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STRENGTHENING NATIONAL DRUG CONTROL COMMISSIONS

**ORGANIZATION OF AMERICAN STATES (OAS)
INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION (CICAD)**

STRENGTHENING NATIONAL DRUG CONTROL COMMISSIONS (NDCs)

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INTRODUCTION; A DIAGNOSTIC OF THE NDCs

No country can confront the drug problem successfully without an established and robust National Drug Control Commission (NDC) or similar entity. It must have political support; legal powers, a budget, and specialized permanent staff to ensure effective and continuous coordination, planning, advisory services, monitoring and evaluation of national policies, strategies, and plans for the integral prevention of drug abuse and illicit trafficking. A national coordination mechanism that integrates the NDC, government ministries with responsibilities for drug issues, provincial or state governments, and municipal governments, civil society is likewise needed for the development of national strategy and plans for reduction of drug supply and demand.

The NDCs in CICAD's member States should, according to their legislation, be capable of addressing the problem of drug abuse and related criminal activities. Nonetheless, problem areas and critical limitations in the political, legal, budgetary and technical arenas impede their ability to act effectively in their role as the leading, coordinating, planning, advisory and evaluating agency for the national drug strategy and plans.

According to the Hemispheric Report of the Multilateral Evaluation Mechanism, MEM/ 1999-2000, "...33 States have NDCs, although not all of them coordinate every aspect of their respective strategies. An analysis of the information provided reveals persistent deficiencies in inter-institutional coordination, primarily in the areas of interdiction and control. In many cases, it is not possible to establish the degree of importance that countries accord the central coordinating authority and its management capability..."

At this time, (04/2002) all CICAD members States, with the exception of one country, have a national antidrug strategy. Since 1998, the Executive Secretariat has cooperated with 22 countries in designing and drafting these strategies. In most of these countries, CICAD's presence encouraged NDC heads to coordinate actions and secure the adoption of the strategy by the national government. The NDCs have demonstrated capacity to convene and coordinate. It is also clear that their institutional situation can be improved if there is genuine political support from the central government. This involves allocating appropriate funds, recognizing the NDC's leading role in combating drugs, and elaborating missions for the coordination, planning, direction, monitoring, and evaluation of national strategies and plans.

Workshops were organized in these countries involving between 15 and 45 public institutions from the judicial and legislative sectors, and civil society organizations. These institutions were represented by between 25 and 110 delegates responsible for implementing actions inherent to demand reduction, supply reduction, control measures, and inter-institutional coordination (the number of participants varied according to the socio-political nature of the State and of the drug problem). The characteristics of the drug problem were identified, as were the strengths and weaknesses of the institutions responsible for coordinating, planning, executing, or evaluating activities. The goals, objectives, programs and projects associated with the national antidrug strategy and plans were determined through consensus. The NDCs' importance as the central level of national coordination was acknowledged, as was the need to improve and broaden their capacity to manage and coordinate at the national and international levels.

In general terms, participants from most countries concurred in identifying the following key problems and limitations of the NDCs at the political and structural and organizational levels:

AT THE POLITICAL LEVEL:

- Lack of government policy and a national antidrug system to protect public health and the country's internal and external security from threats from criminal organizations involved in drug trafficking and related terrorist activities;
- Lack of concrete or effective political will on the part of the central government;
- Political activity of the moment, circumstantial and opportunistic, that sometimes views the NDC as a means to fulfill or meet commitments that are unrelated to the NDC's nature and objectives;
- An incoming President or Head of State that not only entails designating a new national NDC director or chief, but involves, at the technical level, changeovers affecting the majority of trained, experience, or specialized staff. This results in constantly starting over the training of new technical and operational staff;
- Real or alleged corruption problems associated with low salaries and the economic power of drug trafficking groups relative to the budgetary constraints of the NDCs;
- Little or no economic resources hinder the effectiveness of the NDCs role as the leading entity and inter-institutional coordinator;
- Little or no initiative on the part of the government or the NDC itself to generate funding sources to supplement central government contributions.

AT THE STRUCTURAL AND ORGANIZATIONAL LEVEL:

- NDC regulations are frequently obsolete and generally not conducive to furthering their objectives;
- Insufficient and low-paid technical staff, lacking training and professional development programs;
- The NDC annual budget is not planned or anticipated in a way that takes into account all of its objectives, areas of responsibility, and the national scope of its institutional coverage, vis-à-vis the unique characteristics of the drug problem in the country;
- The NDC does not coordinate the planning of the strategy and national plans, nor does it monitor or evaluate results or institutional efforts.
- All institutional efforts, or at least the principal ones, are concentrated in the capital of the country. There is often no effort toward, or coordination of, a national antidrug system integrating the NDC with government ministries, provincial and municipal governments, organized civil society, and other public and private institutions involved in the execution of national plans in different action areas;
- Lack of integrated, uniform and continuously updated drug-related statistics, as well as studies on trends in drug abuse, illicit trafficking, and related activities;
- Little or no effort in the areas of technical assistance and international economics.

Some of these problems and limitations affect each NDC individually and also have a collective effect on the national offices responsible for executing national strategies and plans.

It is also important to identify the various organizational and operational styles characterizing the above-mentioned NDCs in the Hemisphere for the purposes of this project and also to acquire a global understanding and vision.

DIFFERENT ORGANIZATIONAL STYLES OF THE NDCs OR SIMILAR ENTITIES:

Some NDCs are autonomous, organized as Government Ministries or Secretariats and directed by a Minister of Government. Other NDCs are decentralized institutions and have their own resources. While they are registered under the jurisdiction of a particular Ministry or Public Prosecutor's Office or Agency, they function autonomously and are administered by a National Director. However, thematic coordination and coverage as well as the territorial reach of their operations are not optimal and are inconsistent with the reality or magnitude of the drug problem.

These two categories of NDCs—Ministries or autonomous entities—have independent budgets funded through contributions from the national government and private institutions, international assistance, the seizure of assets, and other sources. They have data banks and they advise, plan, coordinate, and promote and channel international technical assistance. However, regardless of their organizational style, apparently ideal, they experience persistent political, budgetary, and technical limitations that impede their effectiveness.

A third category of NDCs is integrated into other institutions, upon which they are dependent for staff assignments as well as vital operational resources (electricity, water, telephone, photocopies), which tend to be inadequate and significantly limit their institutional role.

A fourth group comprises NDCs that have been regulated but are not functional. Either they have not been set up or they have been assigned only a small staff (between one and three people). They lack the capacity to provide leadership, advisory services, planning, and inter-institutional coordination, or to assess impact and plan and project outcomes.

Other offices identified as NDCs operate out of the Office of the Presidency of the Republic to advise, plan, and coordinate central government programs or campaigns relating to a particular aspect of the drug problem. In many cases they lack the capacity for business management and inter-institutional coordination of executing agencies in the country.

In addition to the NDCs not included in previous categories, there are government ministries, national agencies, and even NGOs, which execute plans or programs in thematic areas without regard for or recognition of the existence of a NDC, national strategy, or national antidrug system. This leads to conflicts over jurisdiction, and disregard for basic principles of organization and coordination misusing scarce resources when trying to accomplish goals established in the national strategy and plans.

GENERAL CONSIDERATIONS FOR INSTITUTIONAL STRENGTHENING OF NDCs

CICAD cooperates with technical assistance to the national authorities so that the latter can identify, interpret, and make decisions regarding the strengths and weaknesses of the current system; obstacles and challenges for reaching the specific, direct short, medium, and long term goals and objectives. All of this is oriented toward developing solid, permanent institutional structures able to address effectively the different manifestations of the abuse and illicit trafficking of controlled substances.

Strengthening a NDC is possible if the national government's political will is manifested such that it lends credibility and articulates a clear mandate. This results in the appropriate and timely actions in the legal, economic and organizational spheres for the ongoing technical and institutional development of the NDC as the leading entity for the coordination and execution of the national antidrug strategy and plans, as well as coordination of the national antidrug system.

Another factor that will be taken into account in ensuring, to the extent possible, the NDC's organizational development and strengthening with CICAD's technical assistance, is whether the requesting Head of State or Government has at least two years remaining in office. This is to ensure that all approved activities can be carried out without the detrimental effects that political transitions often have on these cases.

SPECIFIC COOPERATION IN CICAD MEMBER STATES:

CICAD will provide technical assistance to member States for the organizational development of an institutional national antidrug system and the strengthening of the NDC. This includes the following elements and actions, based on the needs identified in each country. They are complementary, inter-related, and coherent in nature so as to create a solid, integrated foundation to ensure more effective actions and outcomes in efforts by the government and its institutions to confront the different forms, resources, and consequences of drug trafficking:

- Institutional strengthening of the NDC includes: examining its objectives and responsibilities; updating its regulatory framework; identifying the economic, statistical, professional staffing and structural resources that enable it to discharge its duties in an ongoing and effective manner. A strengthened NDC, in turn, requires the following tools, systems, and resources to ensure favorable outcomes to the benefit of the Government and society as whole;
- Updated antidrug legislation and supplementary implementing regulations;
- Design and development of the national antidrug system that identifies and brings together at the central government, provincial, and municipal levels, all public institutions and civil society organizations with assigned responsibilities in the national drug strategy;
- Periodic updating of the national drug strategy and plans to keep pace with the new national antidrug structures and system and the changing reality of drug trafficking and its diverse forms and manifestations;
- Creation of the fund for implementation of the national antidrug strategy and plans;
- Development of the national observatory on drugs.

NOTE: The absence of one or more of these actions, resources, tools, or systems, may limit significantly or result in the failure of the effort to strengthen the NDC, and may similarly affect the future management of an already strengthened NDC.

METHODOLOGY FOR TECHNICAL ASSISTANCE:

CICAD's technical assistance shall be based on the following three phases of execution:

1. INITIAL VISIT:

- Coordination meeting with the NDCs and/or the national authorities designated by the central government to implement the institutional-building process of the respective NDC. This will include a consensus-based process to identify specific objectives and define the central government's commitment to facilitate the strengthening and ongoing development of the respective NDC in its capacity as a stable governing agency, with the budget and technical capacity required by its objectives as established by regulation;
- A report and work plan will be prepared, including a timeline and budget, which will be reviewed and approved by the Head of State or Government. These documents will identify all aspects related to the organizational development and strengthening of the NDC and its respective areas of intervention. Some of the following actions for immediate implementation (Phase 2) will be proposed as relevant for the strengthening of the NDCs.

2. DEVELOPMENT OF ACTIVITIES TO STRENGTHEN THE NDC AS THE LEADING INSTITUTION (Phase 2):

- Conduct studies to determine the NDC's current and future institutional role in the country. This could include organizing meetings or workshops attended by the agencies responsible for demand reduction, supply reduction, and control measures, or the national antidrug system might be created to implement the national strategy and plans in this area;
- Analyze available statistics or, if they are unavailable, the performance of a study of existing data in different public and private organizations as required for planning an institution-building process for the NDC and the national antidrug system as a whole;
- Interviews with public and private authorities, stakeholders in all of the areas of intervention, for the identification of common intervention criteria for institution building;
- Identify the financial resources currently available and those needed to fund the annual budget of the strengthened NDC, as well as implementation of the national strategy and plans;
- Determine the minimum number of technical and qualified human resources needed for the NDC's institutional development and the professional profile associated with each function and provide training for organizational development and strategic planning;
- Identify and develop the national antidrug system;
- The update of regulations governing the NDC;
- Create a national observatory on drugs;

- In some cases it will be necessary to contract local experts to conduct studies to implement and coordinate actions that the central government authorities and CICAD have agreed to take.

3. MONITORING AND EVALUATION

All activities and outcomes shall be monitored and evaluated to measure and examine progress and outcomes based on the work plan and timeline established by consensus and approved in the first phase. Periodic reports shall be prepared for review by the relevant national authorities and to inform CICAD's member States (in Regular Meetings) regarding progress and accomplishments.

REGIONAL SEMINARS TO PROMOTE THE STRENGTHENING AND CONTINUOUS UPDATING OF THE NDCs OR SIMILAR ENTITIES:

During the first six months of the project, CICAD shall organize five regional seminars, one for each geographic sector: North America, Central America, Caribbean, Andean Region, and Southern Cone. Some groups will include bordering countries of the region in view of the common and persistent drug trafficking problem.

THE OBJECTIVES OF THE REGIONAL SEMINARS ARE TO:

- Examine the current situation and models of the NDCs in the region as the leading, coordinating institution responsible for government policy, planning and executing the national strategy, the national antidrug strategy, and bilateral and multilateral cooperation;
- Identify basic needs for the organizational development and strengthening of the NDCs and the institutions comprising the national antidrug system, including objectives common to each NDC;
- Recommend a model for action and cooperation between CICAD and member States for the effective, ongoing strengthening of each NDC and the institutions comprising the national antidrug system.

At each regional seminar, participants will propose general and specific objectives, based on their own experiences that ensure effective action within each country, and by the Executive Secretariat of CICAD.

At the regional seminars, an organizational design will be identified through consensus. It will include the principal components (strategy, technology, structure, human resources, budget, evaluation system) of an effective organization and set out minimum common objectives for the strengthening and continual updating of the NDCs as the leading entity and coordinator of the national, regional, and hemispheric strategy.

Four methods will be used for data collection:

- a) Questionnaires tabulated prior to the regional seminars;
- b) Personal interviews with certain critical actors during the seminars;
- c) Information derived from participatory observation and the outcomes of each regional seminar;

- d) Reports that include the recommendations articulated at each seminar, which will submit for the consideration of the plenary of CICAD.

THE ORGANIZATION OF REGIONAL SEMINARS:

The Executive Secretariat of CICAD proposes to hold the first two seminars with countries in the Andean and Central American regions, in light of the democratic renewal processes and changeover in administration in most of these countries during 2000 and 2002. The view is that in order to ensure that changes take place and/or to implement new antidrug policies in a country, it is important that the presidency have at least two consecutive years remaining in office. This is true of most of the countries in these two regions in the year 2002.

Each seminar will be four-days long, attended by three to five delegates per country, including the Executive Secretaries/Directors of the NDCs and officials responsible for central government and the NDC plans to strengthen, update and develop the national antidrug system.

PROPOSED THEMES FOR THE REGIONAL SEMINARS:

1. Objectives and problems common to the NDCs as the leading entities for implementation of the drug strategy / national plan;
2. Best placement of the NDC in the central structure of the national government;
3. Legal powers to ensure effective, ongoing planning, advisory services, coordination, supervision, and evaluation of the national strategy and plans;
4. Budget and funding sources: budget approval by the national treasury and availability of financial resources; private sector contributions; other income generated through law enforcement; international assistance;
5. Detrimental effects and consequences for the NDCs of corruption associated with the economic power of drug traffickers;
6. The fund to implement the national antidrug strategy and plans; regulations governing its management and allocation; funding through the yield from drug seizures;
7. Administration of seized assets, including official use and disposition;
8. National antidrug system chaired by the NDC, and comprised of the ministries of Security, Education, Health, Finance/Economy, Foreign Relations; Provincial, State or Municipal Councils; organized civil society, among other public and private entities;
9. National antidrug policy, strategy and plans; provincial and municipal antidrug plans: their content and participating institutions responsible for their design and development;
10. The NDC, the monitoring and evaluation of plans, projects, as well as institutional efforts and results obtained;
11. Importance of estimating the social human, and economic cost of the drug problem; mechanisms and resources needed;
12. The national observatory on drugs as a permanent, integrated, uniform system for drug-related statistics, studies and information at the national level;

13. NDC coordination with the Legislative Assembly and the Judiciary, as well as civil society organizations;
14. Coordination with civil society organizations participating in programs and projects;
15. The NDCs and coordination of bilateral cooperation with bordering countries; coordination between the NDCs of member States, the Executive Secretariat of CICAD and the MEM, and other international organizations;
16. Promoting timely reciprocal legal assistance;
17. Eliminating circumstantial and opportunistic political actions that affect the credibility and technical organization of the NDCs.

NDCs INSTITUTIONAL STANDARDS; RESPONSIBILITIES *Coordinate, Plan, Advise, and Observe and Evaluate*

The political support of the central government is required for the organizational development, strengthening, and continual updating of the NDCs of CICAD's member States, as the leading government entity for implementation of a national strategy and coordinator of the national antidrug system. The NDCs must also have the legal powers, budget, and specialized staff needed to fulfill their primary mission to *coordinate, plan, advise, and observe and evaluate* execution of the national antidrug strategy and plans. The NDC's responsibilities include the following actions (presented in descriptive form, not an exhaustive list):

COORDINATE: THE NDC:

- Is the leading government agency (guides policy, strategy, and the national antidrug system) that coordinates the design and execution of the national strategy and plans, in which government ministries, provincial, state, and municipal governments and civil society organizations participate in the framework of a national antidrug system;
- Coordinates the national antidrug system and the participation of related public and private institutions to ensure the full and fair development and attainment of goals and objectives included in the national strategy and plans;
- Coordinates and promotes in the Legislative Assembly the updating of antidrug regulations and the adoption of international conventions;
- In the judicial system, coordinates and promotes efficient law enforcement, including the appropriate administration of seized assets during anti-drug law enforcement actions and effective reciprocal legal assistance;
- Promotes the signing, and coordinates the execution of bilateral and multilateral agreements, plans and projects;
- Fosters and coordinates international cooperation with other NDCs, CICAD, and other international entities.

PLAN: The NDC:

- Plans the development and periodic updating of national antidrug policy, strategy, and or plans with the participation of institutions involved in the national antidrug strategy;
- Prepares the NDC annual budget to finance implementation of the national strategy and plan;
- Plans, promotes and manages alternative sources of national and international, public and private funding to supplement the central government's fiscal contribution; this includes the yield from the disposal of assets from drug seizures;
- Plans the distribution and supervises the use of funds earmarked for the execution of the strategy, together with corresponding plans, programs and projects adopted for the integral prevention of drug abuse and illicit trafficking;
- Plans for the development and integration of the national antidrug system to ensure effective, coordinated actions for the integral prevention of drug abuse and illicit trafficking, to confront

with better results criminal organizations involved in drug trafficking and related terrorist activity;

- Plans, in the framework of the national observatory, for periodic surveys, epidemiological research, and technical studies to enhance understanding of the different manifestations of demand, consumption, drug abuse, illicit trafficking, and other consequences of drug trafficking.

ADVISE: The NDC:

- Advises the central government on the adoption and implementation of coherent policies and strategies at the national and international levels;
- Provides guidance to the public and private institutions comprising the antidrug system responsible for implementing strategies, plans, programs and projects in the areas of: drug abuse prevention, rehabilitation and reinsertion of drug addicts, design of publicity campaigns, controlling the trade of substances under a special monitoring system; combating and investigating related crimes; and studying trends in the different manifestations of drug trafficking;
- Advises and plans training programs for NDC authorities on meeting institutional objectives and ensures the stability of trained, professional, competent staff.

OBSERVE AND EVALUATE: The NDC:

- Examines and permanently monitors the evolution of plans, programs and projects adopted in the national antidrug strategy so as to ensure their accomplishment in the integral prevention of drug abuse and illicit trafficking and related activities;
- Conducts ongoing systematic evaluations of the outcomes achieved in the execution of plans, programs, and projects included in the national antidrug strategy, as well as the institutional efforts and resources allocated for achieving the goals and objectives;
- Develops and maintains an updated national observatory on drugs that includes the production, collection, study and dissemination of drug-related statistics and data. The observatory compiles in a uniform system the statistics and information generated by other public and private institutions, thereby acting as an official point of reference in the country for such statistics and information;
- Together with the national observatory on drugs, administers and maintains an updated web page on the Internet to supply information and documents, at the national and international levels, that contribute to the technical understanding of the different manifestations of the drug phenomenon and its consequences for public health, education, human development, the family, and society;
- Prepares periodic reports and orders technical-scientific studies on the drug problem in the country, trends in drug use and licit and illicit trade, and related activities, and establishes mechanisms for periodic estimates of the social, human, and economic cost of the drug problem in the country;

Some NDCs are responsible, under domestic law, for directly implementing activities such as administration and control of the use and disposal of assets and resources obtained through drug seizures; control of chemical substances; criminal investigations; financial analysis units on money

laundering; and managing and implementing prevention, treatment, and the rehabilitation and social reinsertion of users and addicts. Implementation of such activities that NDCs plan and properly allocate its resources to insure its main role as the leading institution in charge of governing, coordinating, planning, and evaluating.

WORK SCHEDULE: 18 MONTHS: April 2002 – September 2003 (1 – 18)

	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	
	April 2002 – December 2002									January 2003 – September 2003									
Project Presentation to CICAD XXXI																			
Regional Seminars																			
Technical Assistance to Twenty Countries																			
Progress Report Presentation to CICAD XXXII																			
Progress Report Presentation to CICAD XXXIII																			

WORK SCHEDULE: 18 MONTHS: October 2003 – March 2005 (19 – 36)

	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	
	October 2003 – June 2004									July 2004 – March 2005									
Progress Report Presentation to CICAD XXXIV																			
Technical Assistance to Twenty Countries																			
Progress Report Presentation to CICAD XXXV																			
Progress Report Presentation to CICAD XXXVI																			

STATUS OF THE NDCs AT THE END OF CICAD'S COOPERATION

The Executive Secretariat of CICAD expects that the country that receives the technical support will achieve the following goals and objectives for the organizational development and strengthening of the NDC and the national antidrug system:

- **The NDC** of the participating country enjoys the effective political support of the national government; the budget is allocated in keeping with its institutional responsibilities, including the technical resources and permanent specialized staff it requires as the leading organization for law enforcement, development and coordination of the national antidrug system, and the implementation of the national strategy.
- **The NDC** is situated high up in the political hierarchy; it has technical capacity and enjoys institutional stability enabling it to coordinate, at the national and hemispheric levels, policies and strategies approved by the national government monitoring. Evaluate the performance of institutions assigned responsibilities in the national strategy and plans, and the outcomes obtained in the execution of programs and projects.
- **ANTIDRUG LEGISLATION** is up to date and provides for: the creation of a national antidrug system; the creation of the NDC with the attributes and authorities outlined above; municipal government responsibility for executing demand reduction plans at the municipal level pursuant to the guidelines set forth in the national strategy; the national observatory on drugs; the creation of a fund for the national strategy using the yield from seizures of assets as one funding source; a non-criminal legal system to serve addicts and users; standards to prevent money laundering and diversion of chemical substances; the use of controlled deliveries and undercover agents as a criminal investigation procedures.
- A **NATIONAL ANTIDRUG SYSTEM** organized and strengthened, comprising national, provincial or state, municipal, and civil society institutions with assigned responsibilities in the national antidrug strategy. Best results are obtained when programs and projects are designed and implemented in the municipalities where the youth work, studies and resides.
- A **FUND** is in place for programs and projects included in the national strategy and plans approved by the national government; the fund is financed through fiscal allocations from the yield of seizures of assets in the course of anti-drug law enforcement operations, contributions by public and private national institutions, and international cooperation.
- The **PERIODIC UPDATING OF THE NATIONAL ANTIDRUG STRATEGY AND PLANS** be designed to identify financial resources for the executing of projects and for the strengthening of the national, provincial or state, and municipal agencies integrated in the national antidrug system.
- The **NATIONAL OBSERVATORY ON DRUGS** that incorporates available data from different institutions into a single statistical system and prepares annual reports on trends in drug abuse and illicit trafficking, and related activities.