

AGENDA PAPER PILON ANNUAL MEETING

South Pacific Precursor Control Forum: Legal Workshop

Background¹

In recent years, there has been an increase in the use of synthetic drugs, such as drugs commonly known as 'Ice' and 'Ecstasy', in developing countries, and high levels of synthetic drug use in New Zealand and Australia. There has also been growing trend in the involvement of organised crime syndicates in synthetic drug manufacture, and an increase in the size and sophistication of clandestine laboratories producing synthetic drugs. Additionally, there are indications that the Pacific region is increasingly being targeted for the manufacture and trafficking of synthetic drugs, and being used as a transshipment point to transport precursor chemicals and synthetic drugs between South-East Asia and drug markets in Australia and New Zealand.

An example of these trends is the 2004 seizure of 5 kg of crystal methamphetamine, and enough precursor chemicals to make 1,000 kg of methamphetamine, from a large clandestine laboratory in Suva, Fiji. The estimated street value of the drugs and chemicals seized is AUD\$500 million. At the time, it was the biggest drug laboratory ever discovered in the southern hemisphere. Police were delayed in raiding the premises as amendments had to be made to the Fijian legislation to enact offences relating to precursor chemicals.

These trends are of particular concern as much of the legislation in the Pacific does not contain the provisions required for countries to prevent, adequately investigate or successfully prosecute incidences of illicit drug manufacture or trafficking of synthetic drugs and the precursor chemicals used to produce them.

Accordingly, the rate of accession in the Pacific to the three UN Drug Conventions—*1961 Single Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances and 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*—is amongst the lowest in the world.

This places the region at risk of exploitation by organised crime syndicates that may seek to use the region as a manufacturing base or transit point for the trafficking of illicit drugs and precursor chemicals. The implementation of effective drug legislation and the regulation of precursor chemicals would enable countries to better respond to illicit drug issues and would provide a disincentive to organised crime networks that may target the region.

South Pacific Precursor Control Forum

In response to these issues, the South Pacific Precursor Control Forum (SPPCF) was established by the Australian Attorney-General's Department in 2006 as a regional mechanism for Pacific island countries to address illicit drug issues, in particular the diversion of precursor chemicals into the manufacture of synthetic drugs such the use of pseudoephedrine to manufacture methamphetamine.

Current SPPCF members comprise Fiji, Tonga, Samoa, Nauru, Solomon Islands, Vanuatu, Palau, Papua New Guinea, New Zealand and Australia. The Oceania Customs Organisation, Pacific Islands Forum Secretariat (PIFS), Pacific Islands Chiefs of Police, the United Nations Office on Drugs and Crime (UNODC) and the Pacific Transnational Crime Network also participate.

SPPCF Legal Workshop – 30 September 2008 Apia, Samoa

At SPPCF meetings in 2007, it was noted that members held concerns in relation to the limited legislative capacity of countries to regulate trade in precursor chemicals or to successfully prosecute those responsible

¹ UNODC Amphetamines and Ecstasy 2008 Global ATS Assessment

for the diversion of precursor chemicals into synthetic drug manufacture. Taking action in relation to these concerns, the Australian Attorney-General's Department and the Samoan Attorney General's Office co-hosted a Legal Workshop for SPPCF members in Samoa on 30 September 2008. The purpose of the workshop was to support and encourage legislative reform as a necessary measure to address challenges posed by illicit drugs.

At the workshop, participants discussed:

- the UN Drug Conventions (including compliance requirements)
- the availability of model drugs legislation
- current drug policy reform projects in Samoa and Vanuatu (including legislative reforms), and
- the availability of policy and drafting assistance from PIFS, UNODC and the Australian Attorney-General's Department.

Participants also identified gaps and vulnerabilities in current domestic drugs legislation and developed Action Plans for undertaking legislative reform to address these issues. These Action Plans will be an important reference tool for SPPCF members when progressing or promoting the need for legislative reform.

The importance of regional compliance with the UN Drug Conventions was recognised by participants in the workshop resolutions. Participants also made a commitment to raise Ministerial awareness of the need for adequate domestic legislation to address incidences of illicit drug trafficking manufacture and the diversion of chemicals into synthetic drug production. The full list of the workshop resolutions is attached (**Attachment A**).

Proposed Resolution

Australia requests that PILON members consider the issues outlined in this paper, and invites members to comment on the work of the SPPCF in relation to building the legislative capacity of members to respond to illicit drug issues.

Australia also requests PILON to:

1. Support the resolutions agreed to at the SPPCF Legal Workshop on 30 September 2008,
2. Agree that those Pacific nations not yet a party to the UN Drug Conventions should consider accession, and
3. Note that policy and drafting assistance is available from PIFS, UNODC and the Australian Attorney-General's Department to support reforms to drug control policies or legislation.

RESOLUTIONS

SPPCF members agree:

1. That regional compliance with the UN Drug Conventions is important in combating the threat of illicit drug trafficking, illicit drug manufacture and the diversion of precursor chemicals.
2. That it is necessary to ensure domestic legislation is adequate in addressing the threat posed by illicit drug abuse, illicit drug trafficking, illicit drug manufacture and the diversion of precursor chemicals.
3. That it is necessary to ensure domestic legislation is adequate to enable international legal cooperation.
4. To report back to SPPCF on the progress of any legislative reform measures undertaken to address potential gaps and vulnerabilities in legislation identified in the Action Plans.
5. To raise Ministerial level awareness of the need for legislative reform.
6. To request that the Pacific Islands Law Officers' Network (PILON) consider the outcomes of this SPPCF Legal Workshop at its next meeting in December 2008.
7. That the Australian Attorney-General's Department, PIFS, the UNODC and the Pacific Transnational Crime Network will provide appropriate assistance, where possible and if requested, to SPPCF members in implementing Action Plans, and that the SPPCF Secretariat coordinate the provision of that assistance.