

Drug Control Measures in Free Ports and Free Zones

1. A free port or free zone is typically defined as a designated area within a country in which companies can import, export and manufacture goods without certain custom restrictions being implemented, such as reduced or no taxes and tariffs, or reduced control procedures and documentation.
2. The limited supervision and lack of custom restrictions that tend to accompany free ports and free zones may make it more convenient for traffickers to store illicit substances and smuggle drugs over minimally regulated borders. In response to this elevated risk of illicit trafficking, the 3 international drug conventions outline the control measures that States Parties must exercise in free ports and free zones.
3. In areas designated as free ports or free zones, States Parties are required, at the least, to exercise the same supervision and control of internationally controlled substances as in other parts of their territories, as outlined in Article 31 of the 1961 Convention, Article 12 of the 1971 Convention and Article 18 of the 1988 Convention. In designating an area as a free port or free zone, a State party is not relieved from implementing all obligations under the conventions in these zones, though they may apply stricter measures.
4. Article 18 of the 1988 Convention, states that State Parties shall apply measures to suppress illicit traffic in narcotic drugs, psychotropic substances and substances in Table I and II in free zones and free ports that are no less strict than those applied in other parts of their territories.
5. In addition, pursuant to this article, Parties shall endeavour to (i) monitor the movement of goods and persons in free trade zones and free ports; (ii) empower competent authorities to search cargo of incoming and outgoing vessels; (iii) when appropriate, to search crew members, passengers and their baggage; (iv) establish and maintain a system to detect consignments suspected of containing narcotic drugs, psychotropic substances and substances in Tables I and II of the 1988 Convention passing in or out of free zones and finally; (v) establish and maintain surveillance systems in harbour and dock areas at border control points in free trade zones and ports, as well as at airports.
6. The commentary on the 1988 Convention states that the provisions of Article 18 outlining the necessary measures to be taken are not interchangeable with the strict control measures on licit substances that State Parties must apply in these zones, but rather additional measures.
7. ECOSOC Resolution 1992/29, entitled “Measures to prevent the diversion of precursor and essential chemicals to the illicit manufacture of narcotic drugs and psychotropic substances”, emphasizes the importance of applying suitable regulatory measures to every stage of the receipt, storage, handling, processing and delivery of precursors and essential chemicals in free ports and free zones, in accordance with Article 18 of the 1988 Convention.
8. In terms of reporting requirements to the INCB on quantities of imports and exports, “imports” should include the entrance of goods from abroad into a free port or zone, and “exports” should include the dispatch of goods abroad from a free port or zone except if a batch of goods sits temporarily in a free zone while in transit from its country of origin to another destination country. The act of a good passing from a free port or zone into the country itself or vice versa should not be considered a separate import or export.
9. The INCB reiterates that State Parties are obligated by the Conventions, at a minimum, to apply all drug control measures in free ports and free zones, with the option of applying more stringent measures as outlined in the international drug control treaties. Ensuring that drug control measures are upheld in free ports and free zones is imperative towards preventing the trafficking of internationally controlled narcotic drugs, psychotropic substances and precursor chemicals.

INCB is the independent, quasi-judicial body charged with promoting and monitoring Government compliance with the three international drug control conventions: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

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