

Multilateral
Evaluation
Mechanism
MEM

Argentina

Evaluation of Progress in Drug Control

Organization of American States – **OAS**

Inter-American Drug Abuse Control Commission – **CICAD**

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1999
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2000

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Organización de los Estados Americanos – OEA

Comisión Interamericana para el Control del Abuso de Drogas – CICAD

Organization of American States – OAS

Inter-American Drug Abuse Control Commission – CICAD

Organização dos Estados Americanos – OEA

Comissão Interamericana para o Controle do Abuso de Drogas – CICAD

Organisation des Etats Américains – OEA

Commission Interaméricaine de Lutte Contre l'abus des Drogues – CICAD

NATIONAL ANTI-DRUG STRATEGY

Argentina has a Federal Plan for the Integral Prevention of Drug Dependence and the Control of Illicit Drug Trafficking , which covers supply reduction, demand reduction, control measures, institutional framework, budget, and an evaluation system.

The Federal Plan is being implemented by the Department of Programming for the Prevention of Drug Addiction and the Fight Against Narcotics Trafficking (SEDRONAR), which is the central coordinating authority, established in 1989 by Presidential Decree 271/89. Its mandates include the areas of demand reduction, supply reduction, control measures and information gathering and analysis at the community, provincial and national level. SEDRONAR has its own budget, forming part of the national budget. It also has a legal framework (Law No.23.737) authorizing it to forfeit seized monies and assets.

The UN Conventions of 1961, 1971 and 1988 and the Inter-American Convention against Corruption have been ratified; however Argentina has not ratified the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. Argentina has not signed the Inter-American Convention on Mutual Assistance in Criminal Matters. However, the country indicates that on May 12, 2000, the Executive Branch sent the aforementioned Convention to Congress for ratification.

Argentina has national laws and regulations that govern drug-related areas in keeping with international conventions. There is specific legislation to control asset laundering, illicit trafficking in firearms, and the diversion of chemical substances. National Decree 1095/96 is being modified to adapt it to the modifications of the Model Regulation of the CICAD on Chemical Precursors of 1990 and it is pending for signature of the President of the Nation.¹

Regarding money laundering, Argentina also indicates that national legislation, especially since the passage of Law 25.246, is in keeping with the CICAD Model Regulations Concerning Laundering Offenses Connected to Illicit Drug Trafficking and Related Offenses.

Argentina also has a system to develop and maintain statistics and documents. Separate collections of documents and/or statistics are maintained in the following areas: demand reduction, supply reduction, and control measures. However, there are no statistics/documents on the impact of illicit drugs on society.

¹ See page 10, recommendation No. 4

Argentina also has a system to develop and maintain statistics and documents. Separate collections of documents and/or statistics are maintained in the following areas: demand reduction, supply reduction, and control measures. However, there are no statistics/documents on the impact of illicit drugs on society.

Recommendations

1. Ratify the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.
2. Ratify the Inter-American Convention on Mutual Assistance in Criminal Matters.
3. Ensure that the national legislation to approve on the control of firearms is in agreement with the pertinent CICAD Model Regulations.
4. Enact the draft national decree on the control of chemical substances.²

DEMAND REDUCTION

Argentina has a well-developed demand reduction strategy, included in the Federal Plan, which has been in force since 1996 and is updated annually. Although Argentina has not formally adopted the UN Declaration on the Guiding Principles of Drug Demand Reduction, it has incorporated the principles of that Declaration in its Plan of Action.

Argentina has both public and private sector “Drugs in the Workplace” programs. Other prevention programs, in the framework of the Federal Plan, cover 100% of the targeted student population, although no data exists on the coverage of these programs for community leaders, prisoners, or prison officers. However, beginning the second half of 2000, under an agreement with the Ministry of Justice, a “Healthy Jails” program is being implemented for the prison population of both sexes, for which the Federal Penitentiary System is responsible. This program provides training for penitentiary service personnel and prisoners themselves on addiction prevention and assistance.

There are no programs for street children or out of school youth. In that connection, work is being done with experts from the National Council on Children and the Family and SEDRONAR to implement specific prevention and welfare programs for street children and other children involved in situations where drugs and alcohol are used and abused.

² See page 10, recommendation No. 4

SEDRONAR and the National Council on Children and the Family are the state agencies with the obligation to meet the welfare and rehabilitation needs of marginal groups not covered by health and welfare legislation.

Training is offered at universities for social worker-therapists, who may assist in prevention work at specialized centers, as well as courses leading to master's degrees for social work and health professionals.

Minimal drug rehabilitation standards of care have been established, which are being improved and updated. Program including early detection, treatment, rehabilitation, and social reintegration are available in many parts of the country.

An attempt at measuring the extent of drug use in Argentina was carried out in 1999 through a national survey of urban households. In addition, a study was done of patients in treatment centers. The national household survey provides important drug use information. All studies have been published and are available.

This data could be used to determine priorities and develop program implementation methods, but no prevention and rehabilitation programs have been evaluated because such programs were introduced in Argentina only recently.

Although a national epidemiological study is being conducted, it is notable that no data is available to estimate annual drug use, nor have studies been conducted to evaluate the effectiveness of treatment and rehabilitation programs. However, programs are being developed to evaluate prevention and treatment activities, included in the National Strategy for 2001-2003 now being prepared.

Recommendations

1. **Expand prevention programs to cover other key groups, such as street children and out of school adolescents.**
2. **Evaluate prevention and treatment programs.**
3. **Implement a data collection system to determine the incidence of new drug users.**

SUPPLY REDUCTION

No significant amounts of illicit crops have been recorded in Argentina; only 1,072 cannabis plants have been eradicated in different areas of the country.

Decree No. 1095/96 contains legal provisions and regulations for the application of criminal and administrative sanctions for the diversion of pharmaceuticals and controlled chemical substances. Three administrative sanctions were imposed in cases involving the latter.

Decree No. 1168/96 also establishes mechanisms for timely exchanges of operational information between national and international units responsible for the control of chemical substances and pharmaceuticals.

The diversion of chemical substances is controlled by SEDRONAR, while the National Administration of Medicine, Food, and Medical Technology oversees the distribution of pharmaceuticals and estimates annual needs for them. The Ministry of Health monitors and regulates professions involved in the distribution and use of pharmaceuticals.

Argentina uses the pre-export notification system for international transactions involving controlled substances and pharmaceuticals. In 1999, it issued 49 pre-export notifications. It reports that although controlled chemical substances were imported into the country, the corresponding prior notifications were never received.

No requests for international cooperation to control chemical substances were made during this period under existing cooperation agreements.

In 1999, the following quantities of diverted controlled chemical substances were seized:

Controlled chemical substances	Quantity seized	Unit of measurement
Ethyl alcohol	187.00	Liters
Hydrochloric acid	167.70	Liters
Sulphuric acid	5.00	Liters
Ethyl ether	117.00	Liters
Acetone	371.00	Liters
Potassium permanganate	2.83	Kilos

Recommendations

1. Require countries to issue pre-export notifications for controlled chemical substances. If countries persist in failing to comply with this provision, Argentina should notify the International Narcotics Control Board (INCB) of the situation.
2. Monitor closely the appearance of illicit crops within the territory, even when these crops are minimal.

CONTROL MEASURES

Argentina has judicial, administrative, and law enforcement institutions responsible for investigating, controlling, and eliminating illicit drug trafficking. Law enforcement agencies are the security forces, federal police and law enforcement agencies, and the provincial police forces.

SEDRONAR and the Federal Public Revenue Administration (AFIP) are the administrative agencies, while the Office of the Attorney General (the national federal justice authority) is the competent judicial body.

SEDRONAR is responsible for national interagency operational information exchanges and collaboration, as well as information exchanges and coordination between the Argentine Republic and other countries, in accordance with its international obligations in this area.

Argentine law enforcement authorities carried out 19,577 drug seizure operations from January to September 1999, and seized the following quantities:

Type of Drug	Quantity seized	Unit of measurement
Morphine	650	cm ³
Heroin	7,962	Kg
Coca leaf	57,269.116	Kg
Coca paste	34,331	Kg
Cocaine salts (hydrochloride)	1,139.373	Kg
Cannabis plants	1,072	Units
Leaf cannabis (grass)	11,631.318	Kg
Cannabis resin (hashish)	5,000.610	Units
Hashish oil (liquid cannabis)	15	Grams
Cannabis seed	51,210	Kg

Regarding the number of persons arrested, charged, and convicted for drug trafficking, Argentina provided the following information:

Type of offense	Number of persons arrested	Relative to the population of the country (rate per 100,000 inhab.)
Cocaine trafficking	2,411	6.6
Marijuana trafficking	2,603	7.1
Other drug trafficking	1,345	3.7
Total	6,359	17.4

Jurisdiction	Total charged	Total convicted
Federal Penitentiary Service (SPF)	963	486
Buenos Aires (*)		
Catamarca	2	1
Córdoba	86	13
Corrientes	0	0
Chaco	10	0
Chubut	6	1
Entre Ríos	12	8
Formosa	20	5
Jujuy	46	55
La Pampa (*)		
La Rioja	0	1
Mendoza (*)		
Misiones	15	13
Neuquén	3	3
Río Negro (*)		
Salta	21	0
San Juan (*)		
San Luis (*)		
Santa Cruz	2	0
Santa Fé	46	50
Santiago del Estero	4	3
Tierra del Fuego	6	4
Tucumán	35	20
Total	1,275	663

(*) Consolidated data is unavailable.

Regarding international cooperation to investigate and prosecute drug traffickers, Argentina did not indicate whether it had received requests or issued replies.

Argentina has defined as an offense the illegal manufacture, trafficking, import, and export of firearms, explosives, ammunition, and other related materials, and it has laws in place authorizing the seizure or freezing, confiscation, and forfeiture of these articles. The country has control mechanisms and authorities that issue pre-export authorizations and has mechanisms for national and international interagency coordination and information exchange.

It did not report the number of persons prosecuted or convicted for manufacturing, importing, exporting, or trafficking weapons, ammunition, explosives, and other related materials, as this type of data is not available. It does, however, report that there were 139 convictions in 1999 for the manufacture or possession of explosives and war materiel.

It does not report the number of seizure operations, nor the quantity of weapons seized in connection with drug trafficking offenses, nor the seizure of ammunition, explosives, and other related materials. The country reports that it does not keep a record of the origin of firearms, ammunition, explosives, and other materials or of the routing used in their diversion.

The government reports that an amendment to Law No. 22,136 specifically provides that data shall be kept on weapons, ammunition, explosives, and other related materials in order for it to be stored or incorporated into the respective record.

Argentina has neither received nor made requests for international cooperation to investigate and prosecute offenses involving the manufacture of and trafficking in weapons, ammunition, explosives, and other related materials.

Asset laundering has been defined as an offense under Argentine law, to include the suppression and prevention of the laundering of drug-trafficking proceeds. Moreover, Argentina has preventive administrative controls in place and a legal framework authorizing the freezing or seizure and forfeiture of such proceeds.

In 1999, there was no central body responsible for receiving, analyzing, and disclosing to the competent authorities information regarding financial transactions. There is a legal framework in place to require the reporting of suspicious transactions and provisions requiring financial institutions and others responsible to comply with other control measures.

SEDRONAR is the body responsible for administering goods seized and forfeited from illegal drug trafficking. Argentina does not report the number of persons arrested or charged for money-laundering offenses.

There are laws and regulations in place that require financial institutions to report suspicious or unusual transactions to the competent authorities, and to comply with control measures.

Argentina has not imposed judicial sanctions for failure to report suspicious transactions, but, regarding administrative/regulatory sanctions applied by supervisory bodies, it reports that three preliminary proceedings are under way. Neither does it report any judicial convictions for money laundering control violations, but it does report that 15 preliminary administrative proceedings are under way.

Argentina did not indicate whether it had received requests or issued replies regarding requests for international cooperation to investigate and prosecute money-laundering offenses.

Recommendations

1. **Strengthen controls for illicit firearms trafficking by maintaining records of seizure operations, material seized, diversion routing, origin, arrests, and convictions for offenses involving firearms, ammunition, explosives, and other related materials related to illicit drug trafficking.**
2. **Establish international cooperation to investigate and prosecute offenses involving the manufacture and illicit trafficking of firearms.**
3. **Establish international cooperation to investigate and prosecute money-laundering offenses.**
4. **Implement the Financial Information Unit created through Money Laundering Act No. 25,246.**

HUMAN, SOCIAL AND ECONOMIC COST OF DRUGS

Estimating the human, social and economic cost of the drug problem in all of its manifestations constitutes a complex process. This information is relevant to each country's understanding of the magnitude of the drug problem.

This would enable each country to appreciate the direct and indirect cost in proportion to their Gross National Product or national annual budget. Because many countries have difficulty in providing these estimates, CICAD is proposing a hemispheric-wide program involving training and technical assistance, which should assist the country in its effort in confronting the drug problem and fulfilling this indicator's requirements.

Recommendation

1. Develop the capacity to estimate the human, social, and economic costs of its drug problem.

SUMMARY OF RECOMMENDATIONS

CICAD recommends that Argentina's anti-drug efforts be strengthened by addressing the following:

1. Ratify the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.
2. Ratify the Inter-American Convention on Mutual Assistance in Criminal Matters.
3. Ensure that the national legislation to approve on the control of firearms is in agreement with the pertinent regulations model of the CICAD.
4. Enact the draft national degree on control of chemical substances.³
5. Expand prevention programs to other key groups, such as street children and out of school adolescents.
6. Evaluate prevention and treatment programs.
7. Implement a data collection system to determine the incidence of new drug users.
8. Require countries to issue pre-export notifications of controlled chemical substances. If countries persist in failing to comply with this provision, Argentina should notify the International Narcotics Control Board (INCB) of the situation.
9. Closely monitor the appearance of illicit crops within Argentine territory, even when quantities are minimal.
10. Strengthen controls for illicit firearms trafficking by maintaining records of seizure operations, material seized, diversion routing, origin, and persons charged and convicted for offenses involving firearms, ammunition, explosives, and other materials related to illicit drug trafficking.
11. Establish international cooperation to investigate and prosecute offenses involving the manufacture and illicit trafficking of firearms.

³ Argentina accompanied a copy of its authentic Decree No. 2064/1991 and Decree No. 1095/1996 dated December 6, 2000 modifying Decree 1095/96 in which Argentina's legislation fulfills the Model Regulations of CICAD on chemical precursors of the OAS 1999.

12. Establish international cooperation to investigate and prosecute money-laundering offenses.
13. Implement the Financial Intelligence Unit created through Money Laundering Act No. 25,246.
14. Develop the capacity to estimate the human, social, and economic cost of its drug problem.