10th year Folder 10 N° 01 PP 18-41
ISSN 2543-375X EISSN 2676-1645

Combating the phenomenon of drugs trafficking in international law
مكافحة ظاهرة الاتجار بالمخدرات في القانون الدولي

Zaadi Mohamed Djelloul*, university of Bouira
Law and Human Security Laboratory
mohameddjelloul86@yahoo.fr

Received: 2024/03/14 Accepted: 2024/10/14

Abstract:

The phenomenon of drug addiction is one of the scourges that societies suffer from, regardless of their degree of development, due to its rapid and large spread throughout the world. Specialists in this field unanimously agree that drug abuse does not only include individuals who suffer from poverty, but rather affects even the most prestigious groups, because addiction to this type of poison is linked to various variables, whether they are physical or even psychological factors related to each individual.

The de facto situation prompted the members of the international community to redouble their efforts at the legislative level in order to limit this phenomenon to the narrowest limits, and that was by adopting a set of international conventions and treaties within which it worked to define a detailed list of substances that fall into the circle of narcotic drugs and psychotropic substances, as well as a set of measures has been programmed to effectively combat the spread of this phenomenon.

Keywords: Drugs; International law; International cooperation; International organizations; Preventive measure.

* Author correspondant

ملخص:

تعتبر ظاهرة الإدمان على المخدرات من الآفات التي تعاني منها المجتمعات مهما كانت درجة تطورها، وذلك بسبب انتشارها السريع والكبير في جميع أنحاء العالم. ويجمع المختصون في هذا المجال على أن تعاطي المخدرات لا يشمل الأفراد الذين يعانون من الفقر فحسب، بل يؤثر حتى على أرقى الفئات، لأن الإدمان على هذا النوع من السموم يرتبط بمتغيرات مختلفة، سواء كانت عوامل جسدية أو حتى نفسية مرتبطة بها لكل فرد. دفع الوضع الراهن أعضاء المجتمع الدولي إلى مضاعفة جهودهم على المستوى التشريعي من أجل حصر هذه الظاهرة في أضيق الحدود، وكان ذلك من خلال اعتماد مجموعة من الاتفاقيات والمعاهدات الدولية التي عملت من خلالها على تحديد معالم هذه الظاهرة وقائمة المواد التي تدخل في دائرة المخدرات والمؤثرات العقلية، بالإضافة إلى مجموعة من الإجراءات التي تمت برمجتها لمكافحة انتشار هذه الظاهرة بشكل فعال.

الكلمات المفتاحية: المخدرات، القانون الدولي، التعاون الدولي، المنظمات الدولية، الإجراءات الوقائية.

Introduction:

The fight against drugs is one of the priorities that various countries around the world have set themselves, regardless of their degree of development, due to the negative effects that the spread of this phenomenon would have had on individuals addicted to it, and depending on the various vital sectors of the State, whether at the social, or economic, or cultural level, or even on the health sector; for example, most of the studies conducted in this field unanimously agree that the spread of this phenomenon leads to the development of social ills such as crime, moral degradation, and reluctance to study. These phenomena are constantly fought by the public authorities, and they try to limit their effects in the narrowest limits.

Most specialists in the field of criminal law agree that the phenomenon of drugs is not confined to the borders of a single State, and is not confined within its framework, but rather is embodied on the ground in a transnational phenomenon in which organized criminal networks are often involved in the commission of which achieve huge profits through selling them through its criminal activities across the world, which convinced members of the international community of the need to coordinate their efforts in order to provide a radical answer to this negative phenomenon, and this necessarily passes through the adoption of international legislative mechanisms embodied on the ground in a number of international conventions and treaties through which it worked to determine the nature of the drugs targeted for criminalization, and defining the obligations placed on States in order to address this phenomenon, and even detailing the strategy that should be followed to confront the phenomenon of drug proliferation.

The study of the issue of combating the phenomenon of drugs in the light of international agreements involves an importance that we can summarize in a set of points, perhaps the most important of which are:

-Drug addiction is one of the most serious problems that various countries around the world are trying to address, due to its dire repercussions on society in particular, and on the State in general.

-The close link between the spread of drugs in society and organized crime, which has been proven to be involved in the spread of these scourges across the world as one of the most important sources through which criminal organizations generate funding for their illegal activity.

The current study aspires to achieve a set of objectives, perhaps the most important of which are:

-Drawing the contours of the concept of drugs by relying on the positions that countries have established in the international treaties they have adopted, or even in the opinions expressed on the doctrinal level;

-Shedding light on the strategy proven by members of the international community to combat the phenomenon of drug addiction,

within the framework of the various international and regional conventions adopted in this regard;

-Exposing the legal loopholes surrounding the policy adopted to combat the phenomenon of drug trafficking at the international level.

From the aforementioned, it seems to us logically to raise the following problem:

How effective is the internationally adopted legal system to address the phenomenon of drug trafficking in light of the ambiguity surrounding the concepts related to it?

We decided to divide the current research paper into two integrated axes. In the first axis, we study the conceptual framework of drugs at the international level, whether from a legal or doctrinal point of view, in addition to extracting their characteristics. In the framework of the second axis, we detail the measures adopted to combat the drug phenomenon in the context of the included international approach in various relevant international agreements.

1.The conceptual framework of drugs in international law:

In recent years, the world has witnessed an unprecedented expansion in the spread of the drug phenomenon, and consequently the reflection of its effects on the various aspects of life in it. It was not surprising that the public authorities in the various countries concerned made combating the spread of this phenomenon a priority, especially by adopting an integrated legal system that includes various dimensions, the aim of which is to narrow the capabilities of the authorities responsible for the promotion and sale of drugs in the various forms in which they are embodied on the ground, which requires, first of all, drawing the contours of the concept of drugs through attributing an accurate definition of such substances on legal level (1.1), or on the doctrinal level (1.2), and then presenting the types involved in them (1.3).

1.1. The legal definition of drugs:

There were many definitions attributed to drugs at the international level, and the angle on which the participating countries relied on adopting each international agreement varied throughout the various stages of development, as they included each time the new components devised by criminal organizations, and thus a difference in the accuracy that characterized each one of them, and the reference in the beginning is the Single Convention on Narcotic Drugs of 1961, of which Article 1, paragraph 1 states the following: "1-Except where otherwise expressly indicated or where the context otherwise requires, the following:

"(j)Drug" means any of the substances in Schedules I and II, whether natural or synthetic." (Organization, 1961)

It is the same position that States have established in the Convention on Psychotropic Substances of 1971 in Article 1, paragraph (e), which states the following: "Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

e) "Psychotropic substance" means any substance, natural or synthetic, or any natural material in Schedule I, II, III or IV.

f)"Preparation" means:

i)Any solution or mixture, in whatever physical state, containing one or more psychotropic substances, or (ii) One or more psychotropic substances in dosage form." (Organization, Convention on psychotropic substances , 1971).

An extrapolation of the texts of the above articles shows that States have deliberately adopted general formulation in their definition of a "narcotic" in order to keep pace with all developments that may appear in this field, and have referred each time to the schedules that contain detailed lists of drugs classified in this description in some way, and that what we can discern it from extrapolating the text of agreements that are characterized by modernity, such as the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic

Substances of 1988, or in the Arab Convention to Combat Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1994; the first define "drug" as follow: “Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout this Convention:

n)“Narcotic drug” means any of the substances, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, and that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;” (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, p. Article 1 Para. (n)). As for the second, in Article 1, Paragraph 16 of it, a “narcotic” is: “Any natural substance or manufactured from the substances listed in the first section of the Unified Schedule.” (ministers, 1994).

At an advanced stage of its development, Algeria joined the international conventions related to combating the phenomenon of drug trafficking and addiction, as it joined the Single Convention on Narcotic Drugs of 1961 pursuant to Decree No. 63-343 issued on September 11, 1963. It also ratified the Convention on Psychotropic Substances of 1971 pursuant to Decree No. 77-177 of December 7, 1977 (populaire J. O., 1977), as for the Protocol issued in 1972 amending the Single Convention on Narcotic Drugs issued in 1961, which Algeria ratified by Decree No. 02-51 of February 5, 2002. Algeria finally ratified the United Nations Convention to combat illicit drug trafficking concluded in 1988 by the decree No. 95-41 of January 28, 1995 (populaire J. o., 1995).

The Algerian legislator adhered, at the conceptual level, to the position adopted by members of the international community in various relevant international conventions, and even referred to this directly in the text of Article 2 of the Law No. 04-18 relating to the prevention of narcotic drugs and psychotropic substances and the suppression of their illicit use and trade. It defined a narcotic as: “every natural or synthetic substance listed in Schedules I and II of the Single Convention on Narcotic Drugs of 1961, as amended by the Protocol of 1972, and every substance classified nationally as a narcotic”, while it defined

"psychotropic substances." as: "Every substance, whether natural or synthetic, or every natural product listed in Schedule I, II, III, or IV of the Convention on Psychotropic Substances of 1971, and every substance classified nationally as a psychotropic substance." Moreover, the Algerian legislator did not restrict local authorities to the list of substances included in the schedules included in the various relevant international conventions, as they can add to the prohibited substances any substance that they deem worthy of inclusion within this category of substances (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 2 paras. 2 et 3).

1.2. The doctrinal definition:

The ambiguity surrounding the text of the above-mentioned international treaties prompted the doubling of efforts exerted on the doctrinal level in order to draw the contours of the concept of "narcotics." Specialists worked on detailing the characteristics of the latter, perhaps the most important definitions presented in this field is that proposed by Professor (LEWIN L.), who believes that it is represented in a group of substances that cause addiction and poison the nervous system, and it is forbidden to take, and distribute or manufacture them except for purposes specified by law, and that they are used only by whoever is authorized to do so, and these substances includes: opium and its derivatives, hashish, hallucinogenic drugs, cocaine and stimulants, but alcohol, sedatives and hypnotics are not classified as narcotics even though they continue to be used incorrectly and without a prescription may cause addiction (L., 1998, p. 304). The Professor (Pierre-Arnaud Chouvy) believes that "it is embodied in every substance obtained naturally through cultivation or artificially, and it has hypnotic, analgesic, or periodic effects, which are used for non-medical purposes, as its abuse leads to a violation of a state of habituation and addiction as a result of its repercussions on systems. The body of the drug user who enters into a secondary state changes his relationship with reality radically, so he feels psychological and physical comfort temporarily until the disappearance of its effect, and despite its temporary nature, its repercussions on the psychological and physical health of individuals are permanent, in addition to its social

consequences that cannot be remedied in most cases, perhaps the most prevalent among them is opium and its derivatives, and hashish and its derivatives" (chouvy, 2023, pp. 11-12). For Professor (Roques B.), drugs are: "those substances that cause laziness and apathy, weakening and slandering, and it is said that a person becomes numb, that is, weakness, and in the medical dictionary it means narcotic drugs that cause sleep or anesthesia, while psychotropic substances mean substances that affect the mind" (B., 1999, p. 318), whereas (PETERS G.) defines them as: "substances that, through their chemical nature, change the structure and functions of the organism into whose body these substances were introduced, and these changes include, in particular, the state of mood, senses, awareness, perception, in addition to psychologically and behaviorally." (G., 1991, p. 9)

The concepts of "narcotic drugs" and "psychotropic substances" are often confused, as the difference between them lies in the fact that the first is produced by means of agriculture or within the framework of factories, while the second can only be produced by laboratories, and this depends on chemical methods, and uses in it only medicines for the manufacture of psychotropic substances, and does not contain any materials of natural origin. The difference between them also lies in the fact that the first can fall into the circle of legitimacy if permitted by law, while the second is illegal in all cases as long as its concept revolves around the arbitrary use of drugs circulating in the market, not to treat a specific disease, but rather to anesthetize the addicted body (cohen & Guilheme, 1996, p. 143).

1.3. Types of drugs:

It appears through the definitions presented in the various international conventions above that members of the international community classify drugs in terms of their nature into natural drugs and industrial preparations (1.3.1), and then in terms of their legal nature into legal and illegal drugs (1.3.2).

1.3.1. Types of drugs in terms of their nature:

Drugs from this dimension are embodied in the narcotic plants that are cultivated and harvested, perhaps the most famous of which is

opium which is manifested in the form of a dark rubbery substance extracted from the poppy plant, and the Indian hemp used in the production of cannabis. International conventions also refer to industrial preparations represented by medical pills that are taken by addicts outside the medical framework, and without a prescription from a specialist doctor, and the aim of their use is to create a psychological state for the addict, whether by calming him down, or activating the happiness centers in his brain, or even activating disturbances in his senses, such as hallucinations and delusion, and one of the most widespread of these preparations is valium, which is easy for addicts to obtain from pharmacies, while they obtain the same effects that they might expect from narcotic plants (Cooper, 1975, p. 981).

1.3.2.Types of drugs in terms of the legality of their trade:

Drug trafficking is considered illegal as a general rule due to the dire effects resulting from the widespread phenomenon of drug abuse by various segments of society (wisehart, 2019, p. 56). An example of this is the text of Article 3 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the first paragraph of which states the following: "1. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally:
a) i) The production, manufacture, extraction; preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch,
dispatch in transit, transport, importation or exportation of any narcotic drug or
any psychotropic substance contrary to the provisions of the 1961 Convention,
the 1961 Convention as amended or the 1971 Convention;" (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, p. Article 3).

Drugs are not used in all cases to satisfy the psychological and physical desires of the addict. Rather, they were originally used to treat patients from the medical conditions to which they were subject. Therefore, members of the international community have legalized

their trade in some cases and according to pre-determined conditions in a way that we can discern from the text of Article 30 of The Single Convention on Narcotic Drugs of 1961, which states the following:

"1. a) The Parties shall require that the trade in and distribution of drugs be under licence except where such trade or distribution is carried out by a State enterprise or State enterprises:

b) The Parties shall:

i) Control all persons and enterprises carrying on or engaged in the trade in or distribution of drugs;

ii) Control under licence the establishments and premises in which such trade or distribution may take place. The requirement of licensing need not apply to preparations" (Organization, Single convention on narcotic drugs, 1961, p. Article 30).

At the international level, the drafters of the 1971 Convention on Psychotropic Substances stated that each State party to the Convention is obligated to obtain an independent import or export permit on a form drawn up by the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations when its law permits this, whether it concerns one or more substances of the substances listed in the first or second schedules (Organization, Convention on psychotropic substances , 1971, pp. Article 12-1(a)), and this permission includes a set of data, including the international non-commercial name of the substance, the quantity to be exported or imported, its pharmaceutical form, the name and address of the exporter and importer, and other data (Organization, Convention on psychotropic substances , 1971, pp. Article 1-(b)). It is logical that the issuance of the permission from the above committee precedes an import permit issued by the competent authorities of the importing country, proving its acceptance of the import of the aforementioned material or materials (Organization, Convention on psychotropic substances , 1971, pp. Article 12 1-(c)).

2.The measures adopted to combat drugs:

Most specialists in the field of criminal law agree that the war launched by some countries represents one of the most complex

security objectives undertaken by public authorities due to its many and complex sources, and especially its wide scope in a way that makes it difficult for local authorities to confront it completely if we take into account its cross-border nature. The latter start a movement at the international level in order to adopt the necessary measures to provide a radical answer to this type of problem which is limited in the current situation between those of the obligations that the States parties to this type of treaties accept at the preventive level (2.1), and those with an deterrent dimension (2.2).

2.1. Preventive measures:

Members of the international community have devoted an important part to the measures that would protect people from the harmful effects of drugs in the legal system that they have adopted at the international level, and they mainly revolve around three elements, which are:

2.1.1. Control of drug production and movement:

International conventions place the obligation to control the production and movement of drugs in the first place on the States parties to them, which are supposed to take the most appropriate measures in their view to control the manufacture and distribution of drugs listed in Schedules I and II contained in the Single Convention on narcotic drugs of 1961, namely by monitoring all actors in the manufacture of substances that enter into synthesizing drugs, whether physical or moral persons, in addition to monitoring the facilities and places where this is done.

This, and the license provided to drug manufacturers is not limited to one who is active according to it throughout its course, but rather it is supposed to be a periodic license in which the types and quantities of drugs that respond to national needs are determined, and thus the public authorities are committed to limiting national production in accordance with what is required by the normal course of their work, and prevents the accumulation of drugs and poppy straw is in the possession of drug makers (Organization, Single convention on narcotic drugs, 1961, p. Article 29).

The control imposed on drugs is not limited to the national territory only, but also extends to the international level, as each State party to the Convention establishes and maintains a special system for monitoring international trade in substances listed in Schedules I and Schedule II, the aim of which is to detect suspicious transactions, as this is prohibited. The system will not be effective if it is not carried out in cooperation with manufacturers, importers, exporters, wholesalers and retailers who are obligated to inform the competent authorities of all relevant information. In this regard, documenting drugs, whether exports or imports, represents the most important means of successful cooperation in this field, such as attaching them to commercial documents such as invoices and statements of goods, Customs documents, transportation documents, other shipping documents, names of materials being imported or exported, and other data (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, p. Article 12 para.9).

2.1.2.Confiscation:

Members of the international community include "confiscation" as a preventive means to combat drug trafficking at the international level as the best way to dry up the resources of those involved in this type of crime in order to limit or end their activity. In this regard, it is authorized for member States, for example, in the United Nations Convention Against Illicit Trafficking in Drugs, the Psychotropic Substances of 1988 stipulates that the money generated by the activities of criminal organizations or the proceeds of criminal activity in general be confiscated (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, p. Article 5 para.1 (a)), or even depriving it of the raw materials required for drug production, including certain narcotics, psychotropic substances, and other materials that go into their production, or any media used in committing the crimes stipulated above (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 5 Para. 1-(b)).

In order to achieve this goal, the States Parties to the Convention shall facilitate for the competent authorities the task of identifying the proceeds, funds, or any means used in the production of drugs by taking all necessary measures (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 5 Para. 2-) that allow them to trace them, freeze them, or seize them in order to confiscate them as a primary goal, including, for example, authorizing the competent judicial authorities to have the authority to order the submission of banking, financial, or commercial records from any entity suspected of involvement in drug trafficking crimes, apart from the rules that exempt relevant institutions from this obligation under the pretext of confidentiality of banking operations (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 5 Para. 3-).

2.2.Awareness measures:

Members of the international community recognize in various international treaties the dangers that drug abuse poses to the cohesion of society due to the negative effects that such a phenomenon has on the psychological and physical health of individuals. They acknowledge, for example, in the third resolution annexed to the Single Convention on Narcotic Drugs of 1961 concerning: "Social conditions and protection against drug addiction." that drug addiction leads to personal degradation and social unrest, in addition to being a cause of the deplorable social and economic conditions in which some individuals and groups live (Organization, resolution III concerning : "SOCIAL CONDITIONS AND PROTECTION AGAINST DRUG ADDICTION" annexed to the Single convention on narcotic drugs , 1972, p. para.3). For this reason, it recommends that the States Parties to the International Convention develop entertainment and other activities that will preserve the physical and psychological health of young people (Organization, resolution III concerning : "SOCIAL CONDITIONS AND PROTECTION AGAINST DRUG ADDICTION" annexed to the Single convention on narcotic drugs , 1972, p. Active para.3), and combat all factors that motivate individuals to become addicted to drugs using legal and practical means

(Organization, resolution III concerning : "SOCIAL CONDITIONS AND PROTECTION AGAINST DRUG ADDICTION" annexed to the Single convention on narcotic drugs , 1972, p. active para.1 and 2).

With regard to preventive measures, the Algerian legislator has built a strategy in this regard on a mechanism it established to avoid the phenomenon of drug trafficking or the addiction to it, which is the "National Office for Combating Drugs and Drug Addiction" (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. article 2 para.1), as this mechanism was placed at the heart of Algeria's policy to combat the drug phenomenon, as the coordinator between the efforts of various actors, whether they represent public authorities or civil society (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 5 bis2). Awareness and sensitization measures occupy the lion's share of the Algerian strategy through the involvement of all actors, whether the various audio-visual media (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 5 bis 4), mosques, cultural and sports centres, or even educational and training institutions (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 5 bis 3) whose mission is to make individuals aware of the dangers of use, or the illicit trade in drugs and psychotropic substances on the individual's physical and mental health, in addition to its negative effects on his relationship with the rest of the components of society. The pharmacist was even involved in this project, who is committed to promptly notifying the regional health authorities of every prescription that does not meet the specifications specified in the applicable regulations (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 5 bis 7).

2.3.Deterrent measures to confront drug trafficking:

Members of the international community have allocated an important portion of the legal arsenal prepared to combat drug trafficking to the deterrent measures to which entities involved in this

type of crime are supposed to be subject. This dimension of international politics is based on several axes, perhaps the most important of which are:

2.3.1.Criminalizing drug trafficking:

Criminalization forms the cornerstone of the strategy adopted nationally and internationally to combat drug trafficking. The Single Convention on Narcotic Drugs of 1961 recommends that the States parties to it to remove all practices related to this phenomenon from the scope of international legality, as is the case with the cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, passing, transporting, and other acts that the State deems appropriate. The party is in violation of this treaty, provided that these acts are committed intentionally, and that penalties are imposed that are commensurate with the criminal act, such as imprisonment or any penalty of deprivation of liberty (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 1-(a)). In this regard, the drafters of the Convention clarify that it is not possible to combine crimes committed if they are not committed in the territory of one State, and thus they are considered crimes independent of each other (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 2-(a)'1'), and that every individual who conspires, participates, or facilitates the commission of the above criminal acts shall not be exempted from punishment, as the attempt shall be punished. The same penalty is imposed on the original perpetrator of such acts (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 2-(a)'2'), and is increased in the event of proof of recidivism (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 2-(a)'3').

Member States of the United Nations General Assembly shall abide by the content of international conventions related to combating drug trafficking, and respect the sovereignty of States by appealing to all member States to adopt appropriate domestic laws and regulations, and for the various judicial authorities in their territory to act in order to combat the phenomenon of drug trafficking, and this adhering to the principle of legality, without arbitrariness or violation of the basic rights

of individuals, even if they are accused in this type of case (Assembly, 1996, pp. II-3).

The punitive measures adopted by the Algerian legislator to combat drug addiction and drug trafficking were characterized by an unusual severity in the Algerian criminal system. Indeed, the penalties prescribed in this area range from imprisonment and a fine for every individual who consumes or purchases these prohibited substances for example (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 12), and life imprisonment for persons who conduct, organize, or finance criminal activities related to drug trafficking (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 18), it export, or import (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 19) of these prohibited substances. Judges issue a ruling banning residence from any foreigner who has committed a crime related to drug trafficking, whether temporarily or permanently, and this is automatically followed by expelling the convict outside the borders after the expiry of the sentence imposed on him (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Article 24).

2.3.2.Extradition:

Individuals involved in drug trafficking crimes shall be held accountable before the local authorities of the country in which they were committed, even if they do not belong to it by nationality if there is no bilateral agreement between the countries concerned (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 2-(a)'3'). In other words the countries are obligated to extradite the individuals concerned in accordance with an agreement they had previously concluded in this regard, and the crimes include due for extradition (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 2-(b)'1').

If a country receives a request from a country that does not have a bilateral treaty regarding the extradition of criminals, it can extradite

nonetheless, considering the treaty a legal basis for extraditing criminals, and attaching the terms of extradition to the law of the State party from which extradition is requested (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 2-(a)'1'). As for the State parties that extradite criminals without the existence of a treaty, this procedure takes into account the conditions stipulated in the laws of the State party from which extradition is requested (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 3-(b)'1'). This does not mean that the State party cannot refuse to extradite the criminal. This applies when the competent authorities deem that the crime is not of a sufficient degree of seriousness (Organization, Single convention on narcotic drugs, 1961, pp. Article 36 Para. 4-(b)'1').

It is noted in this regard that determining the competent authority and the law applicable to crimes related to drug trafficking is subject to general principles of law, and often refers to the criminal law in the State Party concerned (Organization, Single convention on narcotic drugs, 1961, p. Article 36 Para. 3), including the procedures followed in prosecuting them and subjecting them to punishment (Organization, Single convention on narcotic drugs, 1961, p. Article 36 Para. 4).

The measure of extradition was emphasized in the 1988 Convention relating to Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which regulated it within the framework of Article 6, where States are obligated to include practices related to drug trafficking in the bilateral treaties they conclude for the purpose of extraditing criminals (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, p. Article 6 Para.2), and the extradition or refusal of criminals is subject to delivery according to the conditions stipulated in the law of the State party receiving the valid extradition request (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, p. Article 6 Para.5). The State receiving the request has absolute discretion to respond to the extradition request with an affirmative or refusal, and it can even, in accordance with the 1988 Convention, reject the extradition request when there are sufficient reasons that lead its competent authorities to believe that

extraditing the criminal will lead to his being punished for discriminatory reasons, such as because of his race, or his religion, nationality, political beliefs, or other similar reasons (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 6, Para.6). In this regard, States Parties were called upon to simplify and expedite extradition procedures so that the follow-up system is effective (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 6, Para.7), provided that this is colored by detaining the person and ensuring his presence at the time of extradition by the State in whose territory the criminal is present (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 6, Para.8).

2.3.3.Treatment:

The therapeutic aspect represents one of the priorities that member States have set for themselves within the framework of the policy they adopted to combat drug trafficking, in order to provide a new opportunity for those addicted to this type of substance by reintegrating them into society, and stopping them from taking and purchasing them, which is something that we can notice clearly in the Single Convention on Narcotic Drugs of 1961, as amended in 1972, in which it recommends that States Parties take, in addition to convicting or punishing drug addicts, or alternatively, the necessary measures to provide them with medical treatment, education, aftercare, rehabilitation and reintegration socially (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 36, Para (b)).

Indeed, the Convention calls on States Parties to take all possible measures at the practical level in order to prevent drug abuse, and to identify all parties involved in it early so that they can be treated, educated, cared for, rehabilitated and socially reintegrated, and in this regard it works to coordinate the efforts of its various interests in order to achieve these objectives (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic

Substances, 1988, pp. Article 38, Para.1), provided that this task is supervised by qualified employees trained to deal with drug abusers (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 38, Para.2). Finally, the drafters of the international convention focus on the awareness aspect that local authorities must play in informing drug addicts in particular, and the public in general about narcotit's dangers (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 38, Para.3).

The Algerian legislator committed to the gradual approach that members of the international community have followed in combating the phenomenon of drug trafficking and addiction. Indeed, after implementing the sensitivity measures, the public authorities resort to remedial measures, specifically subjecting the individuals concerned to detoxification treatment, as no public lawsuit will be brought against them if it is proven that they have been subjected to this type of treatment (populaire J. o., la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes, 2004, p. Articles from 6 to 11).

2.3.4. International cooperation:

Drug trafficking represents a cross-border phenomenon, and because it is so, cooperation between countries is considered an inevitable step in order to confront it effectively which can be confirmed by referring to the Single Convention of 1961, and specifically in the second resolution attached to it, under the title of: "assistance in The field of drugs", within which it is noted that: "the measures taken against drug abuse must be co-ordinated and universal;" (Organization, Resolution II concerning "ASSISTANCE IN NARCOTICS CONTROL" annexed to the Single convention on narcotic drugs , 1972, p. Active Para.1). This was confirmed in the 1988 convention, and pricisely in the text of Article 14, Section 3, which stated the following:

"3. a) The Parties may co-operate to increase the effectiveness of eradication efforts. Such co-operation may, inter alia, include support,

when appropriate, for integrated rural development leading to economically viable alternatives to illicit cultivation. Factors such as access to markets, the availability of resources and prevailing socio-economic conditions should be taken into account before such rural development programmes are implemented. The Parties may agree on any other appropriate measures of co-operation.

b) The Parties shall also facilitate the exchange of scientific and technical information and the conduct of research concerning eradication.

c) Whenever they have common frontiers, the Parties shall seek to co-operate in eradication programmes in their respective areas along those frontiers." (Organization, the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, pp. Article 14, Para.3).

This trend was confirmed by the main bodies of the United Nations in the resolutions they issued concerning combating drug trafficking in the form of the General Assembly, whose members issued resolution 51/64 relating to: "International action to combat drug abuse and their illicit production and trafficking," and within its framework It renews its commitment to continue strengthening international cooperation and to significantly increase the efforts made to combat all practices related to drug trafficking and, by extension, the phenomenon of drug addiction, in accordance with the obligations it has under the United Nations drug control conventions, and each one of them employs the experiences it has gained in this field, and it shares responsibility for implementing it on the ground (Assembly, 1996, pp. II-1). International cooperation represents a necessity that has imposed itself on members of the international community because drug trafficking constitutes a threat to international peace and security, given its links to terrorism, transnational crime, money laundering, and arms trafficking, perhaps the most effective way to put an end to such negative phenomena is to prevent the flow of funds to those engaged in these activities (Assembly, 1996, pp. II-5).

The United Nations has worked on the practical level to deal with this type of issue on more than one occasion, perhaps the most

important of which is the situation in Haiti, which has witnessed, starting in 2023, a tangible deterioration of the security situation. Indeed, in recent years, the region has recorded an escalation in acts of violence and criminal activities, in addition to human rights abuses and violations, embodied on the ground in the increase in illegal acts committed by armed groups and criminal networks, such as kidnappings, sexual violence, and Human trafficking, or migrant smuggling, as well as various murders, and these behaviors have spread so widely that they have threatened peace and stability in Haiti and the entire region (council, 2023, p. preambular para.5). In the letter he addressed to the President of the Security Council dated 15 January 2024, the Secretary-General mainly attributes the current situation in Haiti to "guns for drugs" trade between Haiti and Jamaica, and drugs have been the currency used by criminal gangs in both countries since the early 21st century (council, Letter dated 15 January 2024 from the secretary-General addressed to the president of the Security council, 2024).

Conclusion:

Despite the efforts made by members of the international community to combat drugs and the various practices related to them such as promotion and sale, the latter remains limited, given that their effectiveness remains dependent on the extent to which they are coupled with field efforts that reflect a real political will to put an end to this cross-border phenomenon, including coordination in the efforts of the countries concerned, and directing the initiatives presented in this field towards the sources of this scourge, that is, the various criminal organizations and the lack of awareness about the dangers of this type of substance. Some specialists even highlight the delay recorded by some countries in keeping pace with developments, which was mentioned in the field of drug trafficking, which has not become limited to tangible materials, but has also expanded to include new forms such as electronic drugs that are ignored by public authorities in various countries, including those that are technologically advanced.

The study allowed us to come up with a set of results, perhaps the most important of which are:

-In recent years, the world has witnessed a wide spread of the phenomenon of drug trafficking as one of the most important setbacks of globalization, which was embodied on the ground in the unprecedented development of the activity of criminal organizations in parallel with the qualitative leap in the field of modern technologies. This phenomenon has not become limited to the borders of a particular country, but rather it includes all of them without exception.

-The various studies completed on the subject of drug trafficking reveal the dire effects resulting from the spread of this phenomenon on individuals and society, and even on States that put their existence at risk through the exacerbation of security threats resulting from the enhancement of resources generated by trafficking in this type of toxins by entities proven to be involved in this type of practice;

- The efforts made by countries have multiplied in recent years at the legislative level in order to combat this phenomenon by adopting a number of international conventions.

Through the completed study, we were able to uncover a number of legal gaps, and in order to fill them we recommend the following:

-The need to raise awareness among international public opinion about the dangers involved in drug trafficking, through holding international seminars and conferences under the supervision of the United Nations, within which the dire effects of the spread of this phenomenon are highlighted on the one hand, and States are invited to sign and ratify the International conventions related to drug control;

-Adapting cooperation between States concerned with combating the drug phenomenon by concluding bilateral agreements that encourage the exchange of information between the parties concerned, and even the extradition of criminals if necessary;

-The need to update the text of the international conventions in force related to drug control, taking into account current developments in the field of drug addiction and the new forms that have become embodied in it.

Bibliography List :

B., R. (1999). La dangerosité des drogues : rapport au secrétaire d'Etat à la santé. *la documentation Francaise* .

chouvy, P.-A. (2023). Contribution à une définition terminologique de « drogue ». *Drogue, santé et société , 21* (01).

cohen, D., & Guilheme, p. (1996). «Drogues» et «médicaments» mis en contexte,. *santé mentale au Québec , XXII* (01).

Cooper, C. G. (1975). Drug abuse: A review of some current literature. *Depaul law review , 24* (04).

G., P. (1991). « Psychotropes, drogues et société: les substances». *Psychotropes* (06).

L., L. (1998). *Phantastica: A classic survey on the use and mind-altering plants.* Vermont: park street press.

ministers, c. o. (1994, january 05). Arab Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. *Arab Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* . Tunis, Tunis, Tunisia.

Organization, U. N. (1971, February 21). Convention on psychotropic substances . *Convention on psychotropic substances* . New-York, New-York, United States of America.

Organization, U. N. (1972, March 24). Resolution II concerning "ASSISTANCE IN NARCOTICS CONTROL" annexed to the Single convention on narcotic drugs . *Resolution II concerning "ASSISTANCE IN NARCOTICS CONTROL" annexed to the Single convention on narcotic drugs* . New-York, New-York, United States of America.

Organization, U. N. (1972, March 24). resolution III concerning : "SOCIAL CONDITIONS AND PROTECTION AGAINST DRUG ADDICTION" annexed to the Single convention on narcotic drugs . *resolution III concerning : "SOCIAL CONDITIONS AND PROTECTION AGAINST DRUG ADDICTION" annexed to the Single convention on narcotic drugs* . New-York, New-York, United States of America.

Organization, U. N. (1961, march 30). Single convention on narcotic drugs. *Single convention on narcotic drugs* . new-york, new-york, United States of America.

Organization, U. N. (1988, December 20). the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic

Substances. *the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* . New-York, New-York, United States of America.

wisehart, D. (2019). *Drug control and international law*. New-york and london: Routledge & Francis group.

Assembly, U. N. (1996, december 12). International action to combat drug abuse and illicit production and trafficking. *International action to combat drug abuse and illicit production and trafficking (51/64)* . New-York, New-York, United States of America.

council, U. N. (2024, January 17). Letter dated 15 January 2024 from the secretary-General addressed to the president of the Security council. *report of the United Nations office on drugs and crimes pursuant to paragraph 9 of Security council resolution 2692(2023) (S/2024/79)* . New-York, New-York, United States of America.

council, U. N. (2023, july 14). The question concerning Haiti (BINUH). *The question concerning Haiti (BINUH) (S/RES/2692(2023))* . New-York, New-York, United States of America.

ministers, c. o. (1994, january 05). Arab Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. *Arab Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* . Tunis, Tunis, Tunisia.

populaire, J. o. (2004, decembre 26). la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes. *la prevention et à la repression de l'usage et du trafic illicites de stupefiants et de substances psychotropes (83)* . Alger, Alger, Algerie.

populaire, J. O. (1977, Decembre 11). la ratification de la convention sur les substances psychotropes faite à vienne le 21 fevrier 1971. *la ratification de la convention sur les substances psychotropes faite à vienne le 21 fevrier 1971 (80)* . Alger, Alger, Algerie.

populaire, J. o. (1995, fevrier 15). ratification avec reserve de la convention des Nations unies contre le trafic illicite des stupefiants et des substances psychotropes adopté à vienne le 20 decembre 1988. *ratification avec reserve de la convention des Nations unies contre le trafic illicite des stupefiants et des substances psychotropes adopté à vienne le 20 decembre 1988 (07)* . Alger, Alger, Algerie.