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cicad

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Presentation by Mexico on December 5th 2002, agenda item 25:
Maritime cooperation

**THIRTY-SECOND REGULAR SESSION OF THE
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The Government of Mexico is convinced that the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS) is the ideal framework for cooperation among States in the Hemisphere in the fight against the worldwide drug problem. This international organization guarantees full, appropriate participation by all member countries, based on pre-established standards and procedures applied to all, by building mutual confidence and promoting open, critical, and constructive dialogue.

On various occasions and in different forums, Mexico has stressed that the fight against maritime trafficking in illicit drugs should be part of existing regional cooperation mechanisms. In this context, the inclusion of this item on the agenda for this regular session of CICAD constitutes a significant step forward in institutionalizing the piecemeal efforts that, until now, have been implemented to tackle drug trafficking in the Hemisphere.

We reiterate that consensus must be reached within the framework of CICAD to frame a regional cooperation plan acceptable to all member countries for tackling drug trafficking at sea on all maritime borders in the Hemisphere.

With regard to the Draft Agreement Concerning Cooperation in Suppressing Illicit Maritime and Aeronautical Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area, which is in its fifth draft and signature of which was scheduled for November 18, 2002, Mexico would like to clearly state the following:

The core principles of our domestic legal system, particularly the Constitution, do not permit Mexico to go along with the text of the draft Agreement as it currently stands. Specifically, the proposed measures to be taken by foreign personnel and vessels in territorial waters are inconsistent with the letter and spirit of constitutional provisions, particularly Articles 32 and 76, section III.

The issues of greatest concern in the draft Agreement that are unacceptable to Mexico are those dealing with the scope of application; territorial application; national authorities; use of force; operations in national waters; air operations; boardings; and reservations. Our government has made these observations through diplomatic notes and through its involvement at the meetings it attended as an observer.

We had the opportunity to review the fifth draft of the Agreement and feel that, although a few provisions were amended, there were no substantive changes from previous versions, except in Article one on definitions. Therefore, our concerns still stand.

Mexico has also requested that the conclusions from the Executive Seminar on Regional Cooperation to Fight Drug Trafficking in the Eastern Pacific, held in Miami in August 2002, in the framework of the activities of the Inter-American Forum against Drugs, be presented at the Second Western Hemisphere Drug Policy Leadership Conference, held in Virginia in September. The Hemispheric Conference felt it would be appropriate to include this item on the agenda of this regular session. In this way, parallel international meetings were able to help strengthen the Commission's dialogue mechanisms.

It is a fact that interception operations alone do not prevent maritime trafficking in illicit drugs. The initiatives promoted to date have taken a partial approach to the global and regional problem of maritime trafficking, which we feel must be combated simultaneously in all coastal regions in the Hemisphere.

Through its participation in the Miami Forum and the Virginia Conference, Mexico expressed the advisability of creating, within CICAD's institutional structure, a mechanism to address the issue of maritime cooperation in the fight against drug trafficking, with a specific mandate that respects the international legal framework.

Although this proposal was supported by a few countries in the region, Mexico felt it appropriate to first raise the issue at this plenary and to begin a serious, objective discussion that takes into account the specific characteristics of CICAD member countries, since maritime drug trafficking affects the hemispheric community as a whole, not just a single subregion.

The first step should be to prepare a study taking an integral approach to the maritime drug trafficking situation and the fight against this phenomenon along all coasts in the Hemisphere, taking into account current practices and agreements. The study would serve as a starting point for the talks and could consider the following, among other elements:

- New characteristics and trends in maritime trafficking in the region;
- National ports and customs controls;
- Analysis of operating procedures stemming from implementation of Article 17 of the 1988 Vienna Convention; and
- Criteria for preparing a hemispheric cooperation plan that includes operational measures; best practices; government regulations and self-regulatory mechanisms in enterprises on cutting-edge technology that could be used for criminal purposes; exchange of information; and legislative elements. It could also consider other actors present in the Caribbean region.

The study could be prepared by the Executive Secretariat of CICAD and presented before the next regular session of the Commission.

We therefore invite the delegations of CICAD member countries to begin this frank, inclusive dialogue on combating maritime trafficking to allow for cooperation throughout the Hemisphere.