counter-narcotics action, including criminal and administrative law. Nevertheless, there is still a need for legislation that defines responsibilities for monitoring and preventing money laundering in order to enable law enforcement to perform effectively. Similarly, new methods are needed to deal with compulsory drug treatment for addicts who have violated criminal and administrative laws. Related to this is the need for legislation on the treatment and social rehabilitation of drug addicts.

National legislation also needs to include rules for maintaining international drug control, for example in the organization of operations in more than one country and mutual assistance in preventing and tracking money laundering. Rules regulating the use of drugs for medical, scientific and other legal purposes as well as assigning responsibility for their violation should be improved. Overall, it is necessary to review criminal legislation in order to differentiate strict punishments for the perpetrators of serious crimes to introduce treatment for drug addicts as a replacement for punitive measures.

In general, the Central Asian countries should harmonize their counter-narcotics legislation in order to conduct cooperative and effective counter-narcotics policy. An especially important issue here is to determine legal standards for defining the various categories of amounts of drugs, psychotropic substances and precursors to be implemented when seized from illegal circulation or possession. Ideally, the regional states should follow a single standard in this respect. Following this, several recommendations can be made for the improvement of drug-related legislation in the following areas: Curtailing drug trafficking; Preventing illegal drug use; Treating and rehabilitating drug addicts; Regulating the legal usage of drugs; Expanding international drug control cooperation.

⁸⁹ According to some experts, compulsory treatment is itself inefficient. Using force in the treatment of drug addicts and stigmatizing them with the law is harmful from the point of view of therapy.

2.2.1. *Countering drug trafficking*

Laws against drug-related crimes should provide for efficient measures to prevent crimes by individuals and groups involved in drug trafficking and money laundering and should prevent mergers between drug trafficking groups, terrorist groups and other criminal groups. They should also support cooperation with international law enforcement agencies and organizations involved in fighting drug trafficking. Of particular importance is that criminal law be aimed at drug traffickers instead of drug addicts. The goals of amendments to the Criminal Code and the Code on Administrative Responsibility should be:

- To humanize criminal law by providing for the alternative treatment of chronic drug addicts, i.e. not all categories of drug users;
- To assign responsibility for violations of rules on the legal usage of drugs, psychotropic substances and precursors;
- To fill gaps in criminal and administrative laws regulating responsibility for illegal circulation of drugs and psychotropic substances;
- Improvement of efficiency of applied laws through more active administrative responsibility as regards implementation.

The humanization of criminal codes should be accompanied by the introduction of administrative pre-judicial systems for lesser drug crimes, as has occurred in Kazakhstan. In general, introducing such systems could reduce repressive punishments. Similarly, plea-bargaining should become more common for drug-related crimes, given the positive outcomes from its use in countering organized crime in some countries, such as the U.S. and Italy. It seems reasonable to criminalize illicit commercial trafficking in precursors, as has been done in Kyrgyzstan. Legal procedures need to simplify the investigation and prosecution of lesser drug-related crimes while simultaneously enabling efficient and strict efforts against organized drug trafficking, particularly by extending the terms of arrest and presenting other advantages for prosecutors. There is an urgent need for the extension of legislation aimed at money laundering and to allow for effective witness protection.

2.2.2. *Preventing illicit drug usage*

Preventing the usage of illicit drugs should become the top priority of drug control policy. Legislation is needed to secure administrative and financial assistance to preventive work in the general population, including the support of non-governmental and non-profit organizations. Concurrently, the owners of public recreation and youth leisure facilities need to be made responsible for connivance in drug abuse. Changes of this kind are currently being made in Kazakhstan.

2.2.3. Treating and rehabilitating drug addicts

In order to treat and socially rehabilitate drug addicts and to make this a distinct component of state policy, it is necessary to enact legislation that should include the establishment of state funding for the social support and rehabilitation of addicts.

2.2.4. Regulating the legal usage of drugs

Legislation in this domain should cover production, storage, shipment and the medical use of narcotics and precursors, with due regard to their administrative and technological requirements. It should aim to support the use of medicines containing narcotics, psychotropic substances and precursors and should empower the state agencies with responsibility for their control. In order to do this, decisions on the legal use of controlled substances need to be taken by the government itself, as is done in Kazakhstan and Kyrgyzstan. The result should be a balance between satisfying demand for and production of controlled substances, and the prevention of their illegal distribution.

2.2.5. Expanding international drug control cooperation

Broadening international cooperation in counter-narcotics is impossible without effective domestic legislation. It should be aimed at preserving and developing business contacts and encouraging multilateral cooperation between law enforcement agencies, including relevant international organizations.

The improvement of drug-related legislation depends upon understanding complex social processes and should refer to scientific analysis of these phenomena. The goal of improvements must be realistic, flexible and be pursued with regard to socio-economic conditions. Currently, Central Asian counter-narcotics policies are mostly restrictive. The legal foundation of counter-narcotics policy should maximize the efficiency of law enforcement agencies and other related state organs, NGOs, international organizations and make use of all possible means to address drug crime at the national level. Legislation securing counter-narcotics policy is necessary for its implementation. It must be focused on ultimate practical goals. The normative aspect of legislation not only provides clear landmarks for the direction of state policy, but also provides clear limits and identifies the areas of competence of state bodies.

The organizational and resource basis of counter-narcotics policy should be built to optimize its factual implementation. When implementing policies, the organizational aspects need to be directed towards ensuring optimal conditions for the application of counter-narcotics laws, i.e. the creation of necessary and

sufficient conditions in organizational and structural, resource-related, informational, and managerial terms.

An adequate organizational basis must include structures possessing the appropriate authority to perform their tasks fully, coherently and so coordinate the achievement of counter-narcotics policy goals. In the initial stages of their counter-narcotics efforts, the states of Central Asia needed to establish coordinating structures in order to fulfill their obligations under the UN conventions, which require parties to establish a special drug control body or to specifically delegate a coordination function to another body (such as a health ministry). In the USSR, this function was performed by the USSR Permanent Committee for Drug Control which drew up lists of illicit narcotics, psychotropic substances and precursors, and determined the definition of small, large and very large amounts for the purposes of differentiating responsibilities for illicit trafficking or storage.

Kyrgyzstan was the first state in the CIS to establish a similar institution, in April 1993. Following UN conventions and a Kyrgyz Presidential Decree on April 8, 1993, the State Commission on Drug Control was formed, which in 2003 was transformed into the Kyrgyz Republic Drug Control Agency. In the time since its establishment has been justified. A body of legislation aimed at drug control has been instituted in Kyrgyzstan, giving rise to relevant organizations and to the use of a range of measures for counter-narcotics. The priorities of drug control policy have been determined and tested practically. As per the international conventions, these priorities are directed towards effective state narcotics control and the implementation of measures against drug abuse and trafficking. Between 1993 and 2003, the Commission realized four State Programs to counter drug trafficking and abuse. Their implementation has been inspected by the Security Council and the Kyrgyz government.

With due regard to the transnational character of the drug trade, the Commission has actively developed international cooperation. One foundation for cooperation has been President Askar Akaev's professed desire to develop, by the Third Millennium of the Great Silk Road, a zone of countries free from the negative impact of drugs. The Commission has helped organize several major international and sub-regional seminars on drug issues, including: "The Great Silk Road: issues in countering drug crimes in Central Asia" (May 1999); the Second Meeting of the Parties to the Memorandum on mutual understanding and cooperation in drug control in Central Asia (October 1999); "The Great Silk Road – A Road of Peace and Dialogue" (April 2003).

Other Central Asian countries have followed suit and established state commissions on drug control. Uzbekistan formed a State Commission and

National Center on Drug Control with the aim of eliminating drug threats and which is responsible for the development and realization of state counter-narcotics policy and strategy, for countering trafficking and for the prevention of drug abuse. The Kazakh State Commission on drug control has changed its title and bureaucratic status several times in the last decade. As the Agency for Countering Drug Abuse and Drug Trafficking, it was a part of the Ministry of Justice; now it is within the Interior Ministry. In 1999, the State Commission on Drug Control in Tajikistan was founded with substantial support from the UNODCCP and its activities have received high praise from UNODC and the Tajik government. It then was transformed into a Drug Control Agency, with UNODC support. It was following this example that Kyrgyzstan's Drug Control Agency was formed in 2004.

The primary difference between the Kyrgyz and Tajik Drug Control Agencies when compared with the drug control bodies in Kazakhstan, Turkmenistan and Uzbekistan is that the former function with their own law enforcement capability. They have investigative staff, their own detention rooms, etc. Therefore, not only do they perform coordination, analytical and representative functions, they also implement the law. This direct participation in the realization of counter-narcotics policy creates more opportunities for coordination in fighting crime. Moreover, the size of the agencies (240 employees in Kyrgyzstan, 360 in Tajikistan) is several times larger than the state commissions, and this increases their effectiveness. According to the Kyrgyz law on "Drug Control Body" of February 12, 2004, the Drug Control Agency of Kyrgyz Republic is a law enforcement and executive body and does not sit in the structure of the government. It implements policy on trafficking in drugs, psychotropic substances and precursors, and coordinates the activities of other relevant executive bodies in the Kyrgyz Republic. Its main tasks are:

- The development and realization of state policy on the legal use of drugs, psychotropic substances and precursors, and countering their illicit trafficking;
- The coordination of executive bodies active in relevant areas;
- The investigation and prevention of crimes classified as crimes under the jurisdiction of drug control bodies;
- The fulfillment of treaty obligations on cooperation and exchange with international organizations and competent bodies of other states, and the representation of Kyrgyz interests in international organizations on issues related to the trafficking of drugs, psychotropic substances and precursors;
- The conclusion of treaties on drug control and illicit drug trafficking.

Recent history shows that counter-narcotics policy is more effectively realized by such a drug control agency because it is able to build cooperation and exchange information among different levels involved in implementation, and focus them on achieving tasks.⁹⁰ This is particularly effective if the other agency/body is a law enforcement agency with whom the Agency cooperates as an equal partner. Effective implementation of counter-narcotics policy does not only depend on the drug control body but on a variety of actors, such as other law enforcement agencies (e.g. Interior Ministries, national security services), border and customs services, medical and social institutions (ministries of healthcare, education, culture, labor, social security) and NGOs. Taking into account the different capabilities and the assigned tasks and competences, a coherent strategy must be devised to coordinate actions and drug control agencies must develop the systems for multi-level coordination of truly complex activities.

Related to this, there is a need for the continuing coordination of counter-narcotics measures that extends beyond law enforcement bodies to include other state agencies, local authorities, NGOs, associations, etc. However, the planning of measures is often inadequate and inefficient in meeting newly emerging challenges from a human security perspective.⁹¹ The delay in formulating and implementing counter-narcotics measures shows the inefficient performance due to insufficient forecasting tasks by the bodies responsible for the development and realization of counter-narcotics policy. It is obvious that the optimal organization of counter-narcotics will improve forecasting of the drug situation and the development and realization of programs, providing them with the coherence of multilevel programs at the regional, national, and local levels.

For that reason, the counter-narcotics policy organization must include a permanent scientific-based monitoring of the drug situation, including the scale of drug-related crime and drug abuse. This requires the introduction of regular surveys. It also requires a certain level of computerization⁹² and other components of modern information technologies, as well as the use of the most recent scientific developments. Information support is one of the most important structural

⁹⁰ One of the successful examples of coordination between law enforcement bodies and drug control agencies of Kyrgyzstan and Tajikistan is the international “Canal 2003” operation (November 2003).

⁹¹ Nur Omarov, *Gumanitarnye Aspekty Bezopasnosti Kyrgyzskoi Respubliki: Vyzovy i Otvety*, Bishkek: Kyrgyz Slavonic University, 2002, p. 27.

⁹² In connection with this it is necessary to note that Central Asian law enforcement bodies have received the necessary equipment from UNODC, OSCE, the European Commission, and other international organizations over several years. The problem is how efficiently the equipment is used for supporting counter-narcotics policy.

elements of counter-narcotics organization because only with adequate support can counter-narcotics policy be informed of the current situation and of the most effective strategies and concepts for combating drug-related crime and drug abuse. It is difficult to overestimate the importance of mass media, especially TV and radio, in promoting a healthy way of life and reporting on counter-narcotics activities. However, the privatization of mass media in all Central Asian countries (except Turkmenistan) has not proved very successful in this regard because the support of counter-narcotics policy is not seen as profitable.

The main principles of counter-narcotics strategy – transparency and publicity – have unfortunately not become the norm everywhere. The systematic publication and distribution of counter-narcotics magazines, compilations, teaching materials, brochures etc, is of high importance.⁹³ In the immediate future, it is planned that regional information centers will be set up with the support of UNODC within the CARIC project (Central Asian Regional Information Center) and NADIN European Commission Program (Interregional Center for Open Information on Drugs).⁹⁴ Furthermore, there is a communication system within the Drug Control Unit of the Economic Cooperation Organization. The creation of such centers will make possible an improvement in the quality of information support.

Improving the organizational basis of counter-narcotics efforts requires a functioning and effective system for control. Within this, it is necessary to determine the optimal balance of institutional and public control over the realization of counter-narcotics policy. Thus, there are many facets of an effective organizational basis, including resource requirements, institutional structure, methodological choices, information support and managerial decision-making.⁹⁵ It is difficult to imagine how counter-narcotics policy can work effectively without each of these components. The most basic component is resources. The comments of the UNDCP's Regional Representative, Bogdan Lisovich in 1999 are pertinent here:

⁹³ For example, the Drug Control Agency under the President of Tajikistan in 2002 published 3000 copies of a counter-narcotics brochure entitled "Drug abuse. What to do?"; it also published the methodological guide for school teaching "Compilation of informative various-genre materials on prevention of drug addiction, AIDS and STD's in children"; organized 748 counter-narcotics releases in mass media; issues a monthly bulletin "Novosti AKN" ("News of DCA - Information Bulletin on Drug Situation in Central Asia, Tashkent: NICCN. 2003. P. 32

⁹⁴ See Chapter 3 for details on this international project.

⁹⁵ Among the types of resource basis it is required to specify human resources, i.e. complex of measures on education, training, forming professional skills of the subjects of counter-narcotics policy. This work was the topic for many workshops and trainings organized by international organizations. See Chapter 3 for details on the workshops and trainings.

I do not think that any government in the region is ready for the struggle and has sufficient equipment for arresting the huge amount of drugs and precursors being transported through areas close to Afghanistan and territories of Central Asian countries. Central Asia has recently been used as corridor. Equipment and working conditions are in poor state, the amount of seized drugs are not small, but far from the giant amounts of heroin, opium and marijuana being transported through the region.⁹⁶

Hence, the Central Asian states – Turkmenistan to a lesser extent – are enjoying the active support of the UNODC aimed at strengthening organizational and resource capabilities in counter-narcotics. The director of the Kyrgyz Drug Control Agency, General Kurmanbek Kubatbekov nevertheless noted the strains on the country's economy:

Due to the growing threat our state spends more and more funds each year for countering it, distracting the funds from primary tasks of building the civil society based on social stability. I think other Central Asian states are in the same situation.⁹⁷

Given that a significant proportion of Central Asian states' policies are dependent on donor aid, it is important to note that the flow of such money is not endless. Gradually, the countries of the region need to shift to full self-financing of all counter-narcotics programs. When governments come to understand the high cost of the drug problem for transitional economies, they may begin to view it differently and employ the full potential of society against it.⁹⁸ The goal of development must become a central point in the formulation of policies. As the level of development increases, it will permit a reduction in the level of dependence on external factors and sustainable and consistent growth will form a foundation for more equal cooperation with global financial organizations. This

⁹⁶ Bogdan Lisovich, Presentation at the international seminar "Great Silk Road: Countering Drugs in Central Asia", Bishkek, 1999. Martha Brill Olcott and Natalia Udalova draw a stronger conclusion on this issue: "It is clear that Central Asia is absolutely not ready for coping with the threat of drugs distribution, and has no resources for funding huge economic and social expenses related to this. See Olcott and Udalova, *Drug Trafficking on the Great Silk Road: The Security Environment in Central Asia*, Working paper no. 11, Carnegie Endowment for International Peace, March 2000.

⁹⁷ Kurmanbek Kubatbekov, Presentation at the International Conference "Drug Routes to Europe through Central Asia", Paris, May 22, 2003.

⁹⁸ In this respect, a good example is Iran, whose counter-narcotics budgetary spending amounts to ca. \$500 million.

principle is central in the strategy of effective state-building, in which multinational organizations are themselves interested.⁹⁹

In summary, the legal and institutional basis of counter-narcotics policy must reflect the aims of that policy. The legal base must adequately express the position of the state on drug control – rigid, restrictive or liberal. In turn, the goals can only be achieved with a relevant and effective institutional structure and adequate resources. Without these conditions, counter-narcotics efforts are doomed to failure.

⁹⁹ Omarov, *op. cit.*

3. Sub-regional Counter-narcotics Policy and Counter-Narcotics Cooperation in Central Asia

3.1 Silk Road diplomacy and Sub-regional counter-narcotics policy

Globalization processes have created the idea of a renaissance of the Great Silk Road, the ancient caravan route connecting China and Europe which flourished last during Tamerlane's era. A Declaration on rebuilding the Great Silk Road was adopted in 1992 in Brussels. The European Union, the World Bank, the Asian Development Bank and the European Bank for Reconstruction and Development all offered funding towards the project. The idea of a new Great Silk Road plays an important role in constructing a strong foundation of understanding and trust between the nations of the region, within which there are still political and military conflicts. The Paris-Beijing (East-West) transcontinental bridge, the international commercial projects such as BISEK, TRACECA and SPECA (a UN program for the special economic development of Central Asian countries) are all to be implemented within its framework. The seemingly far-fetched idea of a land bridge between two continents could become a reality if these projects become reality.¹⁰⁰

While addressing the U.S. Congress in 1999, Kyrgyzstan's President Akaev presented a doctrine entitled "Diplomacy of the Silk Road."¹⁰¹ Later, Iranian President Mohammed Khatami presented the idea of a "Dialogue of civilizations along the Great Silk Road." These envisage the development of trade, economic, political and cultural links of countries along the Great Silk Road. These include China, the five Central Asian countries, the Russian Federation, other CIS countries and Western European nations, practically encompassing the entire Eurasian continent.¹⁰² As Akaev mentioned, the Great Silk Road connected East and West (and to some extent North and South) by trade, economic, cultural, humanitarian, political and diplomatic

¹⁰⁰ Albert Bogdanov, *Trancontinentalnaya Magistral Mezdu Okeanami. International movement of builders of Northern Civilization "HEADWAY"*. On-line, available at <<http://www.headway.us/read.php?i=526>>. [13 June 2004].

¹⁰¹ Askar Akaev, *External Policy Doctrine "Silk Road Diplomacy"*, Bishkek: MFA of Kyrgyzstan, 1998.

¹⁰² A. Kenenbaev, *Diplomatia Shelkovogo Puti: Aktualnost i Problemy*, International Eurasian Institute for Economic and Political Research. Available at <http://iicas.org/articles/library/libr_rus_9_10_00.htm>. [7 June 2004].

ties to some extent, and has thousands years of history. At different stages of its existence, its importance, significance and directions varied, but the one enduring feature of the Great Silk Road has been that it played the role of a connecting bridge between countries and civilizations.

The renaissance of the Great Silk Road should help create the necessary conditions for transforming the region into a zone of stability, security, friendship, cooperation and equal partnership.¹⁰³ Describing security policy in light of this doctrine, the Kyrgyz President explained that the Great Silk Road creates a favorable basis for enhancing international cooperation in the joint resolution of global problems faced by mankind in the Third millennium. It should be noted that the Great Silk Road doctrine received broad international appreciation for encapsulating the related trends of international community development processes such as the deepening of interdependence.

Along with the benefits of the global economy, however, there is also the global 'shadow' economy and its problems of drug trafficking and related transnational organized crime, which serve to undermine political and social stability in Central Asia and worldwide.¹⁰⁴ Aware of these problems, the countries of Central Asia have with the exception of Turkmenistan (with its pursuit of a neutrality policy) built regional policies of cooperation. International cooperation is one of the main principles of international law, outlined in the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations. In analyzing the main principles of regional counter-narcotics policies in Central Asian countries, it should be noted that they fit with the principles of the Great Silk Road doctrine: equal partnership, friendship and cooperation with all countries along the Great Silk Road; positive interdependence; mutual benefit; long-term prospects; and multisectoral development of international cooperation.

Indeed, these principles are active in the various military, political and economic organizations in Central Asia: the Shanghai Cooperation Organization, Collective Security Treaty Organization, Economic Cooperation Organization, and Central Asian Community. Below is a brief description of those that formulate regional policies, including counter-narcotics efforts.

¹⁰³ Akaev, op. cit.

¹⁰⁴ Z. Tohtokhodjaeva, *Diplomatia Shelkovogo Puti – Put Reshenia Problem Sovremennosti*, Paper for International Seminar "Great Silk Road: Combating Drugs in Central Asia". Bishkek, 19-20 May 1999.

3.1.1. *The Shanghai Cooperation Organization*

The Shanghai Cooperation Organization (SCO) claims to be an economic organization and an arena for security issues. The SCO consists of China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. Between 1996 and 2004, regular meetings of the heads of these states were held in Shanghai, Moscow, Almaty, Bishkek, Dushanbe and Tashkent. Formerly known as the Shanghai Five group, its name was changed in June 2001 following the accession of Uzbekistan. Its agenda includes dealing with terrorism, organized crime, the drug trade and arms and human trafficking. In April 1996 in Shanghai the members signed an Agreement on Enhancing Trust in the Military sphere in Border Areas. This agreement is highly significant, not only for the security of the SCO members but also for peace and security in Asia and worldwide. At the summit held in Bishkek on 25 August 1999 the Bishkek Declaration was adopted, article 6 of which states that the members support President Akaev's "Diplomacy of the Silk Road" doctrine regarding economic development, and the maintenance of peace and stability.

In the same declaration the parties emphasized the importance of the effective countering of terrorism, drug trafficking, arms smuggling, illegal migration and other forms of transnational organized crime, as well as separatism and religious extremism. The parties also expressed the intention to take measures to encourage the practical interaction of relevant state agencies of the five countries, including consultative meetings and coordination of joint activities. In June 2004 at the regular meeting of heads of member states in Tashkent, the Agreement on Cooperation in Countering Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors was signed.

The Collective Security Treaty (1992) was renamed into the CST Organization in April 2003.¹⁰⁵ It was founded with the aim to promote peace, international and regional security, stability, and the collective defense of independence, territorial integrity, and the sovereignty of member states. The organization has a wide range of means for countering international terrorism, drug trafficking, arms smuggling, and other threats. Among these are the activities of specific law enforcement agencies, the collective rapid deployment forces in Central Asia and other mechanisms. Currently,

¹⁰⁵ The CST was signed on 15 May 1992 in Tashkent by Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan. They were later joined by Azerbaijan, Georgia and Belarus. Due to dissatisfaction with the treaty, Azerbaijan, Georgia and Uzbekistan later failed to renew their membership in the treaty in 1999.

this organization consists of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan.

3.1.2. Central Asian Organization for Economic Cooperation

The Central Asian Organization for Economic Cooperation (CAEC) was the first regional organization concerned with economic cooperation in Central Asia, founded in early 1994 by Kazakhstan and Uzbekistan and later admitting Kyrgyzstan and Tajikistan. Although the central goal of the CAEC is economic integration, the geopolitical situation forced this alliance to include discussions on regional security, including drug control issues. Thus, on 5 April 1996 an agreement between Kazakhstan, Kyrgyzstan and Uzbekistan on cooperation in combating trafficking in narcotic drugs and psychotropic substances and their abuse was concluded.

Within the framework of the CAEC, the Interstate Drug Control Commission (IDCC) was established. On Kyrgyzstan's initiative, the first session of the IDCC was held in Bishkek in September 1999. It was decided that the National Information Analysis Center on Drug Control under the Cabinet of Ministers of Uzbekistan would organize the publication of an information bulletin on the drug situation in Central Asia. The National Center continues to implement these activities. Furthermore, it was decided to conduct CAEC IDCC sessions on an annual basis. Unfortunately, due to various reasons, such as a lack of resources, many of the decisions made at these sessions have not been implemented, notably the establishment of an institution for communication officers. In 2002, as mentioned, CAEC activities were disrupted and consequently the activities of the IDCC were also disrupted. Moreover, three members made major structural and administrative reorganizations: the Tajik and Kyrgyz State Commissions on Drug Control were transformed into Drug Control Agencies with extended mandates and the Kazakh State Commission was transformed into the Committee on Combating Drugs under the Interior Ministry. It is understandable that organizations with different status experience difficulties in conducting joint activities. Rare contacts, staff rotation, and other reasons have undermined the potential for regional cooperation between drug control agencies in Central Asia.

Due to its inefficiency, CAEC was abandoned and on 28 April 2002 in Almaty the heads of the respective states signed a treaty to establish the Central Asian Community (CAC). There were several political and economic reasons for the liquidation of the CAEC but the major one was the differing levels of economic development of its members and the ensuing difference in members' interests. At

most sessions the CAC discusses drug-related issues. At its last meeting, on 28 May 2004 in Astana, Kazakhstan, the Presidents exchanged opinions on the situation and the prospects for regional integration towards strengthening security in Central Asia, combating international terrorism, extremism and organized crime, trafficking in weapons and drugs, illegal migration, and the situation in Afghanistan.

3.1.3. Economic Cooperation Organization

The Economic Cooperation Organization (ECO) was founded in 1985 as a trilateral organization by Iran, Pakistan and Turkey for the promotion of multilateral regional cooperation to facilitate sustainable economic growth in member states. After Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan joined in 1992, the organization became more of a structure for integration and has observer status at the UN and in the WTO.¹⁰⁶ For this research, the decisions of the 2002 Istanbul Summit on collective assistance in the restoration and reconstruction of Afghanistan should be noted. The plan for rebuilding Afghanistan in 2003–2008 is to be an effective mechanism for consolidating ECO states' efforts.¹⁰⁷

On 15 March 1995 ECO and UNODC signed a Memorandum of Understanding on cooperation in drug control. In 1996 in Ashgabat the Council of Ministers adopted the ECO Action Plan on the control of illicit drug trafficking, which calls for the creation of a Drug Control Coordination Unit (DCCU). This “will act under guidance of the Secretary General” and will develop and implement projects and programs strengthening national law enforcement agencies and facilitate their cooperation in consultation with UNODC and other relevant institutions. It might also become involved in the comprehensive implementation of international drug control conventions and should serve as a channel of information and technical and legal assistance to member countries. On March 5th 1998 in Vienna the UNODC project “Assistance in creation of ECO Secretariat Drug Control Coordination Unit” was signed. The project will develop the coordination of counter-narcotics activities in the ECO region, which will enable ECO to initiate constant dialogue with member countries on drug control issues and consequently have an opportunity to monitor

¹⁰⁶ The ECO has been receiving lesser attention by regional states. Several analogous organizations exist in the region, which, in contrast to ECO, fit the geopolitical and geo-economic interests of larger states.

¹⁰⁷ “ECO – Most Mejdú Asiéi i Evropoi”. *Slovo Kyrgyzstana*, 12 June, 2003.

implementation of the Actions Plan. DCCU started its activities on 25 July 1999.¹⁰⁸ Unlike the CAEC's IDCC, the DCCU has sufficient resources to carry out its activities and is funded by the UN. Drug control activities were included as priorities in the Istanbul Declaration adopted at the ECO special session in July 1993.

3.1.4. Overview

Almost all of the above organizations aim to resolve complex social and political problems in the region, including drug-related issues. Some of them have specialized drug control units, such as ECO's DCCU and CAC's IDCC. The CSTO is also planning to open a specialized counter-narcotics body in Dushanbe, Tajikistan similar to the SCO's Regional Counter-Terrorism Center. In comparison with existing drug control coordination organizations (DCCU, IDCC), which do not go beyond gathering analytical information, the CSTO stands out as very active in the region. In accordance with the decision of the Collective Security Council on strengthening efforts against the drug threat,¹⁰⁹ in November 2003 the international preventive operation CANAL-2003 was conducted to detect and suppress channels of illicit trafficking in narcotic and psychotropic substances and precursors.

The realities of globalization and the accompanying shift in threat perception from the national to the regional level has meant that cooperation between countries of the region and the wider international community has gained in importance. The primary motivation for this comes from a recognition that these threats cannot be tackled alone.¹¹⁰

In the system of regional counter-narcotics policies a special role is played by international organizations such as UNODC, the Organization on Security and Cooperation in Europe (OSCE), the European Commission and others. All the Central Asian republics recognize the competence of the UN (perhaps with the partial exception of Turkmenistan), its agencies and its institutions in organizing and implementing counter-narcotics programs. Also, they all observe the 1961 Single Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances, and 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic

¹⁰⁸ See website of ECO DCCU at URL: <http://www.ecodccu.org>.

¹⁰⁹ The decision to strengthen efforts at controlling the drug threat emanating from Afghanistan was made at the Summit of Presidents of Collective Security Treaty Organization in Dushanbe on 28 April 2003.

¹¹⁰ Omarov, *op. cit.*

Substances and the recommendations of the UN General Assembly Special Session (1998). The main provisions of these recommendations are applied in the creation of appropriate national strategies and programs.

It is worth noting that the authorized drug control agencies of the Central Asian states take into account the Political Declaration on the Guiding Principles of Drug Demand Reduction and submit appropriate reports on their activity to the UN Commission on Narcotic Drugs. UNODC believes that the Central Asian Memorandum on Understanding (MoU) and Cooperation in the sphere of drug control and the Sub-regional Program on Cooperation are both important elements in developing an effective program on strengthening law enforcement agencies around Afghanistan. The MoU prioritization of cooperation at the political and operational levels provides for high-level annual discussions and is an important platform for establishing the links necessary for cooperation and identification of problems in project realization.

The UNODC projects that compose the Sub-regional Program framework are the basis for this initiative. Notable among these are the projects aimed at the creation of a “security belt” around Afghanistan, according to the Regional Action Plan approved in New York on September 13, 2000. This plan provides a framework of cooperation among the six states bordering Afghanistan, the U.S., Russia and the UNDCP. The "Six plus Two" mechanism, supported by the international community, could offer an appropriate framework for regional cooperation in containing drugs from Afghanistan. Moreover, a major condition of engagement of major donors is an overall and balanced Regional Action Plan requiring high-level political commitments of states bordering Afghanistan. The UNODC, with its mandated responsibility to promote international cooperation in drug control, could play an important role in facilitating regional counter-narcotics cooperation. Cooperation should be based on international law, respect for human rights and fundamental freedoms, as well as relevant bilateral and multilateral agreements and mechanisms.¹¹¹ The Regional Action Plan includes:

- Actions to strengthen national law enforcement activities
- Actions to improve law enforcement cooperation at the regional level
- Measures to strengthen the criminal justice system

¹¹¹ Part 2 of Regional Action Plan.

- Cooperation in eradication of illicit drug crops and support of alternative development
- Counter-narcotics activities in Afghanistan
- Actions to improve demand reduction efforts.

Successful realization of the Plan would certainly improve narcological security in the region, and therefore regional security overall.¹¹²

As with the Silk Road Diplomacy Doctrine, these organizations are aimed at providing security and stability. A regional security system is a necessary condition for the full development of trade, cultural and other East-West relations in the countries of the region. However, the full realization of these ambitions is hindered by several problems. Instability in the Ferghana valley, the war in Afghanistan, instability in Tajikistan and Uzbekistan – all these support the label of ‘insecurity belt’ suggested by among others Zbigniew Brzezinski, in which humanitarian efforts, let alone large investment projects, are difficult to implement. Moreover, the long-term and often contradictory plans of major powers in Eurasia inhibit the resolution of armed conflicts and terrorism-related problems, making it an unattractive destination for investment.¹¹³

Because of this, some Central Asian countries are trying to include the restoration of Afghanistan in regional policy-making forums, in the hope that a stronger Afghan state will be capable of encouraging social and economic development, including the reduction of opium cultivation. Although the countries of the region are themselves developing and therefore cannot render direct financial aid, they are willing to contribute to the repair of the shattered Afghan economy. To this end Uzbekistan and Tajikistan in particular organized ‘green corridors’ for humanitarian aid to Afghanistan. A positive example of Silk Road Diplomacy was the initiative of Kyrgyzstan to organize the International Conference entitled “Regional Cooperation in Afghanistan: Central Asia, Iran and Pakistan” in May 2004 in Bishkek, which resulted in the adoption of the Bishkek Declaration. The Declaration notes positive developments in Afghanistan’s post-conflict restoration process and observes new prospects for all countries of the region, and emphasizes the leading role of the United Nations in international assistance to Afghanistan, as well as in support of private sector efforts to develop economic cooperation. As one scholar puts it, however:

¹¹² For “narcologic security” see Section 2.1.

¹¹³ Kenenbaev, *op. cit.*

While Europe does not consider the Eurasian drugs problem is its own problem, opium poppies will remain the only sustainable crop in the remote and suffering Afghanistan and Central Asia, and the region's only link with globalization.¹¹⁴

Summarizing the overview of regional counter-narcotics policy in the context of Silk Road Diplomacy, the historical experience of the development of the Great Silk Road and its related countries illustrates vividly the need for long-term development of international relations.¹¹⁵ The countries of Central Asia, located in the heart of the Eurasian continent at the crossroads of several civilizations, have absorbed the diversity of cultures and philosophies. They possess the capacity to become a strong bridge of friendship and cooperation between all countries of the Great Silk Road, in order that they might avoid it becoming the "Great Heroin Route".

3.2 Counter-Narcotics Strategies of International Organizations and External Powers

Aware that the drug trade can only receive an adequate response through joint efforts, the Central Asian states have intensified cooperation in this field. As noted above, all Central Asian states joined the UN counter-narcotics conventions of 1961, 1971 and 1988. This has allowed them to promote the wider integration of counter-narcotics in the international community. Recognizing international cooperation to be the major element in state counter-narcotics policies, the Central Asian states, except for Turkmenistan, give high priority to the development and strengthening of international relations and cooperation within the framework of the UN, the OSCE, the ECO, and through other bilateral and multilateral mechanisms as well as with external powers such as the European Union and the United States.

3.2.1. UN Office on Drugs and Crime

It is obvious that international organizations often initiate such cooperation and their contribution to regional counter-narcotics policy can hardly be overstated. The leading role has been played by UN agencies, primarily the UNODC. Assistance is rendered by various donors in reducing drug demand and drug supply, involving organizations such as the EU, OSCE, Interpol and the World Customs Organization. The ultimate goal of such cooperation is to integrate Central Asia into the world's

¹¹⁴ Svante Cornell, "The Nexus of Narcotics, Conflicts, and Radical Islamism in Central Asia", *Caspian Brief*, no. 24, June 2002.

¹¹⁵ Tohtokhodjaeva, op. cit.

drug control monitoring systems and to give them the status of an equal partner in counter-narcotics.

When the Soviet Union collapsed the Central Asian states had to establish their drug control systems anew. As mentioned above, the governments of Kyrgyzstan, Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan and representatives of the UNDCP signed the Memorandum of Mutual Understanding (MoU) on cooperation in the field of countering illicit drug trafficking in May 1996. Within the framework of the Memorandum, the governments expressed their desire for cooperation to solve common problems of drug production, trafficking and abuse. During the Regional Experts' Meeting, held in May 1996, the five signatories to the MoU and UNDCP considered and adopted the Regional Program of Cooperation in Drug Control. Within the framework of this Program four basic activities were emphasized: strengthening and developing counter-narcotics legislative and institutional frameworks, reducing drug supply, reducing drug demand and intensifying law enforcement activities. This Program also outlined some priority projects that could be developed by the UNODC together with MoU signatories, such as

- Development of cooperation between law-enforcement agencies in the Central Asian region (Kyrgyzstan, Tajikistan, and Uzbekistan);
- Mapping of the extent of illicit cultivation of narcotic plants in Kazakhstan, Kyrgyzstan and Tajikistan;
- Development of a biologically safe method of destroying illicit poppy and cannabis plants;
- Strengthening drug demand reduction policies in the Central Asian states;
- Inter-agency training for the Central Asian mass media, organized by the United Nations.

Signatories of the MoU have already established national coordinating drug control bodies and UNODC has rendered its significant support to reinforce each of these. There are nevertheless some coordination problems in some of the MoU states stemming from their low capacity for applying the intended methodologies and a lack of resources.

In May 1994 Kyrgyzstan received \$550,000 within the framework of the UNODC Project on "Institution Building and Improvement of Control Measures in Kyrgyzstan." This budget was used to establish an Information Center under the Ministry of Interior, some equipment for a television studio in the Academy of the

MoI, appropriate equipment for the State Forensic Center and relevant training. Similarly, Uzbekistan was granted \$527,600 to implement “Institution-Building, Strategy Development, and Improvement of Control Measures in Uzbekistan”. In May and July 1996, similar UNODC projects were implemented in Turkmenistan and Kazakhstan (\$512,400 and \$773,900 respectively).

In July 1997, UNODC launched a regional project on mapping the extent of illicit cultivation of narcotic plants in Kazakhstan, Kyrgyzstan, and Tajikistan, with an overall budget of \$742,660. The main objectives of the project were to obtain detailed cartographical data on the cultivation of opium poppy and wild-growing hemp and ephedra and to develop a regional methodology and training for a group of local experts in monitoring illicit fields in the region. The main project office was established in Bishkek and staff consisted of national project coordinators and surveyors in Kazakhstan and Tajikistan. They carried out collection and analysis and produced reports on their findings.

During the project, methodologies applicable to other Central Asian states were developed and a key group of experts was identified and trained. In June 2000, the project was completed and the results of surveys showed the discrepancy between previous expert estimations and reality. For example, some had estimated that there were around 4,5 million hectares of wild-growing hemp in the Chui valley – the UNODC project only identified 140,000 hectares in Kazakhstan and 8,000 in Kyrgyzstan. The scale of ephedra growth also turned out to be lower than had been estimated. However, the scale of illicit opium poppy cultivation in Kyrgyzstan was higher than expected at 1,631 ha. This occurred in 13 different areas and the 1999 harvest was estimated at as much as 3,273 kg of raw opium. This information was invaluable for Kyrgyz law enforcement, particularly in conducting the “Poppy - 99” operation.¹¹⁶

Another UNODC regional project was “Strengthening Law Enforcement Capacities and Cross-Border Cooperation in the Central Asian Region of Kyrgyzstan, Tajikistan, and Uzbekistan”, also known as the “Osh Knot”, with an overall budget of \$1.8 million. This two-year project started in November 1997 and its primary objective was to intensify efforts against narcotics and precursor smuggling along one of the main routes in the region. This begins at the Afghan-Tajik border and passes through Khorog, along the Khorog-Osh highway into Kyrgyzstan and then to Andijan in

¹¹⁶ Alexander Zelitchenko, *Afghan Narcoexpansion of 1990 and Kyrgyzstan National Security Problems*, Bishkek: Kyrgyz-Russian Slavonic University, 2003, p. 205.

Uzbekistan. During project development, it was observed that law enforcement was inadequate in the three border provinces (Osh in Kyrgyzstan, Andizhan in Uzbekistan and Gorno-Badakhshan Autonomous Region (GBAO) in Tajikistan). Moreover, there was a lack of drug detection and communication equipment, transport and premises for personnel.

For these reasons, regional law enforcement coordination centers were established in Osh (the central office for the project), Murgab (Tajikistan) and Andizhan. These centers were charged with national implementation of the project. Vehicles, portable radios, computer and office equipment were also given to counter-narcotics units. The Kyzyl-Art customs checkpoint on the border between the Murgab district and Osh province was built and equipped. About 60 officers from customs and other law enforcement bodies took part in specialized training in July/August 1999. Overall, the project has played a big role in intensifying joint efforts against trafficking expansion in Central Asia.¹¹⁷

Also of interest was the UNODC project “Development of Safe Biological Control Methods for Eradication of Illicit Opium Poppy and Cannabis”, with a budget of \$495,000. This project began in February 1998 and lasted for three years. Noting that climactic conditions in Central Asia are favorable for poppy cultivation and that expansion of cultivation is a possibility, Uzbek scientists from the Genetics Institute of Tashkent explored the potential for developing an ecologically safe and reliable biological agent to eradicate opium poppy. Initial tests demonstrated that an experimental fungus would destroy opium poppy but did not cause damage to 130 local kinds of animals and plants.¹¹⁸ However, the conclusions from the project were not considered entirely robust and further work remains to be done.

In May 1999 Kazakhstan also received financial support to the tune of \$5.5 million from UNODC in order to develop a counter-narcotics policy within the framework of the “Master Plan for Control of Illicit Drugs and Organized Crime in Kazakhstan”.

Perhaps the most substantial project is “Institutional Building, Strategy Development, and Improvement of Drug and Crime Control Measures in Tajikistan”, launched in June 1999 with a budget of \$11.4 million. Its goal was to

¹¹⁷ Zelitchenko, p. 181.

¹¹⁸ Lubin, Klaitz, and Barsegian, *Narcotics Interdiction in Afghanistan and Central Asia: Challenges for International Assistance*, New York: Open Society Institute, 2002. Appendix 1.

establish the Drug Control Agency (DCA), with about 360 employees, through financial maintenance (DCA salaries, equipment, trainings, etc.). The project received positive independent evaluations and continues to receive donor support.

Towards the end of the 1990s UNODC began to pay more attention to demand reduction in Central Asia, which was also covered in the documents of the MOU Regional Program. The increase in drug abuse, especially of intravenous drug usage and the spread of HIV/AIDS, called for the development of a regional demand reduction project that would strengthen national preventive efforts. From 2001 to 2003, two UNODC regional projects were implemented. The first was the Drug Abuse Rapid Situation Assessment in Central Asia, with a budget of \$182,800; the second was the Preparatory Assistance on Demand Reduction: Assessment of Needs of the Central Asian Countries to Combat Drug Abuse, with a budget of \$74,000. The results of the former showed that in the preceding years the drug abuse problem in Central Asia had acquired threatening proportions and intravenous abuse of heroin directly accounted for the potential HIV/AIDS epidemic. It also confirmed the initial conclusions of experts that the number of drug addicts exceeds the number officially registered by 10-15 times, for a total of around 350,000 people throughout Central Asia. The main conclusions of the study were:

- The overall aim must be the development of a multi-sectoral, integrated and holistic approach towards the drug problem. Within the framework of this approach, the behavior, typical of increasing drug dependence, should be considered as a health problem which should be effectively treated or be stabilized on the basis of a thoroughly developed strategy of the cooperation between the state and nongovernmental organizations.
- Abusing of various substances should be considered in social context; this approach will allow paying more attention to wider issues of political development and, in its turn, will promote social and economic stability, as well as stimulate the development of education and employment.
- To increase the efficiency of the measures taken, well coordinated and planned actions are necessary, they will allow to significantly oppose the epidemic which is now spread within the limits of certain groups of the population living an unhealthy way of life.¹¹⁹

¹¹⁹ Report of the Regional Conference on Drug Addiction Problems in Central Asia “Assessment of the Situation and Relevant Measures”, June 26-28, 2002, Tashkent, Uzbekistan.

One of the project recommendations was to widen the range of services available to drug addicts (including harm reduction, treatment and rehabilitation services). The current UNODC Project Diversification of HIV Prevention and Drug Treatment Services for Injecting Drug Users in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan is a consequence of these recommendations.

A further relevant UNODC project was “Training of Central Asian Mass Media Practitioners and Raising of Public Awareness on Drug Related Issues”, with an initial budget of \$100,000. This was designed to train representatives of the Central Asian mass media to accurately cover the problems of drug addiction and the opportunities for rendering assistance, in an attempt to mobilize society and governments. It aimed to awaken the media’s potential for public opinion formation and its influence on political decision-making on drug-related issues. This was very much a case of interagency operation and UNODC cooperated actively with UNESCO and other UN agencies during development and implementation.

UNODC is also active in HIV/AIDS control, recognizing that intravenous drug abuse is the major method of HIV/AIDS transmission in Central Asia. The importance of educational work in this area cannot be overstated and UNODC established contacts with other UN agencies – such as UNDP and UNAIDS – and included national AIDS committees in the Central Asian countries in order to implement multi-sectoral projects.

Nevertheless, UNODC continues to pay more attention to supply reduction by targeting trafficking from Afghanistan, and it allocates far more funding to these activities than it does to demand reduction. Still, it must be admitted that active suppression of drug trafficking improves the overall drug situation. Strategically, all UNODC programs aimed at strengthening law enforcement bodies, controlling drug and precursor trafficking and improving information exchanges that are carried out within the ‘security belt’ framework. If this ‘belt’ is to function then it needs joint efforts of all countries in the region but particularly Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan, in order to consolidate Afghanistan’s total borders of 5,000 km.

To this end the UNODC allocated \$7.7 million¹²⁰ in 2000 to strengthen the Turkmen-Afghan, Turkmen-Iranian and Tajik-Afghan borders, as well as to bolster the Russian Federal Border Guard Service protecting the Tajik-Afghan border. Although the

¹²⁰ Lubin, Klaitz, and Barsegian, Appendix 1.

Afghan government is eventually supposed to contribute to joint law enforcement efforts, Kabul government has been rather feeble in this regard in the past years.

With a budget of \$780,600, UNODC is engaged in strengthening the ECO's DCCU through a project launched in July 1999 and with a second phase to finish in June 2004. This is another component of the 'security belt'.¹²¹ Furthermore, UNODC implemented the project Assistance to Uzbekistan in Renewal of the Khairaton Checkpoint (the Termez Bridge Project) on the Uzbek-Afghan border with a budget of \$2.6 million in Uzbekistan, which was intended to construct a full-scale checkpoint at Termez-Khairaton in order to organize road and rail transportation of humanitarian aid to Afghanistan.¹²²

The UNODC project "Precursor Control in Central Asia" (budget \$5 million) began in 2000 and is supposed to be an important element of the 'security belt' concept. As was noted in the Regional Program, there was a positive trend in the 1990s in the shipment of precursors to Afghanistan through and from the territories of the Central Asian countries. The largest seizures of precursors were made in Turkmenistan. There is evidence that processing laboratories in Afghanistan have moved to the northern areas of the country, closer to the Central Asian states, in order to ease precursor deliveries and the return transportation of the processed drugs. This project was designed to improve the legal, administrative and law enforcement capacities of the ECO member states so as to reduce illicit trafficking in precursors.

Information exchange is the most basic form of cooperation in counter-narcotics and in 2001 the UNODC started the "Strengthening of Potential of Drug Control Law Enforcement Bodies in Data and Information Gathering" project, with a budget of \$811,000.

In June 2003 the UN Security Council held a session devoted to the drug situation in Afghanistan and the problem of trafficking from Afghanistan was also discussed at the G8 summit in Evian (2003). On May 21-22, 2003 the French government organized an international conference to discuss issues of drug trafficking from Afghanistan through Central Asia to Europe. All these events emphasized the need to take tougher and better-coordinated actions to assist Afghanistan and render support to countries

¹²¹ Other countries of the region, such as Kyrgyzstan and Kazakhstan, are in the second tier of the "Security Belt".

¹²² Dusmetov, Kamol, Paper to the 1st Meeting of National Coordinators of ECO DCCU, Teheran, 21-22 October, 2003.

neighboring it in their efforts to suppress illicit drug trafficking, organized crime and terrorism.¹²³

A UNODC press release stated that five new significant drug control projects with a total budget of more than \$17 million would be launched in Central Asia. These are to be implemented by the UNODC and the governments of the Central Asian countries and are focused on strengthening law enforcement capacities, improving border control and enhancing cooperation between Central Asian law enforcement bodies and their Afghan colleagues. Three of these new projects, with a consolidated budget of more than \$10 million, are intended for Tajikistan and will support the DCA. This is to occur through further development of counter-narcotics policy, more training of customs officers and border guards - including the Russian Federal Border Service - and supply of equipment.

In June 2003 UNODC Deputy Executive Director Sumru Noian met the Prime Minister of Kyrgyzstan, the Deputy Prime Minister of Tajikistan, the General Public Prosecutor of Uzbekistan and executives of the ministries of foreign affairs, the interior and other highly ranked officials of the Central Asian countries, resulting in the establishment of the Kyrgyz Drug Control Agency. In June 2003, the Kyrgyz President signed the Decree on Establishment of the Kyrgyz DCA. Among other responsibilities, the agency has the authority to develop the country's counter-narcotics policy and monitor its implementation. It is supposed to be a highly professional organization, equipped with modern equipment, possessing a solid financial base and be capable of blocking the largest drug delivery channels in the country. Furthermore, it also deals with the suppression of other relevant illegal activity, especially organized crime. It is significant that the U.S. is the only donor for this project.

The prospective UNODC Project 'Central Asian Regional Information-Coordination Center' (CARICC) will further strengthen Central Asian drug control cooperation.¹²⁴ The center is to become a regional communication agency exchanging and analyzing operational and other information on-line via a network of liaison officers. These officers (presumably two from each country) will be seconded from drug control agencies and will be responsible for facilitating communication between the countries involved. The Center will also have responsibility for organizing and coordinating

¹²³ UNODC press-release, Vienna, 20 June, 2003.

¹²⁴ The initiative to establish the Central Asian Regional Information-Coordination Center was put forward by the President of Uzbekistan in October 2002.

joint operations, including controlled deliveries. It is also supposed to be another node in the network of similar centers working against drug-related crime, such as Interpol, Europol etc.

3.2.2. *The World Health Organization*

The World Health Organization (WHO) also makes some contribution to counter-narcotics in Central Asia. Its Regional 'Alcohol and Drugs' Office for Central Asia and Azerbaijan is in Almaty, Kazakhstan. Its program was established in response to growth in drug abuse and the number of HIV/AIDS cases among IDUs. It is active in the following fields:

- Developing national policy on drug abuse prevention;
- Treatment and rehabilitation of drug addicts;
- Training medical personnel and leaders of public organizations;
- Primary prevention of drug abuse at a local level.¹²⁵

However, after conducting large regional seminars in 2002 and publishing a useful brochure "Drugs in Central Asia" in 2003, WHO activities in Central Asia are now waning. The only recent large-scale WHO action is its international workshop on the development of national strategies for drug and alcohol addiction prevention, which was organized for the Ministries of Health, Parliaments and the Drug Control Agencies of Central Asia. The recommendations of this workshop have become a methodological tool for national strategies (with the exception of Turkmenistan).

3.2.3. *The Organization for Security and Cooperation in Europe*

Drug-related issues also fall within the sphere of interest of the OSCE, which deals with security problems and is therefore concerned with the impact of drug trafficking on conflict prevention. The OSCE uses a political approach, appealing to members to provide appropriate support for counter-narcotics measures and using its own fora for attracting international attention to the threat of drug trafficking.¹²⁶ The OSCE has received criticism from states of the region – in July 2004 the heads of some CIS

¹²⁵ *Drugs in Central Asia*, Bishkek: WHO, 2003, p. 67.

¹²⁶ The OSCE has been active in Central Asia since 1994, when it established a mission in Tajikistan. In 1995 it extended its presence in the region and opened the Central Asian Communication Bureau in Tashkent (Uzbekistan). In 1999 OSCE Centers began operations in Almaty (Kazakhstan), Ashgabat (Turkmenistan) and Bishkek (Kyrgyzstan).

states argued that its interference into the policies of independent states was too obtrusive, particularly with regard to election issues. It is possible that this resentment will lead to a scaling down of OSCE activities in Central Asia, including counter-narcotics efforts. When the OSCE is choosing its options for responding to threats to security in Central Asia caused by drug trafficking, it uses a concept of universal security that focuses on the human, economic and environmental dimensions as well as the more traditional conceptions of security.¹²⁷

Over the last ten years, the OSCE has become a catalyst for change in Central Asia's political processes. It focuses on establishing democratic institutions, improving stability and security and overcoming non-traditional threats to security, such as terrorism, extremism and drug trafficking. In 1996, the OSCE held a regional seminar entitled 'Drugs and Crime: New Challenges in Kyrgyzstan'. In March 2003, it held an international workshop on 'National and international economic consequences of illicit drug trafficking' in Tashkent and it is currently implementing the 'Strengthening of Capacity for the Suppression of Drug Trafficking' project within the framework of the Memorandum of Agreement between OSCE and Kyrgyzstan, signed in August 2003. As part of this project, OSCE provided six vehicles to the counter-narcotics squad of the Kyrgyz Ministry of Interior, four sniffer dogs, helped establish mobile detection groups and assisted in establishing two stationary checkpoints.

The OSCE does not have the mandate nor the intention to become a specialized counter-narcotics organization, but it would like to expand its political opportunities for supporting its partners, particularly UNODC.¹²⁸ In this vein, OSCE and UNODC organized an international conference on 'Enhancing Security and Stability in Central Asia: an Integrated Approach to Counter Drugs, Organized Crime and Terrorism' in Tashkent in October 2000. OSCE intends to continue assisting in fields where it has real expertise, such as in supporting governmental and non-governmental organizations engaged in neutralizing of drug- and terrorist-related threats. It is also engaged in promoting regional exchanges of experience and information.¹²⁹

¹²⁷ Report of International Conference on "Enhancing Security and Stability in Central Asia: an Integrated Approach to Counter Drugs, Organized Crime and Terrorism", Tashkent, 2000, p. 142.

¹²⁸ Ibid., p. 157.

¹²⁹ Ibid., p.159.

3.2.4. *The European Union*

Cooperation between Central Asia and the EU has become remarkably active in recent years. In the early 1990s cooperation was mostly at the bilateral level, but with the launch of the Program on the Combat Drugs in Central Asia (CADAP), work in this area has reached a new level. CADAP consists of two phases (CADAP-1 and CADAP-2). The budget for the first phase is about €3 million, which is to include installation of drug detection equipment in airports and seaports in Turkmenistan and Kazakhstan. European police and customs officers have also delivered a number of training sessions on drug control methods.

CADAP has also equipped training rooms – one example is in the Kyrgyz State Commission on Drug Control. Agreement on cooperation between law-enforcement agencies to consolidate efforts in suppressing drug trafficking at airports was an important achievement in this program. The next stage will strengthen capabilities to interdict land-based drug trafficking. CADAP-1 has also supported the Drug Control Agency in Tajikistan (ADMIT project) and is now creating regional information systems of free-for-all data on drug addiction (“NADIN” project), basically by providing computer equipment, internet access and fostering connections between experts. The CADAP-EUDROCA Regional Office moved from Almaty (Kazakhstan) to Bishkek (Kyrgyzstan) in early 2004 and launched the second phase of the Program. CADAP-2 consists of a series of projects:

- “Assistance in Legal Support of Counter-narcotics Policy”, designed to support judicial and institutional reforms according to EU standards, with the aim of increasing efficiency of legal drug-related proceedings.
- “Control of Land Borders” is to renew and equip approximately five border checkpoints.
- “Control in seaports and airports” is to establish drug control checkpoints in regional airports and seaports with the equipment provided by CADAP-1.
- “Training of police dogs” is to strengthen the potential of law-enforcement, border and customs services by providing them with sniffer dogs.
- “Improvement of information support to combat drug trafficking” will focus on improving law enforcement information systems in their collection, analysis and exchange of confidential data.
- “Preventive measures in prisons” is aimed at drug addiction prevention in correctional institutions.

The European commission Border Management Programme (BOMCA) has already been launched and will be implemented in cooperation with the CADAP-2 program. The BOMCA Program is focused on assisting the five Central Asian countries in effective administration at their borders. According to the program executive, the adopted strategy is well-balanced.¹³⁰ The complementary nature of the EU projects should help in harmonizing methodologies, which should in turn enhance regional cooperation.

3.2.5. *The United States of America*

The United States plays a leading role in the geopolitics of Central Asia. The main catalysts of expansion of cooperation between the U.S. and the countries of Central Asia were the tragic terrorist attacks on September 11, 2001. Since then, the activity of all U.S. diplomatic establishments were activated. As the connection between international terrorism, in particular the activity of Al-Qaeda and its affiliates, and international drug trafficking became apparent, the U.S. Government prioritized the security threats in the region. In 1999 and 2000, Kyrgyzstan and Uzbekistan were repeatedly affected by the expansion of international terrorism. Kyrgyzstan responded to the intrusion of Islamic extremists and terrorists, most notably with the "Batken events" of 1999.

Kyrgyzstan and Uzbekistan were some of the first states to express political support and solidarity with the U.S. Government. Both states provided military basing for the U.S; in Kyrgyzstan's case making its main international airport Manas available for the deployment of coalition forces. At present, the Ganci U.S. military base is adjacent to this airport.

Following the understanding that successful struggle with drug trafficking is an indispensable condition for the suppression of international terrorist financing, the U.S. Government initiated the signature of an Agreement on Drug Control and Mutual Legal Assistance between the with the Government of the Kyrgyz Republic in December 2001.

The Agreement was approved by the decree of the Government of Kyrgyzstan on December 14, 2001 (№2481-0) and provided the legal basis for cooperation in counter-narcotics. The purpose of this agreement is to improve the capacities of corresponding structures of the Kyrgyz Republic in the detection and combating of narcotics

¹³⁰ European Union's Border Management Programme in Central Asia. Available from <<http://www.eu-bomca.org/ru/about/strategy>>. [21 June 2004].

trafficking across the borders of Kyrgyzstan. The total budget of the initial grant was ca. US\$350,000; another US\$100,000 were allocated for equipment at a specific customs checkpoint. This checkpoint is strategically located on a juncture of three roads most frequently used by smugglers in the southern part of Kyrgyzstan, and should serve as an effective barrier to the drug flow from Afghanistan.

As viewed above, the U.S. commitment to render financial support to the improvement of institutions of drug control was crucial in the establishment of the Kyrgyz Drug Control Agency. The idea of creating a specialized law enforcement drug control agency in Kyrgyzstan appeared long before the establishment of such an agency in Tajikistan. However, due to financial obstacles, the implementation of the idea did not become feasible until 2003. The U.S. Government ensured the complete financial support for the Drug Control Agency of Kyrgyzstan. It is necessary to note also that structurally, it is similar to the U.S. Drug Enforcement Agency (DEA), and therefore it has been decided that the management of the project should be carried out by a former DEA officer.

It is necessary to note also that in view of the transnational character of drug trafficking, the DEA has already opened offices in Tashkent, Uzbekistan, and plans to open similar representations in other cities of Central Asia, in particular in Bishkek.

The United States is at present the most active power cooperating with Central Asian countries in the sphere of counter-narcotics . The extent of the cooperation is seen partly in the significant volumes of aid given both directly and indirectly, i.e. through the channels of international organizations such as the UNODC, which formally remains responsible for the DCA project. Moreover, America's cooperation with the regional states is important as it provides long-term institution-building rather than short-term projects.

Taking into account the long-term character of the situation in Afghanistan, evident tendencies of expanding terrorism and drug trafficking in Central Asia, as well as the stated commitment of U.S. President George W. Bush to continue an uncompromising struggle against the very threats that pervade the region, U.S. strategic geopolitical interests and political influence in the region are likely to remain and extend, including cooperation in spheres such as counter-narcotics.

3.2.6. Overview

Generally, the Central Asian region has been receiving significant attention from various international organizations. Their contribution to the development of drug control systems has been crucial. At the same time, local experience of cooperation with these organizations over the last ten years has shown that their activities are often overlapping or duplicate one another. There is a need for integrating complimentary projects conducted by Central Asia's state agencies in order to synthesize common goals, particularly with regard improving border controls. By doing so, financial resources can be more efficiently allocated and a wider range of pressing problems might be addressed. International efforts are mainly directed against supply reduction, but for the countries themselves it is of prime importance to address addiction itself.

The last ten years have shown that repressive counter-narcotics policies cannot work alone, yet projects for preventing drug addiction are still funded by the 'residual principle', meaning they receive funds remaining after supply reduction efforts. Consolidation of state and international efforts on drug abuse prevention is therefore crucial in order to maximize efficiency. On the issue of abuse prevention, the Soros Foundation deserves mention. It supports harm reduction projects in Kazakhstan, Kyrgyzstan and Tajikistan, including with regard to HIV/AIDS. Nevertheless, the overall funding available for drug abuse prevention in Central Asia is insufficient.

In sum, a fair assessment would be that the level of cooperation between the Central Asian republics and the international community is impressive under the circumstances, and is a testimony to their combined determination to counteract the dangers of drug trafficking, terrorism and extremism. Finally it would allow to improve the image of the Central Asian region, which has a huge potential.¹³¹

3.3 Improving Regional Drug Control Cooperation

International cooperation against drug control is required because of the transnational character of contemporary organized crime. In this age of globalization, transnational organized crime and drug trafficking in particular have received unprecedented opportunities for expansion. Today, no state, regardless of its financial or other potential, is able to effectively combat drug trafficking alone:

¹³¹ Ibid., p.160.

Drug control is a global problem, and the approach to its solution should be the same anywhere in the world. No matter what efforts are made in one state they may easily fail, if drug dealers find a new way or mean of drug transportation. The illicit drug trafficking involves many states and participants. For this reason, regional and international cooperation appears to be extremely important, if we really want to succeed in this matter...¹³²

The ultimate goal of international counter-narcotics cooperation is to enable effective responses to transnational criminal organizations regardless of which country they act in or of which country their illicit business is focused on. Multilateral cooperation may be international or regional – cooperation within the framework of the United Nations is universal. Drug-related issues have become the subject of urgent international concern and cooperation within the framework of the counter-narcotics Conventions of 1961, 1971 and 1988.

In April 1996 Kazakhstan, Kyrgyzstan and Uzbekistan concluded a trilateral intergovernmental agreement on cooperation on the control of drug trafficking. This established rules on a wide range of activities such as: exchange of law enforcement, statistical, methodological and other narcotics-related information; exchange of samples of seized drugs and precursors; exchange of drug manufacturing technologies and herbariums of narcotic plants; information exchange on individuals engaged in drug trafficking, on drug caches, trafficking routes, trafficking techniques, destination points, specific details of particular cases; and information exchange on national classification lists of controlled substances and notification in case of their change.

In May 1996, Central Asian governments signed the Memorandum “On mutual understanding and cooperation in combating illicit trafficking and abuse of narcotic drugs, psychotropic substances and precursors”,¹³³ and there are also a host of bilateral treaties at the intergovernmental and inter-institutional levels. The Declaration of the Central Asian states on Priorities for Cooperation in Countering Drugs, Organized Crime and Terrorism in Central Asia was adopted in October 2000 at the international conference “Enhancing Security and Stability in Central Asia: An

¹³² Bogdan Lisovich, Speech at the International Seminar “Great Silk Road: Drug Control in Central Asia”, Bishkek, 19-20 May 1999.

¹³³ The parties to the Memorandum on mutual understanding and cooperation are Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, and the UNODC. In January 1998 the Memorandum was joined by Russia and the Aga-Khan Organization for Development and in 2002 by Azerbaijan.

Integrated Approach to Counter Drugs, Organized Crime and Terrorism".¹³⁴ The signatories highlighted five priorities in their joint counter-narcotics activity: Improvement of cooperation and coordination; Gathering and exchange of information and research results; Improvement of preventive measures; Improvement of control; Improvement of the justice system, maintenance of rule of law and of an effective administration system.

The first priority requires improvement in coordination by means of extended cooperation with non-governmental organizations and civil society in general. The second requires a system of information support for cooperation at the global, regional and national levels and should include a system of gathering, analyzing, exchanging and estimating information with the use of accumulated experience. To improve preventive programs, they should include efforts to increase public awareness as well as suppressing drug trafficking. Moreover, assistance and support for economic development, including poverty reduction measures, should also be in the system of preventive measures. The fourth priority involves the establishment and development of the potential of counter-narcotics agencies, enhancing controls on borders with Afghanistan and in countries of transit, as well as improving control over precursors. The final point in the list requires revising and amending legislation in order to bring it into conformity with UN norms and standards and obligations arising from the OSCE framework: sustainable economic development; maintaining the rule of law by ensuring independence, impartiality and professionalism in courts and of prosecutors; establishing special groups of public prosecutors and judges for countering drug trafficking, organized crime and terrorism; and developing an effective and transparent system for counteracting corruption and money laundering.¹³⁵ These priorities can be addressed by the following aspects of counter-narcotics cooperation:

- Mutual consultations on issues of practical interaction and coordination of common approaches and principles while drafting international treaties and other acts designed to oppose illicit drug and precursors trafficking;

¹³⁴ The Conference was aimed at strengthening sub-regional cooperation among Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan - Summary Report on International Conference "Enhancing Security and Stability in Central Asia: An Integrated Approach to Counter Drugs, Organized Crime and Terrorism", Tashkent, 19-20 October 2000, p. 5

¹³⁵ Priorities for Cooperation to Counter Drugs, Organized Crime and Terrorism in Central Asia. Summary Report from the International conference "Enhancing Security and Stability in Central Asia: An Integrated Approach to Counter Drugs, Organized Crime and Terrorism", Tashkent, 19-20 October 2000, p.20.

- Regular meetings or the exchange of delegations for cooperative study of the experience and activities of bodies and organizations engaged in finding solutions for drug-related problems;
- Establishment of expert working groups to study the application of drug-related laws, to conduct conferences and seminars, develop joint programs for suppressing drug and precursor trafficking, to draft international treaties, and to develop the legislative basis for cooperation;
- Joint research on problems related to drug and precursors trafficking;
- Inflow of technical aid to law enforcement and legal services of Central Asian countries, including to train and upgrade law enforcement human resources through the exchange of experience and their participation in international meetings and forums while being financially supported by donors, in order to more effectively involve experts from Central Asian countries in an internationalized process of countering drug trafficking.

This last aspect deserves further elaboration. In the last decade the Central Asian countries have acquired some experience from technical aid and consultants provided by international organizations, particularly UNODC and the EU. However, as some analysts advise:

more resources should be provided for effective follow-up of all programs. International programs, that help to develop new legislation, ... provide equipment and training for law enforcement officers, must be closely monitored to ensure that equipment and training are being used properly. While this should be done by both local and international personnel the main responsibility for monitoring should be on donors who design and implement the programs.¹³⁶

When they provide equipment, for example, donors should also implement controls and follow up with accounting. Without this, the perception can arise that such aid is a gift, which can encourage embezzlement and misuse. Trust is the basis for cooperation, but it should not be expected that all local personnel will behave honestly.

Due to financial constraints, Central Asian governments cannot provide all the desirable training for their employees. Substantial contributions to assist this

¹³⁶ See Lubin, Klaitis, and Barsegian, *Narcotics Interdiction in Afghanistan and Central Asia: Challenges for International Assistance*, New York: Open Society Institute, 2002, p. 28.

situation have been made by UNODC, the EU, OSCE, U.S. government agencies,¹³⁷ the Japan International Cooperation Agency (JICA) and others. Through their seminars and workshops, Central Asian law enforcement personnel have the chance to improve their skills and, also important, establish professional contacts. However, the general drawback to these training activities, particularly noticeable in initial efforts, has been the discrepancy between, on the one hand, the methodology and subject matter discussed and, on the other, the legal systems and counter-narcotics practices in Central Asia. Western approaches appeared to be dysfunctional under local conditions and so a certain proportion of the training provided was inapplicable. Foreign analysts have commented:

...a better understanding of the informal dynamics in Central Asia is especially important in programs aimed at drugs, corruption, and crime. Yet many counter-narcotics training programs are designed and implemented by law enforcement specialists with little experience in the region. Regional experts on these issues in Central Asia should be encouraged to work with technical experts to create such kind of programs.¹³⁸

Returning to the priorities listed by the Central Asian governments above, it is clear that they encapsulate modern trends in regional counter-narcotics policy. However, to achieve the goals that flow from these priorities, an effective intergovernmental agency needs to be established. In 1999-2000 these functions were carried out by the Interstate Drug Control Commission of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan (IDCC).

The general problem with international cooperation occurs in the transformation of agreements on cooperation into concrete action. Articles 10, 11, 12 and 13 of the intergovernmental Agreements of 1996 are examples of agreements that are ignored. According to Article 12, the parties must exchange information on drug-related legislation and in due time inform each other about any changes made. Articles 10 and 11 of the Agreements oblige Parties to notify each other in case of amendments to

¹³⁷ The US State Department Bureau for International Narcotics and Law Enforcement coordinates the activities of federal bodies that provide training for Central Asian border services, police and other law enforcement bodies. The INL budget in 1998-2000 for Central Asia was as follows: Kazakhstan - \$3,919,170; Kyrgyzstan - \$ 1,687,459; Tajikistan, \$ 1,27,673; Turkmenistan, \$ 1,571,19; Uzbekistan, \$ 3,153,926. Total: \$ 11,359,247. See Lubin, Klaitz, Barsegian, Appendix 2. The support is certainly huge but its efficiency is difficult to evaluate.

¹³⁸ Ibid. p.28.

their national lists of narcotics, psychotropic substances and precursors, as well as to register new substances taken under control in a neighboring country.

In practice, these provisions have never been observed. No step has been made in pursuance of Article 13, which commits the signatories to move towards harmonization of counter-narcotics legislation. According to Article 18 of the 1996 Intergovernmental Agreement the parties have to organize training, re-training and internships for experts. For this purpose the Parties should set quotas for experts to be trained in medical and juridical sciences at higher and secondary specialized educational institutions, schools and training courses. Parties should also provide conditions for doctoral research. However, none of these activities have been implemented. Finally, Article 22 provides for the creation of joint operational groups dealing with the detection and investigation of transnational criminal groups – eight years later, no such groups have been created.

Due to the absence of proper mechanisms for the implementation of agreements, the treaties described above are not functioning effectively. It also seems that the agreement on cooperation between CIS countries on countering trafficking in narcotic drugs, psychotropic substances and precursors, signed on November 30, 2000, will remain unimplemented.¹³⁹ The same fate is likely for a range of bilateral drug control agreements. On the positive side, it should be noted that cooperation between institutions has become much more effective.

Drug control agreements are therefore more of a declarative nature and are not observed properly, particularly in areas related to legal assistance, information exchange and controlled deliveries. The lack of implementation would seem to be caused by the absence of a liability mechanism, but also due to a mismatch between goals and available resources. For example, there is no support in the 1996 agreement for establishing and running the Executive Body of IDCC. A lack of resources is also

¹³⁹ It is interesting to note that one of the basic principles of cooperation within the framework of the Agreement is the principle of setting responsibility for non-medical consumption of drugs as an important means of preventing drug abuse and reducing demand (p. 2). The Russian Federation, being a party to this Agreement, made amendments to their counter-narcotics legislation in May 2004, making a step towards legalization of possession of small amounts of drugs. This is an example of acting contrary to international commitments.

evident in the dearth of staff exchanges,¹⁴⁰ information exchanges, and effective joint operations.

It is important to note, however, that even where proper resources are available, political will is also required for successful cooperation. One of the successful examples of multilateral cooperation is the “Kanal 2003” operation, which was held on 3-9 November 2003 in Kyrgyzstan, Tajikistan, Kazakhstan, Armenia, Belarus and Russia. The operation was aimed at detection and suppression of trafficking channels, as well as developing mechanisms for cooperation between relevant agencies. All of the available resources of border services, customs, and interior ministries were engaged in the operation. The permanent border and customs checkpoints on the most important international roadways, railways and air connections were strengthened with human resources, technical equipment and drug-sniffing dogs. There were also patrols of areas at risk of uncontrolled movement of people and vehicles. More than five thousand joint operative groups manned 899 railway junctions and stations, 2057 highways, 92 airports and 2 seaports. During the operation, 1403 drug-related crimes were detected and 98 of them were committed by organized criminal groups. Over 19 tons of various drugs and 2 tons of precursors were seized. These included 116 kg of heroin, 168 kg of opium and over 1.5 tons of marijuana. During the operation 1113 criminal cases were filed. Criminal proceedings were instituted against 955 persons and administrative penalties imposed on 7232 persons. 2302 crimes of other types were detected and 236 firearms with more than 10 thousand items of ammunition were seized.¹⁴¹

Even an ordinary controlled delivery often demands personal involvement by the head of the agency involved in the operation, because during the time it takes to jump bureaucratic hurdles, the situation can change and the operation fail. Effective international cooperation requires rapid information exchange between state agencies and quick responses to requests for information or assistance. Using computers could considerably accelerate such information relays, but even central agencies are not fully equipped in this regard, nor can many of them access the internet.

In practice, there are many other obstacles to effective cooperation. Firstly, law enforcement bodies are reluctant to share information or participate in joint activities

¹⁴⁰ Staff exchange programs play an important role in strengthening trust and establishing links. However, Central Asia doesn't use this form of cooperation regularly.

¹⁴¹ “Canal – 2003” – high scale counter-narcotics operation. Available at <<http://www.oxpaha.ru/view.asp?10605>>. [19 May 2004].

with colleagues from other countries for fear of information leaks. This is not unusual and information hoarding occurs even within a single law enforcement body. Secondly, cooperation between government agencies is affected by the state of their political relations. In Central Asia, where there are many bilateral and multilateral political issues quite apart from drug control, these can sometimes intrude to make effective counter-narcotics cooperation difficult. Border delimitation is particularly troublesome in this regard as unclear borders facilitate the movement of criminals and terrorists.

The more complicated political relations become, the more vulnerable is counter-narcotics cooperation, especially when different ideologies or values collide, or when countries have different approaches to human rights and freedoms.¹⁴² Different levels of economic development and different cultural traditions can also manifest themselves as obstacles to cooperation.¹⁴³ Furthermore, in countries where the drug problem is not perceived as highly threatening, criminal justice systems do not give priority to tackling transnational crime. Of course, the worst problems occur where drug-related corruption has reached those at a high level, who then have a stake in obstructing cooperation. These states can actively support cooperation, but only in the form of exchanging non-operational information on drug problems. Even if law enforcement agencies perceive drugs as a threat and have opportunities to attack the problem, cooperation efforts will fall flat if there is corruption in their ranks or in their controlling governments. This is just one more reason why it is extremely important to prevent any state becoming a 'resort' for transnational crime.

The sensitive issue of national sovereignty is another problem hindering cooperation against transnational crime. The inflexibility of this concept becomes apparent when one state refuses to consent to agents from another to enter their territory in pursuit of escaping criminals. In Central Asia this problem is acute in the area surrounding the juncture of the borders of Kyrgyzstan, Tajikistan and Uzbekistan, where criminals can afford to be quite relaxed. A recognition of modern realities would encourage flexibility in the sovereignty concept, in order to reduce the advantages enjoyed by cross-border criminals over law enforcement personnel. Meanwhile, this cannot happen at the expense of affecting the integrity and efficiency of national investigations.

¹⁴² An example of a different kind of approach is Turkmenistan, whose official attitude is that organized crime does not exist. - if there is no organized crime then there is no need for cooperation.

¹⁴³ *Osnovy borby s organizovannoi prestupnostyu*, Moskow: Infra-M, 1996, p. 67.

The detection, investigation and prosecution of drug crimes is complex and labor-intensive. Often, officials from many countries – as well as their respective legal systems – become involved, which requires maintaining good communication links between states. For this reason, establishing contacts at an operative level and maintaining direct informal contacts can be of crucial importance in overcoming difficulties encountered throughout the process from detection to conviction. However, informal contacts need to respect the fundamental rights of those under investigation.¹⁴⁴

In summary, Central Asian states have completed the first stage of counter-narcotics policy. However, there is still little interaction between law enforcement structures in the border and peripheral areas. In many ways cooperation is still merely declarative, information is only exchanged formally, the system of communication officers is dysfunctional and controlled deliveries do not occur frequently. Overall, it is clear that closer cooperation between the countries of Central Asia is needed.

The modern realities of the drug problem dictate that counter-narcotics policy is meaningless without appropriate international agreements and without implementing these agreements. Unfortunately, experience has shown that many such agreements become ‘soft laws’ and are often ignored. Governments need to find mechanisms for implementing agreements in their entirety, with adequate financial support, and to begin to harmonize their legal frameworks on countering drug trafficking, money laundering and human trafficking. In part, these problems were addressed by the MoU and the agreements of 1996, but a different level of intensity is required. However, intensification is impossible without re-instituting an international Central Asian drug control body as a centre for developing and coordinating pursuit of regional counter-narcotics policy.

Without real political will it is not possible to raise the level of counter-narcotics cooperation in the region. Even without this, it would be better if the various components of current international cooperation were based on a uniform approach. The best opportunity for achieving control of the situation would be through the launch of a common, integrated approach with the support of the world community (represented by UNODC, EU, the U.S., etc.). In the current situation, donor states and institutions should pay greater attention to monitoring existing previously

¹⁴⁴ Ibid. p. 73.

implemented projects and programs, instituting stricter control measures in order to realize their aims.

All proposals that aim to strengthen overall security in Central Asia rest on the ability of countries there to deepen their cooperation. Given that these threats to security and stability are held in common, they should be a force for unity rather than argument; for fraternal cooperation rather than bickering.

4. Conclusion

At the beginning of the third millennium the world community faces an entire complex of new threats to security. These problems include international terrorism, religious radicalism and illicit drug trafficking as well as other forms of transnational organized crime. All of these are identifiable in Central Asia, which has experienced an expansion of their drug problem, emanating primarily from Afghanistan. As Turkey and Iran increased their efforts to stop drug trafficking across their borders, organized transnational criminal groups began to actively seek new routes through the republics of Central Asia to Russian and European markets. Simultaneously, Central Asian countries have become substantial consumption market in their own right.

Analysis of Central Asian law enforcement agencies' actions against drug trafficking holds little promise of an improvement in the situation in the near future. In fact, current trends suggest that it will worsen and the unfortunate fact is that drug-related crime is entrenching itself deeper into Central Asian societies. Established methods for countering the drug trade, legislation to attack it and research achievements that suggest methods to oppose it – all are far behind their prey's expansion, its methods, and its success at corruption. The states of Central Asia, particularly Tajikistan and Kyrgyzstan, face a great risk of becoming illicit drug producers themselves.

The drug trade should be opposed with a methodical, reasoned and consistent state counter-narcotics policy, premised on the aim of achieving narcological security. State counter-narcotics policy consists of several parts. The first is the activities of state organs aimed at developing the main provisions for countering narcotics. This could be termed the conceptual level. The second is the definition of its legal framework, or the legal basis for counter-narcotics. The third is the creation of an organizational framework and providing it with resources. The fourth and final is the implementation of the programs and strategies of counter-narcotics, including through international cooperation.

To develop and realize state counter-narcotics policy, it must be recognized that an effective solution to the drug problem will be a complex one, i.e. simultaneous reduction of demand and production, social reintegration of addicts, prevention of

illicit drug trafficking etc. Central Asian states are in the process of developing and are in danger of choosing the wrong model for counter-narcotics policy. Given that the drug problem is expanding, counter-narcotics policy in the region should be restrictive, avoiding equally the rigid 'war on drugs' model and the liberal model consisting of partial legalization of drugs.

The countries in Central Asia are in a political and economical transition. They currently face a shortage of human and material resources for the establishment of criminal justice systems and the rule of law. However, a necessary condition for effective counter-narcotics cooperation is the harmonization of related national legislations, which would be a strong foundation from which to build coordinated efforts against transnational crime.

In counter-narcotics activities, there is a distinct lack of the institutional and resource basis for effective action. States need to improve this if they are to counter the drug problem's expansion. Recognizing that they are a main route for transporting opiates, hashish and other drugs to Russia and Europe, the Central Asian republics have become proponents for international cooperation, and have come to appreciate the efforts of international agencies such as UNODC.

International cooperation is not only a necessary condition for countering drugs and organized crime, but is also an important preventive instrument. Every country must recognize their vulnerability to transnational criminal organizations, as the Kyrgyz President did in 1998 when he outlined his Great Silk Road Diplomacy doctrine, highlighting the need for 'counter-terrorism', 'counter-extremism' and 'counter-narcotics'. His vision of a Great Silk Road free from drugs found broad support and understanding in the world community and is an overarching idea that informs regional counter-narcotics policy.

The continuing threat of a relapse of conflict in Afghanistan requires focused efforts by the state bodies of the countries along the Great Silk Road and interested international organizations in order to realize additional mechanisms to institute and maintain security. The countries in Central Asia have a particularly high stake in Afghanistan's future, as they have discovered recently. In terms of assistance, the UNODC should be singled out for its positive contribution, as it seems to have successfully integrated a balanced approach to the drug problem in Central Asia, including the 'security belt' and arguing for assistance for the region's economic development. As French President Jacques Chirac said in the 2003 Paris conference, drug-related crime is a social 'gangrene' that

has to be countered in all of its forms, long prior to the trafficking of drugs. This struggle requires integrated approaches including legal, medical, economic and social measures, and we must attack it at national, regional and global levels.¹⁴⁵

As hinted to in that quote, the effective countering of drugs, organized crime and terrorism is impossible without economic growth, developed infrastructure and well-devised social programs. For that reason, the economic dimension must take an important place in the overall concept of security.¹⁴⁶

This analysis has highlighted many problems in current counter-narcotics approaches in Central Asia and pointed to some of the obstacles it faces now and in the future. However, it might be in its place to conclude by citing a still valid response to all the pessimistic prognoses, in the words of the Kyrgyz narcologist Professor Jenishbek Nazaraliev:

I am deeply convinced that drug abuse can be defeated! This is proven by the experience of other countries and continents, ... where drug combat became a part of state ideology, “an issue for everyone”. Unfortunately, the governments of the post-Soviet republics have not yet realized the actual scale of the disaster of a massive expansion of drugs, nor the consequences of it for future generations. Central Asian countries now have a unique chance to demonstrate to the world what we can do! I am sure that, united and with a single counter-narcotics strategy, we can step into the new century not as the countries of Asian drug traffic but as the countries of the Great Silk Road, who some time ago connected cultures and civilizations of East and West. This is our common mission, in which we are responsible to our descendents and the future of our states.¹⁴⁷

¹⁴⁵ J. Chirac, Presentation at International Conference “Routes of Moving Drugs from Afghanistan through Central Asia”. Paris, France, May 22, 2003.

¹⁴⁶ Item 11 of the Declaration of Central Asia against Drugs, Organized Crime and Terrorism adopted at International Conference “Enhancing Security and Stability in Central Asia: An Integrated Approach to Counter Drugs, Organized Crime and terrorism”, Tashkent, October 19-20, 2000.

¹⁴⁷ Nazaraliev J.B. Address to the participants in International Seminar “The Great Silk Road: Countering Drugs in Central Asia” Bishkek, May 19-20, 1999.

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