



DISSERTATION

ON

**Combating Drug Trafficking in Bangladesh: Exploring the Roles of National,
Regional and International Legal Frameworks**

Submitted By

Mir. Raufur Islam

ID: 2017-3-66-005

Submitted To

Md. Pizuar Hossain

Senior Lecturer, Department of Law

East West University

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Declaration

I hereby certify that the dissertation for my Bachelor of Laws (LLB, Honours) degree on ‘Combating Drug Trafficking in Bangladesh: Exploring the Roles of National, Regional and International Legal Frameworks’, has been carried out by me, does not include any material which has been previously submitted for a degree or diploma in any University, and no part of this dissertation was previously published or written by another person except where due reference is made in the text.

Mir Raufur Islam

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Abstract

This paper aims at identifying the prevention framework and policies related to drug abuse and drug trafficking in Bangladesh under International, Regional and National laws. The purpose of this study is to analyze the prevention of drug trafficking and explore the legal frameworks based on the current local and global drug trafficking scenario. This paper also makes endeavors to analyze the application and inefficacy regarding disability of laws. Also, it attempts to identify the loopholes of such international and regional conventions and domestic laws in Bangladesh. This paper is based on qualitative research. It does content analysis with the objective of determining the scenario of drug trafficking in Bangladesh while comparing the scenarios regarding drug trafficking and drug abusing around the world. This study has suggested some necessary and suitable modifications which can be implemented in the conventions and laws to fight the curse of drug trafficking and drug abuse in Bangladesh.

Combating Drug Trafficking in Bangladesh: Exploring the Roles of National, Regional and International Legal Frameworks

1. Introduction

All the people in the world want to live peacefully. In this era day by day, it is quite impossible and challenging. Inevitable goals, frustration, deprivation from rights is the impactful variable that compel the people to diverge into conflict prone or crime prone. Countries in which economic, political, and social system are unstable, its observed that crime rate is higher by a good margin, in those areas. Drug trafficking is one of the biggest crimes nowadays in the world. In fact, the whole world is highly effected due to drug trafficking.

Drug trafficking means the understanding that trade of drug or smuggle drug from one place to another. But according to UNDOC, “drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws.”¹ At the present world, no nation can escape from the problem of drug trafficking and drug abuse. This issue has become a burning question for almost all the nations. As drugs are now very available and many countries have the culture of using illicit drug, various kinds of drugs are being trafficked and abused in many parts of the world.

The main question of this paper is - “how to prevent drug trafficking in Bangladesh by implementing national, regional, international laws?” In this paper, I will analyse and discuss the worldwide situation of drug trafficking to some extent; the drug cultivations, manufacturing, and distributions system; the international, regional, and national routes of drug trafficking; and the conventions and policies which are in existence for prevention of drug trafficking. I will also discuss how the differences of different legal frameworks can be overcome and how they can work in harmony to combat global drug trafficking issue. Besides, in which region, which drug is popular and what are the most significant drug trafficking routes along with the crucial regional transit points, what are the reasons behind drugs being popular will be brought under light in this paper.

¹ Md Razidur Rahman, ‘Drug Trafficking in South Asia: A Case Study on Bangladesh’, (2014) 2(9) Asian Journal of Multidisciplinary Studies 177, 178.

When it comes to Bangladesh, this paper will shed light on the issues that why Bangladesh is important as a transit point for the smugglers, what are the prime factors regarding Bangladesh being in the Golden Wedge, Golden Tringale, Golden Crescent and what are the effects that Bangladesh is facing because of drugs problem. This paper finally will give some recommendations considering the question how drug trafficking in Bangladesh can be combated by implementing national, regional, and international laws.

For dealing with the aforesaid research question, I have used a qualitative research methodology. In particular, for analyzing the qualitative data, I have used ‘content analysis’ method.

2. Definition of Drug Trafficking: Bangladeshi, Regional and International Laws

Drug trafficking means illegal sale, cultivation and placement of drug from one place to another place, but drug trafficking means we know that placement of drug or distribution of drug from one territory to another territory.² On the other hand, producing drug and exporting or importing drug is called drug trafficking. It is an illegal process and a crime also. Drug is trafficking mainly for unemployment, poverty etc. drug is high valuable thing, and it gives one kind of high profit without any heavy investment.³ In drug trafficking, taking risk is very important, more than investment. Because drug production, sale and any kind of abuse is prohibited under law. There are many kinds of drug like opium, cannabis, sleeping pill, alcohol, LSD etc.⁴

The policy regarding drug in Bangladesh has been punitive. Section 19 of the Narcotics Control Act (Act no. 20 of 1990) advocates for severe penalty for manufacturing, trafficking, transporting, possession and taking a broad range of controlled substances.⁵ The penalty ranges from six months to life imprisonment, to the death penalty based on the substance and quantities, also involving, using, possessing, or trafficking of drugs exceed the limit of:

1. 10 grams of morphine;
2. 2 kilograms of opium and derivatives;
3. 25 grams of heroin or cocaine.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Narcotics Control Act 1990, s 20.

Imprisonment can also be charged for owning of “tools, equipment, raw materials serviceable in the production of intoxicants on himself or in a place in his possession” and affirming to the use of “rooms, houses, sites, grounds, vehicles, articles or equipment” while having the knowledge that this will be used for committing the abovementioned offences. Also, section 16 of the Narcotics Control Act gives permission for the mandatory detention and treatment of drug addicts.⁶

On 23rd of November in 1990, a Convention named “SAARC Conventions on Narcotic Drugs and Psychotropic Substances” appeared to happen. The main purpose of the Convention was regarding the elimination of the main causes of narcotics drug abuse and psychotropic substances while including the illicit demand of these drugs and huge profit coming from drug trafficking. In the year of 1992, SAARC established SAARC Drug Offences Monitoring Desk (SDOMD) in Colombo.⁷ The mission of the desk includes collating, analyzing and disseminating data on drug related occurrences in South Asia. As a member of SAARC and a signatory of this Convention, Bangladesh is obliged to respect this convention.

There are three major international treaties regarding international drug control that are complimenting each other and mutually supportive in case of first two treaties, and important and mutual purpose of action is aimed at codifying control measures that are applicable at an international level two ensure the sufficient supply of narcotics drugs and psychotropic substances for the purpose of medical and scientific use while preventing the diversion of those into channels that are illegal. The treaties are, namely:

1. Single Convention on Narcotic Drugs of 1961 (as amended by the 1972 Protocol);
2. Convention on Psychotropic Substances of 1971; and
3. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988.⁸

According to UNODC, “drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution, and sale of substances which are subject to drug prohibition laws.”⁹

⁶ Ibid.

⁷ Rahman (n 1) 179.

⁸ Please visit the official website of the United Nations Office on Drugs and Crime (UNODC), available at: <https://www.unodc.org/unodc/treaties/> (accessed on 29 October 2022).

⁹ Rahman (n 1).

Now, Bangladesh geographically is in the central point of the ‘golden triangle’ (Myanmar, Thailand, and Laos) and ‘golden crescent’ (Pakistan, Afghanistan and Iran).¹⁰ Bangladesh is bordered by the major drug manufacturing countries of Asia. Drugs containers are being trafficked by sea, land, by air and many others way. In Bangladesh, three methods are mainly followed for trafficking drug:

1. By commercial train or vehicle from India;
2. By the sea from Bay of Bengal or road from Myanmar; and
3. By the courier from Pakistan to Bangladesh.¹¹

On the other hand, as drug trafficking is commonly related with violent crime, financial crimes also play a crucial role in the process of drug trafficking to avoid any legal action being taken by the legal authority, traffickers will pursue money laundering with a view to converting illegal funds into revenue coming from a perceived legal source.

Though there are laws regarding drug trafficking, it is not decreasing - perhaps - due to our inadequate law enforcement.¹² As people get high profit involving in drug trafficking, they willingly violate the laws. But things are changing slowly but steadily because more and more mutual national and international efforts are being given to stop this heinous crime.

3. Preventing Drug Trafficking: International Legal Framework

When drug is traded or trafficked in global market then we can say it international drug trafficking.¹³ To prevent international drug trafficking, there are some international conventions. The conventions are given bellow ¹⁴: -

1. The Single Convention on Narcotic Drugs, 1954 (as amended by the 1972 Protocol);
2. The Convention on Psychotropic Substance, 1971; and

¹⁰ Ibid, 179.

¹¹ Ibid, 180.

¹² Ibid.

¹³ Ibid.

¹⁴ United Nations, ‘Office on Drugs and Crime’, available at:

https://www.unodc.org/unodc/en/commissions/CND/Mandate_Functions/Mandate-and-Functions_Scheduling.html (accessed on 29 October 2022).

3. The Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance, 1988.

3.1 Single Convention on Narcotic Drug of 1961 (as amended by the 1972 Protocol)

Convention aims to prevent the illegal use of drugs by coordinated international action. The intervention and controls that work together can be describe in two forms. Firstly, it finds a way to restrict the possession use trading, distribution, import, export, manufacture, and production of drugs but allow only to medical and scientific purposes.¹⁵

Secondly, it prevents drug trafficking by international analysis to discourage and demotivate drug traffickers. It imposes seditionousness on all the earlier international antidrug legal components and collects them under single banner. It creates drug control administration for medical and scientific use. It complies and implements laws and regulations against drug abuse.¹⁶

This convention especially created due to heavy burden in Asia, Latin America, and Africa on their traditional procedure because they used traditionally opium poppy, coca leaf and cannabis.¹⁷ This convention has set a goal of prohibiting traditional usage of coca and cannabis within 25 years and opium uses within 15 years.¹⁸ Armenta and Jelsma thus said that:

“Given that the Convention entered into force in December 1964, the 15-year period for gradually eliminating opium use came to an end in 1979, while the 25-year deadline for coca and cannabis expired in 1989. Traditional practices including religious use and the widespread “*quasi medical*” use of the three plants had to be abolished.”¹⁹

Please note that before this convention was created, there were some other conventions to deal with drug trafficking issues. For example, International Opium Convention, 1912; and Agreement concerning the Suppression of the Manufacture of, Internal Trade in and Use of Prepared Opium, 1925.

¹⁵ Single Convention on Narcotic Drugs 1961, A185.

¹⁶ Ibid.

¹⁷ Amira Armenta and Martin Jelsma, ‘The UN Drug Control Conventions,’ (2015) 1(1) The Transnational Institute, available at: <https://www.tni.org/en/publication/the-un-drug-control-conventions> (accessed on 7 November 2022).

¹⁸ Ibid.

¹⁹ Ibid.

3.2 Convention on Psychotropic Substances of 1972

The convention forms an international administration for psychotropic elements.²⁰ It reacted to the globalization of spectrum of drug abuse, enticed authority over a number of synthetic drugs according to their abuse potential hand by hand base on their therapeutic value.²¹ In August 16, 1976 to reduction the export, import and other rules for limiting drug use in scientific and medical purposes the convention act was enforced.²² Today, 175 countries are member of the treaty. The U.S. Psychotropic Substances Act, the UK Misuse of Drugs Act 1971, and the Canadian Controlled Drugs and Substances have been included to the treaty to put in practice.²³ For example, these laws usually classified drugs into difference classes or schedules.

3.3 Convention Against Illicit Traffic in Narcotic Drug and Psychotropic Substances of 1988

This convention serves extensive steps against drug trafficking including arrangements against money laundering and the removal of precursor chemicals.²⁴ It also includes international alliance through mutuel legal assistance and law enforcement actions.²⁵ Recently very few international drugs control treaties are as active as the 1988 United Nations Convention against Illicit Traffic Narcotic Drugs and Psychotropic Substances.²⁶ The target of this treaty is to provide extensive legal support for implementing the 1961 Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances.²⁷ Moreover, the treaty serves several legal purposes-

- i) Identify the relation between illicit traffic and other related organize criminal activities which ruin the legitimate economies and threaten the stability, security and sovereignty of countries.²⁸

²⁰ Convention on Psychotropic Substance 1972, A183

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, A189

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

- ii) It also specifies illicit traffic is international criminal activity, the reduction of which requires urgent concern and crucial priority.²⁹
- iii) It acknowledges that illicit traffic creates huge financial profits and wealth permit transnational criminal organizations to penetrate, contaminate and corrupt the structures of government legitimate commercial and financial business and society and all its levels.³⁰

3.4 Discussions on the Conventions

As the three major international drug control treaties are mutually supportive, they are incomplete without each other. The main purpose of the first two treaties is to codify international applicable control measures to ensure that the narcotic and psychotropic substances are only available for medical and scientific uses and to resist their expansion into illegal channels. This also includes general removal of drug trafficking and illegal use of drugs.

The main objectives of those three treaties are to limit the availability of psychoactive substances only for medicinal channels and to prevent the global trafficking of psychoactive substances.³¹ General provisions on the use and trafficking of psychoactive substance are also included in the treaties.³² These treaties greatly strengthened the requirement for countries to build criminal offence to combat the use, trafficking, and production of illegally psychoactive substance in all their forms.³³

3.5 International Routes of Drug Trafficking

South America:

We know that South America is one of the big continents for drug trafficking. The South American Country like Venezuela is a pathway for the drug dealers to smuggle drug in the United States and Europe. These drugs are generally originated in countries of Central America, like Colombia, Mexico, and the other Caribbean countries such as Haiti, Puerto Rico, and the Dominican

²⁹ Ibid.

³⁰ Ibid.

³¹ Armenta and Jelsma (n 17).

³² Ibid.

³³ Ibid.

Republic.³⁴ Israeli institution Abba Eban conducted research which was archived in 23rd October 2019 at the Wayback Machine as a part of the Janus Initiative which suggests that the main routes that the terrorist organization Hezbollah uses a track for trafficking drugs which includes countries like Colombia, Venezuela, and Brazil and then it is transferred in West Africa.³⁵ After that, these drugs are mobilized in northern part of Africa creating a channel to Europe. The profit gained by this drug (mostly cocaine) smuggling route in Europe is used by Hezbollah to strengthen their terrorist activities financially.³⁶

West Africa:

As there was a huge demand for drugs in the USA and European countries in the late 1950s and early 1960s, the drug market in West Africa followed a substantial growth which included drugs like Cocaine, Marijuana, and other drugs.³⁷

Colombia and Bolivia were considered as the main production house for Cocaine. These drugs were shipped through West Africa spreading in countries such as Nigeria, Cape Verde, Guinea-Bissau, Cameroon, Mali, Benin, Togo, and Ghana. Nigeria, Ghana, and Senegal were the countries used for money laundering in this entire drug business.³⁸

The drug market in Guinea-Bissau is so big that it can contain twice the country's GDP (according to Africa Economic Institute). The law enforcement of the country is often bribed. The most vital sector for money laundering is the real estate business. Construction business is built with this illegal drug money and when the plots are sold it turns into legal money. In most of the cases terrorist organizations like the AL Qaida, Boko Haram etc. forces these drug traders to co-operate with them.³⁹

³⁴ Steven Hyland, 'The Shifting Terrain of Latin America Drug Trafficking,' (2011), available at: https://origins.osu.edu/article/shifting-terrain-latin-american-drug-trafficking?language_content_entity=en (accessed on 17 November 2022).

³⁵ Yaniv Kubovich, 'Israel Becomes Major Hub in The International Cocaine Trade,' (2013), available at: <https://www.haaretz.com/2013-10-19/ty-article/israel-turns-into-cocaine-trade-hub/0000017f-f4a8-d487-abff-f7fe24850000> (accessed on 19 November 2022).

³⁶ Cecile Marin, 'Major Drug Routes in Latin America,' (1998), available at: <https://mondediplo.com/maps/drugs> (accessed on 19 November 2022).

³⁷ Lucia Bird Ruiz-Benitez de Lugo, 'West Africa's Cocaine Corridor,' [2021] Global Initiative 1,1.

³⁸ Ibid, 1, 5-6.

³⁹ Ibid. 1, 7-9.

Asia:

When talking about drugs in Asia from ancient time the drug dealers as used the southerner's routes mainly, they used the southeast Asians countries and parts of southern China. Sometimes they also include the former opium producing countries like: Iran, Thailand, and Pakistan. After a certain period, these drug trafficking routes spread into central Asian countries and other countries like China, and Russia.⁴⁰ This was because of the cold war in 1991 which open the boarder of different countries and expanded the drug trafficking.⁴¹ For this reason, the drug trafficking route has been so diversified that it spread in almost every country in the central and south Asia.⁴² There was a huge growth in the drug market due to the heroine trade. Moreover, the European countries work as a supplier of different drugs which are transferred into Asia through Afghanistan and other Muslim countries forming the red crescent.⁴³

4. Drug Trafficking: Regional Legal Framework

We know there are four major regions in the world: Asia Pacific (Central and South Asia, Northeastern Asia, Southeastern Asia, Australia, and Oceania), Europe (Northern Europe, Southern Europe, Western Europe. Eastern Europe), Middle East/ Africa (Middle East, Northern Africa, Southern Africa), Americas (North America, South America, Central America, Caribbean).⁴⁴ Drug trade being illegal and not following any rules and regulation it is almost impossible to track down the exact number of drug trafficking incidents all over the world.⁴⁵ The information that is available regarding drug trafficking in the public domain or to the officials comes from various sources ranging from news, social media, research paper and government sources.⁴⁶

⁴⁰ EMCDDA, 'Opioid Trafficking Routes from Asia to Europe' (2015) European Monitoring Center for Drugs and Drug Addiction 1, 2-3.

⁴¹ Ibid, 1, 2-3.

⁴² Ibid, 1-6.

⁴³ Ibid.

⁴⁴ Jeff Desjardins, 'The World Divided Into 4 Regions With Equal Populations,' (2019) Visual Capitalist 1(1), available at: <https://www.visualcapitalist.com/mapped-the-world-divided-into-4-regions-with-equal-populations/> (accessed on 9 December 2022).

⁴⁵ Claire Thomas, '9 Major Drug Trafficking Countries of the World' Asheville Recovery Center (2022), available at: <https://www.ashevilerecoverycenter.com/9-major-drug-trafficking-countries/> (accessed on 18 November 2022).

⁴⁶ Ibid.

As a South Asian Country there is a lot of trafficking of psychotropic drugs.⁴⁷ In case of psychotropic drugs the prime transit route for trafficking is the South Asian region which is in between the ‘Golden Triangle’ and ‘Golden Crescent’.⁴⁸ Also this region is a major producer of Psychotropic drug.⁴⁹ The countries in this region are victim of drug abuse in a large scale and the drugs range from cannabis, opium and heroin that are also smuggled to western countries.⁵⁰ This scenario has been getting bad to worse because of the strong connection among the drug traffickers, terrorist organizations and money laundering organizations.⁵¹ These three parties strongly look for mutual interests and thus the trafficking is getting more large-scaled day by day.⁵² Unsecured borders between the countries and faulty surveillance along with corrupt monitoring system has led to the extreme extend of drug abuse in this South East to Central Asian countries.⁵³ Though countries in this region are party to UN conventions but the point here is that the provisions are not relevantly incorporated in local or national legal framework.⁵⁴ As a result, the legal provisions applied in these countries are suffocating to deal with the complications of drug trades.⁵⁵

On the other hand, maximum countries of South Asia are signatory of “SAARC Convention on Narcotic Drugs and Psychotropic Substances” held on 23rd November of 1990. Mainly, this Convention comes into force on 15th November of 1993. Main goal of this Convention were to uproot the main cause of narcotic drug abuse and to decrease immense demand of drugs and psychotropic substances while blocking the heavy flow of profits generating from illicit trafficking of drugs.⁵⁶ For these reasons, the members of the SAARC are compelled to maintain the regulation of the Convention as the member states are the ones who signed this Convention.⁵⁷ On another term this SAARC Convention on narcotic drugs and substances (that are psychotropic) recognizes the regulatory steps which are mentioned in the Single Convention on Narcotic Drugs, 1961, as amended by the protocol of 1972; the Convention on Psychotropic Substances 1971; and the

⁴⁷ N Manoharan, ‘Drug-Trafficking in South Asia: A Profile,’ (2003) IPCS, available at: http://www.ipcs.org/comm_select.php?articleNo=1113 (accessed on 18 November 2022).

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Rahman (n 1).

⁵⁷ Ibid.

measures which are provided in the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.⁵⁸

The crucial issue is that how can the aforesaid Conventions and also the SAARC Convention regarding narcotic drugs and psychotropic substances be applied in the domestic law of countries of this region.⁵⁹ Most of the countries have their own laws for controlling drug trafficking as the countries are signatories of all three Conventions of UN on narcotic drugs.⁶⁰ It is also mentioned in the constitutions of these countries that these countries will respect the international laws and principle stated in the UN Charter.⁶¹ As a result, if there is any contradiction between the UN Conventions and domestic laws of these countries, it can be smoothly implemented according to the constitutions of these countries.⁶² The “SAARC Convention aimed at narcotic drugs and psychotropic substances” definitely mentioned that states that are members of this Convention are responsible for taking necessary steps arranging from legislative to administrative measures in conformity with the basic provisions of their domestic legislative system.⁶³ So, the countries who are signatories of this Convention will adopt needed steps to prevent drug trafficking even if it is not mentioned in their domestic laws.⁶⁴

Until 2016, the North American countries were the main producer of Crystal Meth or Ice.⁶⁵ But, at present this drug is also produced in Asia.⁶⁶ The dangerous trend of setting up meth labs in various countries of Asia is becoming common now-a-days.⁶⁷ The production of crystal meth has significantly grown positively in countries like China, Afghanistan, Iran, and Myanmar.⁶⁸ As a result, a booming market of crystal meth has been established in Asia also.⁶⁹ Three North American

⁵⁸ Rahman, 180.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ahmadul Hassan, ‘Bangladesh at the hub of three drug trafficking regions’ Prothom Alo (English), available at: <https://en.prothomalo.com/bangladesh/crime-and-law/bangladesh-at-the-hub-of-three-drug-trafficking-regions> (accessed on 26 November 2022).

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

countries have the maximum number of meth producing lab according to the reports.⁷⁰ It should be noted that:

The highest number of secret labs were found between 2010 and 2019. Till 2015, 10 percent of crystal meth manufactured locally at secret labs in Iran was smuggled into Afghanistan.⁷¹

At present, the drug is also being produced in Afghanistan.⁷² In fact, “the security forces of Afghanistan with the help of the US conducted a large-scale drive in May 2019 and destroyed 68 meth labs.”⁷³ In the recent years, the police in Laos seized an incredible amount of Yaba tablets and Crystal Meth.⁷⁴ Also the countries’ police conducted raids in several areas and seized 16 million Yaba tablets overall.⁷⁵ The border areas of Laos which is known as Golden Tringle are responsible for these available drugs. These drug consignments are entering into Laos from Shan state of Myanmar.⁷⁶

The supply of various drug in the locality of golden tringle has extended further in the region of South Asia in 2021.⁷⁷ The seizure of methamphetamine or crystal in the Golden Tringle areas has increased significantly just like in the North Eastern India, similar to the pattern in Bangladesh, a few years ago.⁷⁸ The price of Yaba tablets and Crystal Meth are also continuously dropping in the South East Asia due to increased supply.⁷⁹ Countries like Malaysia and Thailand have informed the authorities that prices both wholesale and street have fallen to the all-time low in 2021 as the remarkable spike is seen in supply of drugs .⁸⁰ The dropped price of crystal methamphetamine has brought in more concern while making the drug more available and accessible to the people who,

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Tasneem Tayeb, ‘Bangladesh Caught in a Narco Triangle,’ *The Daily Star*, available at: <https://www.thedailystar.net/opinion/views/closer-look/news/bangladesh-caught-narco-triangle-3176611> (accessed on 22 November 2022).

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

in the past, countries. ⁸¹ The consequences of more frequent drug use are very impactful in the social context while health and harm reduction services are available to only limited people, across the region observed Kavinvadee Suppamongtevasakul, UNODC Regional Synthetic Drugs Analyst for the Global SMART Program.⁸² She commented further, “It is also likely that use has been seriously underestimated for years as most countries in the region do not monitor or study drug demand.”⁸³

In case of overall regions of drug trafficking in the world, the countries have tried a lot to prevent drug trafficking to safeguard their population, but they have failed to do so because of increasing demand of drugs and innovative ways of drug smuggling. Countries being the signatories of UN Conventions regarding drugs and being members of SAARC have tried their level best to tackle the problems of increasing drug smuggling but haven’t been able to do so as the variety of drugs are being introduced to various countries. Also, the local laws of these countries cannot cope with the modern and advanced methods of drug smuggling. Though the amount of seizure is up by big margin, the overall drugs smuggled in the world has increased significantly. As a result, countries are doing almost everything necessary but cannot mitigate this burning problem. In the world-wide scenario, the South Asian region has faced the highest spike in case of drug production and drug smuggling.⁸⁴

5. Preventing Drug Trafficking: Bangladeshi Legal Framework

The authorities of countries address drug trafficking as a major source of crime in this current world.⁸⁵ Drug trafficking stands for referring to the production, distribution, sale of various drugs and substances in the illegal way.⁸⁶ Here, Bangladesh is a transit country which is responsible for the smuggle of drugs in the Golden Tringle and to some extent, the Golden Crescent.⁸⁷ Not only

⁸¹ “UNODC report: over one billion methamphetamine tablets seized in East and Southeast Asia in 2021 as the regional drug trade continues to expand”, 30 May 2022 < <https://www.unodc.org/roseap/2022/05/regional-synthetic-drugs-report-launch/story.html>> accessed 27 November

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Laura M. Sands, ‘What is Drug Trafficking?’ My law Question < www.wisegeek.com/what-is-drug-trafficking.htm> accessed 16 November 2022

⁸⁶ Ibid.

⁸⁷ Ibid.

the international flow of drugs is huge but also the internal flow is getting broader day by day.⁸⁸ The department of Narcotic Control in Bangladesh states in 2018 that about 100,000 people are involved in illegal drug trading.⁸⁹ Among this, the majority are based outside of the capital Dhaka and almost 30% are believed to be women and children.⁹⁰

Bangladesh is in trouble in case of drug abuse and drug smuggling although – arguably - it does not produce drug itself but due to the geographical location, it is in between the Golden and Crescent Triangle.⁹¹ Because of the location, the drug problem in Bangladesh is destroying and hampering the development process while misbalancing the narco-terrorism scenario.⁹² This drug abuse problem has changed with time because of the presence of alcohol and marijuana along with heroin, phensedyl and then yaba replacing opium.⁹³ This curse of drugs has spread all over the country, from high societies to middle, low societies or classes.⁹⁴ It is reported that more than 7 million Bangladeshi are involved in illegal drug abused at present, with most of them ranging between the ages of 18 years to 30 years.⁹⁵

Bangladesh being a transit of drug trafficking, with the flow of time Bangladesh has become a booming market for drugs such as yaba which comes from Myanmar at a large quantity.⁹⁶ A report by the UN Office on Drugs and Crime (UNODC) suggests that methamphetamine production and uses in manufacturing yaba have increased at an alarming rate in the region of Golden Tringle, in Myanmar specially.⁹⁷ At this point, Bangladesh is pointed out as one of the key markets of yaba as a 2021 report by a local English daily, citing a top DMP official, revealed that yaba has a Tk. 210 crore daily market in Bangladesh, with seven million pills being sold every day.⁹⁸ It is matter of great concern that the ongoing steps to eradicate the drug trade are not producing enough impact

⁸⁸ Ibid.

⁸⁹ Hassan (n 65).

⁹⁰ Sands (n 85).

⁹¹ Khandaker Farzana Rahman, 'Is punitive action enough to prevent abuse of drug?' *The Daily Star*, <<https://www.thedailystar.net/law-our-rights/law-analysis/news/punitive-action-enough-prevent-abuse-drug-1697473>> (accessed on 5 December 2022).

⁹² Ibid

⁹³ Ibid

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ "Bangladesh as a transit for drug smuggling", 16 October 2022, *The Daily Star*, <https://www.thedailystar.net/editorial/news/bangladesh-transit-drug-smuggling-1978765> (accessed on 07 December 2022).

⁹⁷ Ibid.

⁹⁸ Ibid.

to establish that the steps are correct.⁹⁹ The regular seizure amount of drug consignment is sometimes even up to 1/2 lakh yaba pills but, in reality, it is almost nothing compared to the overall volume of drugs being sold across the country.¹⁰⁰ Drug abuse has entered all spheres of the society and effected people of all social backgrounds.¹⁰¹

People ranging from law enforcers, politicians, celebrities, influencers, corporate leaders, sports persons, administrators, one may find someone who is either abusing drugs or somehow involved in the drug trafficking racket.¹⁰² Bangladesh is part of the all three UN Conventions regarding drug abuse and trafficking, the Narcotic Drugs Convention of 1961, the Convention on Psychotropic Substances of 1971 and the UN Convention Against Illicit Traffic regarding narcotics drug and psychotropic substances of 1988 and according to a 2005 country profile by UNODC, Bangladesh has declared an all-out war on drug trafficking and drug abuse-identical to the one being undertaken in the Philippines.¹⁰³ Although these measures are taken but more needs to be done to face the problem of drug trading strongly and without doing so the human rights of the mass people will be violated in a very worse manner in the coming days.¹⁰⁴

There have been continues anti-narco crackdown in areas like Bandarban, Teknaf and other CHT locations which are part of the golden tringle. But the BGB must be more alert in the Golden Wedge region.¹⁰⁵ We have to be very careful while monitoring the Rohingya refugee camp as there has been certain groups that are exploiting their living conditions and the desperation off unemployed refugees to use them as drug mules.¹⁰⁶ Moreover, the authority needs to assess the law enforcement and intelligence agencies to build their effective capacity to fight illegal drug abuse and trafficking.¹⁰⁷ They should also sincerely examine the allegations against certain law enforcement officials for being in cahoots with drug traffickers and for taking punitive steps to discourage other involved law enforcement officials from going on this illegal path.¹⁰⁸

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid

¹⁰⁴ Ibid.

¹⁰⁵ Tayeb (n 77).

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

According to Bangladeshi narrative of control drug abuse and drug trafficking, the government is doing what they can do at their best level to eradicate this problem. Further their working with UN, SAARC and also the narcotics department to come up with a solution that can solve this problem for long and their tying up with the organization that are working to do so and have the same goal. Now-a-days a government and authorities are so concern about the fact that drug abuse can cause a lot of harm to the society. That's why, they are doing their level best and they are also cooperating with international organization to have their outcome deliver very soon. Now, above all, we can say that the Conventions, laws and acts regarding the drug trafficking were enough in the past as there were lesser variety of drugs, and the ways of smuggling were limited and authorities knew about those properly. In the Narcotics Control Act 2018 the mentioned drug names are very limited and the punishments for those drugs related crimes are not explained adequately. Our Judiciary system have not yet created separate Narcotics Control Tribunal. Due to this the drug related case are being piled up and the judgement are being delivered at a delay. Also because of this delay the concern parties are getting discourage to file cases. If a separated Narcotics Control Tribunal is created, then the drug related cases will be solved in a short time and the piled-up cases will be dismissed in a short time. Consequently, The Narcotics Control Act 2018 will also be implemented properly. But at present the government and the consent authorities do not have the clear picture of drug trafficking and drug production regarding our country as the verities of drugs and smuggling ways or paths are becoming more available to the drug traffickers and the authorities cannot come up with the proper picture regarding this drug trafficking. So, at present the government must act swiftly because the present acts or conventions are not enough to tackle this huge problem and needs change in the policy making to face the challenge of drug trafficking. So, that our country can overcome this huge problem in a short time.

6. Preventing Drug Trafficking in Bangladesh: Analysis and Recommendations

6.1 Analyzing the Contexts of Drug Trafficking

First of all, internationally, it has already been discussed in the 'International Legal Framework' part that the international drug trafficking scenario can be divided into three continents which are South America, West Africa, and Asia.¹⁰⁹ Each of the three continents has different popular drugs

¹⁰⁹ Hyland (n 34)

and those drugs are sent from one continent to another by using various popular drug trafficking routes.¹¹⁰ In this continents, drug are not only smuggled but also produced. Terrorist organization, corrupt politicians, ill-intended authority, and money launders are directly involved in drug trafficking and drug producing in these countries.¹¹¹ The amount of drug trafficking increases significantly whenever a new drug is invented or introduced.

Secondly, regionally, we are in the South Asian region and in this region the availability of psychotropic drugs is very high. In case of psychotropic drugs, the most used smuggling route is in between the ‘Golden Triangle’ and ‘Golden Crescent’.¹¹² People of the countries of this region abuse cannabis, opium, and heroin in high quantity because these drugs are commonly produced in these areas.¹¹³ But in the recent years, drugs apart from psychotropic, are being smuggled frequently using the route between the ‘Golden Triangle’ and ‘Golden Crescent’.¹¹⁴

Finally, locally, in case of drug trafficking, Bangladesh is a very crucial transit point because Bangladesh lies in the ‘Golden Wedge’, ‘Golden Triangle’, and ‘Golden Crescent’.¹¹⁵ Though Bangladesh does not produce drugs, but the country is in deep trouble due to its geographical location which is very suitable for drug smuggling. Because of this, the development process of the country is being hampered highly while the narco-terrorism scenario is being turmoiled.¹¹⁶ Bangladesh being a drug trafficking transit, with time Bangladesh has become a booming drug market especially of *Yaba*, coming from Myanmar at large quantity. Production of Methamphetamine and its uses in manufacturing *Yaba* has grown many folds in Golden Tringale, mainly in Myanmar.¹¹⁷ In India, Phensedyl is manufactured legally as a cough syrup which contains codeine.¹¹⁸ Now, this Phensedyl is smuggled into Bangladesh as a cheaper alternative to alcohol.

¹¹⁰ UNODC (n 14)

¹¹¹ Armenta and Jelsma (n 17)

¹¹² Tayeb (n 77).

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

6.2 Analyzing Legal Frameworks for Combating Drug Trafficking

According to the UNODC's world drug report of 2022, 26 % more people used drug in 2020 worldwide which stands for 284 million people aging from 15 years to 64 years of age.¹¹⁹ Young people are using drugs more than the previous generations. In Africa and Latin America, people below 35 are the majority who are being treated for drug use disorder.¹²⁰ The report claims that worldwide nearly 11.2 million people were taking drugs.¹²¹ In 2020, the drug manufacture increases by 11% compared to 2019 in which the amount was 1982 tons.¹²² Despite the COVID19 pandemic, cocaine seizures increased to the amount of record 1424 tons.¹²³ 90% seized cocaine was trafficked using containers or costal route.¹²⁴ Dates related to cocaine seizure indicate that trafficking is expanding to other markets outside the North American and European main markets.¹²⁵ Here the increased drug trafficking is seen in Africa and Asia.

Like other drugs, the trafficking of methamphetamine has expended geographically as in 2020, 84 countries have reported the seizures of methamphetamine.¹²⁶ Also, the seized quantities of methamphetamine have grown five times more between 2010 and 2020.¹²⁷

Several terrorist organizations, corrupt politicians, ill-intended authority are directly involved in drug trafficking as they intend to earn easy money within a short time. Money launders take chance of those people to launder their black money as those people do not have any other choice then money laundering. So, money launders indirectly fuel drug trafficking.

In the Asian region, few countries are the main producers of psychotropic drugs. For example, Myanmar produces opium, heroin and amphetamine-type stimulants (ATS).¹²⁸ Also, countries like Afghanistan, Pakistan, and India produce cannabis and Phensedyl in bulk quantity while China

¹¹⁹ UNDOC World Drug Report 2022; < <https://www.unodc.org/unodc/en/data-and-analysis/world-drug-report-2022.html>> (accessed 15 December 2022).

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

produces cocaine, heroin, and crystal methamphetamine.¹²⁹ The seizure amounts of amphetamine-type stimulants (ATS) and new psychoactive substances (NPS) in Southeast and east Asia in the year 2019 was record 115 tons, which was an increase of 210% compared to 2014.¹³⁰ In this time, there were 5,54,234 drug cases in this region where most of the cases were in Malaysia, Myanmar, Philippines, Singapore, Indonesia, Laos, and Vietnam but the fewer cases were in Thailand, Cambodia, and Brunei. In the recent years, the seizures of Crystal Meth and Meth Tablets have spiked and reached the record breaking rates.¹³¹

In the Asian region, in some countries drug trade is legal but in some countries drug is illegal. Due to this the people of the country in which drug is illegal, feel influenced and provoked so they try to smuggle drugs in the country from the near-by countries.

For understanding the impact of drug trade routes, it is needed to look at the drug trafficking value chain. The newest drug trafficking route, the Golden Wedge, links the northern part of Bangladesh to the Indian state of Uttar Pradesh, Himachal Pradesh and also expands to connect Nepal, Bhutan's certain part.¹³² The Golden Triangle, encompassing Thailand, Los, Myanmar and Vietnam is a drug zone that ensures supplies of all kinds of narcotics and southeast part of Bangladesh is exposed to this route.¹³³ The Golden Crescent is the source of massive amount of opium and heroin produced in Afghanistan, Pakistan, Iran and west parts of Bangladesh are vulnerable to this route.¹³⁴ Having easy access to the Bay of Bengal and having Borders with India and Myanmar, drugs of all kinds have been passed through Bangladesh in the recent year through heavy quantity.¹³⁵ Geographic location of Bangladesh is very strategic for drug gangs of other countries including from Sri Lanka and some other African countries who are trying to find convenient routs to smuggle their drugs.¹³⁶

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Tayeb (n 77).

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

6.3 Recommendations

Based on the analysis of the contexts and legal frameworks – international, regional and national, the following recommendations have been made in this thesis paper: -

First, the drug trafficker does not operate alone. So, to stop them, their supporting parties must be stopped too. If, terrorist organizations, corrupt politicians, ill-intended authorities, and money launders are checked properly, the scope of drug trafficking may decrease significantly.¹³⁷ The Convention Against Illicit Traffic in Narcotic Drug and Psychotropic Substance, 1988 and other conventions need to be more specific, and the authority must make those more flexible so that those can be implemented in various drug trafficking scenario with the flow of time. As the convention Against Illicit Traffic in Narcotic Drug and Psychotropic Substance of 1988 was proposed almost 24 years ago, many countries were left out from the convention then. Those countries are now active in drug abusing and drug trafficking as those countries are not signatories of the convention, The UNODC cannot take any kind of action against those countries which are involved in trafficking directly. Also, it is needed to be specified that what actions should be taken when a signatory country of the convention gets involved in drug trafficking. Countries like China, India, Pakistan, Vietnam, Afghanistan, Thailand, Netherlands have become place of drug trafficking and drug production but Convention Against Illicit Traffic in Narcotic Drug and Psychotropic Substance of 1988 cannot take proper actions because there is no specific rule or direction regarding this. If there were any particular rule, the concerned authority could have pressurized the convention violating countries.

Second, most of the South Asian Countries are the member of ‘SAARC’. So, they are also signatory of “SAARC Convention on narcotic drugs and psychotropic substances” 1990.¹³⁸ The main purpose of this convention is to decrease drug trafficking and mitigate drug abuse in this south Asian region. But the main purpose of this ‘SAARC’ convention is not being served because the signatory countries complying their local laws with the ‘SAARC’ convention.¹³⁹ So, I think

¹³⁷ Kubovich (n 35).

¹³⁸ SAARC Convention On Narcotic Drugs And Psychotropic Substances, 1990; <https://www.saarc-sec.org/images/areas-of-cooperation/ESC/Security%20Files/SAARC%20Convention%20on%20Narcotic%20Drugs%20and%20Psychotropic%20Substances.docx> (accessed on 20 December 2022).

¹³⁹ Ibid.

and believe that proper collaboration between the ‘SAARC’ convention and regional state laws with having relevancy will result in more improved prevention of drug trafficking and drug abuses in Bangladesh and concerned countries.

Last, drug trafficking is in directly helping the growth of various highly powerful transnational gangs all over the world. The situation in Bangladesh is still at a stage, from which it can be solved. But if we fail to adapt our outlook, policies, methods with the global changes, it will not be long before things go out of control, fully. Moreover, the government needs to go through clinical assessment of law enforcement and intelligence agencies to build their capacity for fighting drug trafficking in the proper way. Also, they need to sincerely take the allegations of certain law enforcement members of being involved in drug trafficking and drug abuses. By taking punitive steps the government can discourage the law enforcement members from taking that wrong path. Making drug test mandatory at various levels is very important while expanding it to include people’s representative and political party members. Our authority also needs to think of penalizing the drug traffickers more than just criminalizing the drug abusers only. Again, Narcotic Control Act 2018 must be more specified as mentioned before and must be made more flexible to fight to drug trafficking in the coming next days.

7. Conclusions

In this thesis paper, it is found out that the number of people engaged in illegal drug business is increasing gradually. This scenario is becoming more and more dangerous in the whole world. Some experts give importance on international drug control policy because of transnational nature of drug trade.¹⁴⁰ The other experts tend to criticize existing policies and are vocal for complete reform of drug related laws and conventions.¹⁴¹ The UNODC report shows that the global drug abuse has stabilized, so some call for not so hard polices as the global illicit drug seizures are up.¹⁴² But some others call for stronger movements to overpower the drug trafficking networks dominantly.¹⁴³

¹⁴⁰ Liana W. Rosen, “International Drug Control Policy: Background and U.S Responses”, 16 March 2015, Congressional Research Service.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

At the same time some others also criticize the international drug control system for failing to achieve the UN stated goal of “eliminating or reducing significantly” by 2008 the production and availability of synthetic drugs and precursors, as well as the cultivation of the coca bush, cannabis plant and opium poppy.¹⁴⁴ Illicit drug trade is involved in a complicated chain network.¹⁴⁵ Drug trafficking connects the drug supply with drug demand so that the illicit drugs can reach the drug abusers.¹⁴⁶ The authorities of Asian countries have implemented tuff and harsh sentencing policies against drug trafficking, but it is still a thriving business.¹⁴⁷ Soon after one drug trafficking network is destroyed, a new one will emerge and replace the previous one because of the internal drive for profits.¹⁴⁸

Based on geographic areas where opium and heroin use has been a tradition, there traditional drugs will have influence forever.¹⁴⁹ For example, in a recent serve in Afghanistan, more than 50% of the drug users had placated their children with opium.¹⁵⁰ Also, the drug users commonly had at least one other family member who was also a drug user. According to the reports of UNDOC and SAARC, Bangladesh is one of the main drug trafficking transit points because the geographical location of Bangladesh is in between Golden Wedge, Golden Triangle, Golden Crescent. So, without being a producer of drug, various kind of narcotic drugs are being smuggled through Bangladesh. Because of this, drug is becoming more and more available and popular in the country.

Apart from the geographical location, corruption in the law enforcement forces along with corrupt politicians, ill intended policy makers are responsible for this drug scenario. These evil parties cannot be taken under jurisdiction following the present laws because they are in the upper society and there are loopholes in the laws which they can dodge easily. For these reasons, to face that drug trafficking challenge, creating awareness among mass people is a must and the laws need to be more specific and stricter. Also, people of Bangladesh are not aware of the mental and clinical hazards of abusing drugs. Thus, it is also needed to make them understand the importance of mental and clinical health which will eventually make them to abstain from taking drugs.

¹⁴⁴ Ibid.

¹⁴⁵ Huan Gao, “Drug Abuse and Drug Trafficking in Asia”

¹⁴⁶ Chalk.P, Southeast Asia and the Golden Triangle’s heroin trade: Threat and response. *Studies in Conflict and Terrorism* (2000), 23, 89-106.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

The illicit drugs are very injurious for any country. Countries should develop bi-lateral relations with each other to introduce effective preventive measures to stop drug trafficking. Organizations like UNDOC, SAARC along with other regional organizations can play an important role for eradicating global drug trafficking. It is not possible to handle this problem overnight. It will take well thought out and disciplined measures to combat this gigantic social issue. Other related problems like weak social and economic condition, corrupt administration must be dealt with properly to diminish the cancer of drug abuse and drug trafficking. If the situation goes beyond our capacity to control, it will be the worst thing that we have ever experienced.

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