

The consequences of drugs trafficking from Syrian ports on the International Maritime Security

A research study conducted by the
Syrian Maritime Coordination Bureau project

October – 2020





MENA Maritime Development Programme

The Middle East and North Africa Maritime Development Program (MMDP) was established in 2017 and operates as a non-governmental and impartial organization. The idea of MMDP emerged as a result of the need of the Arab region for an independent body concerned with marine development, research and studies, after realizing the importance of addressing the complex legal needs arising from deficiencies in the optimal implementation of international maritime legislations.

These needs related to each of the countries covered by the program, as well as the various stakeholders in maritime relations, whether at the state level, at the corporate level, or even individuals. Therefore, it is extremely important to address legal loopholes in order to prevent harm to the marine industry and to reach the optimal implementation of treaties and legislation that will develop the marine environment.

Through a team of researchers, lawyers, trainers, captains, engineers, contractors, and marine experts academically and practically deployed in the beneficiary countries, the mission of MMDP is to enhance expertise and knowledge of marine legislation to reduce negative consequences due to insufficient compliance with international laws and regulations.

Syrian Maritime Coordination Bureau

The Syrian Maritime Development bureau Which is considered a technical office independent of the parties to the Syrian conflict aims to represent Syria in regional and international maritime meetings and collect documents that are important to the maritime authority in Syria.



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**Introduction:**

Drug smuggling is considered one of the most difficult and dangerous types of smuggling, therefore it's the most urgent need for concerted efforts.

Several factors were behind the increase in maritime drug smuggling, among which is the fact that the sea space is considered a means of linking countries and continents.

It is also considered the least expensive, these characteristics were exploited by smugglers to transport their illegal trade.

In addition to the concentration of drug production places or overlooking the main seas and oceans, which made smugglers use them to transfer their trade as it is the easiest way to transport drugs to consumers markets.

Today, piles of white powder, in the commercial containers of different companies, food boxes, or car tires, are scenes spread by the international media to document news of the thwarted smuggling of major drug shipments around the world, unified by the fact that the country of origin is Syria.

International law enforcement's interest in drug trafficking is often limited due to domestic political concerns. However, there are long-term consequences for public health and the rule of law for development and law enforcement actors that unless they are directly recognized now and the responses are planned in post-conflict Syria. It leads to more suffering and instability in the region.

A shipment of narcotic substances out of the Syrian ports was confiscated in Romania, which declared that the confiscated shipment is the largest shipment seized by the authorities in its history, after the Italian authorities recorded in July 2020 the confiscation of a shipment that was the largest in Europe and coming from Syria also loaded with Captagon pills and hashish “Captagon is a synthetic drug of methamphetamine”.

The Romanian authorities announced the confiscation of two containers on a cargo ship coming from the port of Latakia in Syria, as a result of a cargo of contraband worth nearly 60 million euros, consisting of 1,480 kilograms of hashish, 751 kilograms of Captagon pills, and nearly 4 million pills.

Within 15 months, the quantities of pills confiscated in international ports and came from the Syrian ports amounted to 176 million grains, and more than 35 tons, with an average value of \$ 2.8 billion, according to the average price of the grain in the region, and its details are shown in the attached table.



The origin of goods

Syria was usually considered a transit country, but international reports indicate that Syria turned into a production center for Captagon pills during the war years ... and which is widespread in the Middle East and Europe.

It can be manufactured in small pharmaceutical workshops, provided that the possibility of supplying its raw material ... is available. Which becomes more available in the event of a state of security breakdown, the inability to control borders, or even to fine-tune imports.

Unfortunately, in the Syrian case, there are both factors, as smuggling is a widespread phenomenon to a large extent and in all fields.

As the case of repeated export of narcotic pills from Syrian ports proves the absence of precise control of goods imported or exported in foreign trade, and even in shipping.

In the official data of the last two confiscations in Italy and Romania, the official declarations state that these confiscations are produced by (ISIS), and a number of questions have been raised about the accuracy of these statements with the significant decline in the presence of ISIS and the expansion of the volume of confiscations.

However, whoever produces these materials, these statements indicate that their manufacture in Syria, by a party that is practically classified as (terrorist), engages in illegal activity in an organized manner, and most importantly: it can package its products in Syrian goods and take them out in large quantities and periodically from Syrian ports by official documents!

Lack of official statements from the Syrian government

Despite the spread of this news and its documentation by the official authorities of the countries that shipments arrived from Syria, this news was not even circulated in the Syrian official media, and it was completely ignored, which needs an explanation about ignoring a hot issue like this, which indicates at least The existence of an organized drug transit network that uses Syrian ports periodically and for huge cargo, which is the largest in the world!

Nor has the Ministry of Interior's Anti-Narcotics Department has commented on this news, which is responsible for monitoring and controlling trafficking and abuse.

While the last announced news about the customs administration's seizure of drugs was in 2018 when the Latakia Customs Department announced the confiscation of contraband intended for smuggling to Saudi Arabia, as part of exported goods and through the port.

This disregard for the drug issue in the ports contrasts with the level of severity in penalties contained in the Drug Law No. 2 of 1993, which provides for the execution penalty for anyone who smuggles narcotic substances or manufactures them without a license, and this punishment can be reduced to life or temporary detention for a period of time. Not less than twenty years



and with a fine ... and mitigation is prohibited in many cases, including Repetition of the offense, or its commission by one of the workers in the country charged with combating drug crimes, or in the event of participation in an international gang or working for it, or in the event that Exploiting the power conferred by the position, work, or immunity to commit or facilitate crimes.

How is the law's punishment of such harshness for smuggling or manufacturing, while systematic and repeated operations are being ignored to use the Syrian ports to supply the largest shipments of Captagon in the history of the confiscation of this drug pills?!

The Economic damage

The damages of the existence of a drug trafficking of this size cannot be limited to the state stability or transnational to the country, as the damage goes beyond the economy to the confirmation of the existence of (mafias) linked regionally and internationally.

especially that they can use one of the public facilities on a regular basis With all that this carries in terms of the volume of black money and the weight of trade.

The smallest of the mentioned sea shipments means that there are criminal forces on the Syrian side waiting for amounts ranging between 60 million euros and up to one billion euros in each transaction, with a profit rate in this type of trade that may exceed 5000%) this percentage of profit makes this type of business very attractive and capable of attracting many financial investments and resources.

As for the general estimates of the size of the market made by the Middle East and North Africa Maritime Development programme to 16 billion dollars annually, which indicates the weight of these economic forces, and thus their ability to control joints in state and decision-making bodies, and their ability to employ networks to facilitate the occurrence of operations, and to keep them silent. Indoors, even if exposed in the region.

In addition to this, there are side effects that should not be underestimated.

lies their importance in affecting the reputation of Syrian goods. Once the goods are hidden in mate, milk, cables, shoes, chemical products, soap, textile products, etc. ...

One industrialist indicates that the recurrence of these incidents makes the goods of Syrian origin and shipped by sea in doubt, as one of the Syrian industrialists says that two containers of A Syrian woman were recently subjected to a search in Dubai for a month,

Their cargo was released after making sure of their safety, but the recipient refused to receive it due to the delay! It is one of the incidents that recur, causing losses, and multiplying difficulties in exporting Syrian goods.

There is no investigation to deny or prove the involvement of some manufacturers or their packaging workshops in the smuggling of drugs to the region and Europe, but on the other hand, none of these factories has been suspended or restricted in the presence of their goods in the local market, which indicates either complete ignorance or Even there are no secret investigations in this context or indicating the acquittal of these manufacturers, and the existence of an organized process of falsification of the official papers related to these goods,



which could be carried out through agents of exporters and customs clearance and shipping offices participating in this process.

Latakia port and customs responsibility

The official data of the confiscations have not mentioned the port from which the goods loaded with Captagon left in all cases, as the official Romanian statement mentioned the port of Lattakia and the name of the exporter of the goods, and a statement by the United Nations Organization UNDOC indicated that Latakia is the source of the containers arriving in Greece, while the media circulation of the details of the UAE confiscation indicated Noting that Latakia is the origin of the cable containers that included narcotic pills ... As for the Italian and Saudi statements, they did not address the details of the Syrian port from which the shipments came.

Whatever the local port from which the shipments of exported goods depart, the responsibility to inspect the incoming or outgoing goods by sea freight rests with the Syrian Customs Administration, in accordance with Law 38 of 2006 of the Customs Law, which makes a simple reference to the inspection of goods as part of the duties of the Customs Administration: (Inspecting the goods in a quick, simplified and selective manner, whenever the customs deems a need or benefit from resorting to inspection)

Whereas in the law of the unified investment system for Syrian ports, there is a mention of a text allowing the port company when storing goods in its customs warehouse: (The port company has the right to refuse the goods whose export is prohibited and to reject every other parcel that is damaged, deformed, or poorly covered), but it does not mention what is required to participate in the inspection.

The direct responsibility for controlling goods imported or exported by sea, or stored in customs warehouses in Syrian ports, is the responsibility of customs in the first place.

While the drug law does not refer to the role or responsibility of certain parties in the border control process, nor is there any reference to the powers of the Anti-Narcotics Department of the Ministry of Interior to monitor border crossings and goods entering and leaving in search of contraband.

The shared responsibility

We mentioned in the previous paragraph the responsibility of the Customs Administration and that it is the actual responsibility in theory, but in practice, the matter needs to be detailed.

From a legal point of view, it is not possible to ascertain that the Syrian authorities are solely responsible in light of the presence of several international actors on the Syrian soil where they are located. Russian, Iranian, and even Chinese forces and companies, especially since they have an actual presence in the Syrian ports sector.



Russia by its commercial companies is physically and legally present in the port of Tartus, and Iran is legally and logistically present in the port of Lattakia through the Khatam al Morsalin Container Terminal Company, which is affiliated with the Iranian Revolutionary Guard Directly.

As well as the presence of Russian forces along the Syrian coast raises the legal question arises of the extent to which the Maritime Authority and the Syrian Customs Administration bear the responsibility alone or is there a joint responsibility on the international parties that we mentioned.

Other offenses related to maritime safety and marine pollution:

It is worth noting here to present other violations committed by the Syrian Ports Administration, and we do not know if they were intended violations or the result of the war in Syria for more than 9 years, or violations resulting from negligence or as a result of a lack of training and qualification for workers in the maritime administration, as well as in the application of international, regional and local maritime legislation.

As the maritime administration in Syria is completely cut off from developments in legislation and laws, maritime conferences since the beginning of the war in 2011, and this reflects the performance of the maritime authorities in Syria and their inefficiency in managing the ports sector and by making the Syrian ports a source for the export of drug containers to all countries the world

And among the violations committed, for example but not limited to, that many commercial and oil ships disable the AIS system before entering the Syrian territorial sea, as this act is a clear violation of maritime safety rules.

Also, among the violations that are committed where ships carrying goods leave Syrian ports with data contrary to the actual destination of the ship.

Also, there are many incidents of oil spillage in the Syrian territorial waters from ships entering and exiting the Syrian coast that are loaded with oil products and the Maritime Administration does not submit periodic reports to the relevant international organizations.

Therefore, the International Maritime Organization is required to conduct an audit and review plan of the extent to which Syria applies the laws and rules stipulated in international treaties in the Syrian domestic laws in which it has committed itself as being a party to it.

as this audit was to be conducted in 2019, but Syria was bypassed because it was not possible Doing so for reasons have seen by the IMO.

The mandatory review process for all member states began on January 1, 2016, with the aim of determining the extent of their full and complete commitment to their obligations and responsibilities contained in a number of IMO treaty instruments.

The mandatory IMO instruments included in the scope of the plan cover the safety of life at sea (the 1974 Solas Convention and its 1988 Protocol); Prevention of Pollution from Ships



(MARPOL); Standards for Training, Accreditation, and Control for Seafarers (STCW 1978); Load Lines (LL 66 and its 1988 protocol); Measuring the tonnage of ships (tonnage 1969); Regulations for the Prevention of Collisions at Sea (COLREG 1972).

Mechanisms to combat drug smuggling from Syria by sea

The crime of drug smuggling has actually become a direct threat to the security of maritime navigation and international trade.

as well as to the political and economic stability of countries due to its close association with acts of terrorism, cross-border crimes, and money laundering, which necessitates addressing this danger and cooperation between countries to combat these illegal acts.

1- Combating smuggling at the national level

The profits achieved by the smuggling masters are considered losses incurred by the state's treasury and thus affect its economy. This is what necessitated taking the necessary security measures and measures to curb the phenomenon of smuggling and this is what the Syrian legislator has dealt with through Law No. 2 of 1993.

The mechanisms of action to combat drug smuggling by sea must also be developed through several measures:

- Establish precautionary measures.
- Improving frameworks for intersectoral coordination
- Creating special rules in the areas of follow-up and suppression
- develop Mechanisms for international cooperation
- Work must also be made to develop the Narcotics Control Department, as it is currently a department affiliated with the Ministry of Interior. Therefore, a national anti-drug authority must be established, given the importance of the matter.
- Preparing a national program of action for combating and preventing smuggling
- Organize and collect information, data and studies related to the phenomenon of smuggling.
- Ensure the coordination and follow-up of the activities of the various actors involved in preventing and combating smuggling
- Proposing measures aimed at promoting and developing international cooperation in combating smuggling
- Establishing a secure, automated central information system with the aim of signing and assessing risks to prevent and combat smuggling, as well as contribute to ensuring the security of the international logistics network
- The periodic evaluation of the legal tools and mechanisms, as well as the administrative procedures in place in the field of combating smuggling
- provide recommendations that would contribute to combating smuggling



- Preparing awareness programs about the harmful effects of smuggling

The fight against smuggling begins from the country level by concerting national efforts and coordination between the various security services, especially the police, customs, and border and coast guards, to dismantle smuggling networks and arrest them, confiscate money and property, and use modern technology in surveillance operations.

2- Combating smuggling at the international level

The international community has endeavoured with all its agencies and institutions to combat and repel the crime of drug smuggling by sea. Several conferences and specialized meetings have been held and agreements have been concluded at all international, bilateral, and multilateral levels, and strategies have been put in place to monitor them and follow up on their developments.

International cooperation in the maritime field has aimed to reach a group The rules governing maritime navigation in the various seas of the world.

The sources of international maritime cooperation for drug control are identified in two main sources:

- International agreements codifying the provisions of the law of the sea

Agreements that are forbidden for the production, trade and use of narcotic drugs, drugs and psychotropic substances.

The International agreements

- 1- Geneva Convention on the Law of the Sea 1958, the rules of which developed until the 1982 United Nations Convention on the Law of the Sea was reached, where this convention indicated in Article 108 Paragraph 1 - that all states should cooperate in the suppression of the illegal trade by ships in substances that affect the mind.
so that any country that has reasonable grounds to believe that a ship flying its flag is involved in the illicit trafficking of drugs or substances that affect the mind may request the cooperation of other countries to suppress this trafficking.
It is worth noting that Syria has not yet joined this convention, so it must work to join it, as accession will help in strengthening international cooperation in combating trafficking and drug smuggling.
- 2- The 1961 Convention on Drugs, amended by the 1972 Protocol, which emphasized the need to increase international cooperation in combating drugs, and Syria has joined this treaty since 1974.
- 3- The United Nations Convention against Illicit Smuggling of Drugs and Narcotic Substances 1988, which Syria ratified in 1991.



The most important aspects of international maritime cooperation in drug control are evident through the following points:

1- Restricting the right of innocent passage for ships in the territorial sea

The innocent passage is the use of ships in territorial waters without intending to commit acts that harm the security of the state, its public policy, or its financial interests, and it is a legitimate license for the passage of foreign ships without obstruction. Although the Law of the Sea adopts this principle, it is stipulated in Article 19 of the Convention on the Law of the Sea that the passage loses its innocence if it harms the peace, system, or security of the coastal state, so that monitoring, inspection, and maritime security procedures are allowed on the 24 suspected ships and this restriction is considered an implementation of international cooperation.

2- The restriction of freedom on the high seas

As stipulated in Article 108/1 and 2 of the 1982 Convention, which required the cooperation of all countries in combating illicit drug trafficking, and obliging any country that has reasonable grounds to believe that a ship flying its flag carries out this crime to request the cooperation of other countries to suppress this activity

3- The relentless pursuit of suspected ships

This right is intended to recognize to coastal states to pursue ships suspected of committing crimes while they are in their internal waters and to begin to flee from the inland waters to the territorial sea or the high sea.

Also, the coastal state has the right to pursue and chase these ships while they are sailing in the high sea, to stop them and take them back to their internal waters to investigate the crimes they have committed.

**Conclusion:**

In the conclusion, we can say that the crime of smuggling drugs and weapons by sea is a serious crime related to other crimes that threaten the stability and security of international societies, as the money earned from smuggling has become support for terrorist groups and organized international crime gangs.

This is what calls for international cooperation to be diligent and serious.

Rich countries should also work to assist and assist poor countries, especially those producing narcotic substances, with the necessary capabilities and technical means that must be generalized and activated in the operations to combat illicit drug trafficking.

The rules of international maritime law should also be developed to facilitate surveillance and pursuit operations to suppress and put an end to the smuggling gangs of arms and drugs. The international community is also supposed to adopt economic and legal sanctions on drug-producing and promoting countries.



Appendix 1

Details	Approx weight Tons	Pills no M	date of confiscation
Greek authorities confiscated a shipment from the port of Latakia	6,66	33,3 M	6 - 2019
UAE authorities confiscated a shipment from the port of Latakia	7.06	35,3 M	2 - 2020
The Saudi authorities confiscated a shipment from the Syrian ports	3,84	19,2 M	4 - 2020
The Italian authorities confiscated the shipment from the Syrian ports	16,8	84 M	7 – 2020
Romanian authorities confiscated a shipment from the port of Latakia	0,8	4 M	8 – 2020

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