

DECREE No. 05/2003/ND-CP OF JANUARY 21, 2003 ON INTERNATIONAL COOPERATION IN THE FIELD OF DRUG PREVENTION AND COMBAT

THE GOVERNMENT

*Pursuant to the Law on Organization of the Government of December 25, 2001;
Pursuant to the Law on Drug Prevention and Combat of December 9, 2000;
At the proposal of the Minister of Public Security,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- This Decree prescribes international cooperation in the field of drug prevention and combat between the Vietnamese Government, ministries, ministerial-level agencies, agencies attached to the Government, the central bodies of socio-political organizations, social organizations as well as the People's Committees of provinces or centrally-run cities (*hereinafter referred collectively to as the Vietnamese agencies and organizations*) or governments and governmental agencies of foreign countries, international organizations or foreign organizations as well as individuals.

Article 2.- International cooperation in the field of drug prevention and combat must comply with the following principles:

1. Respecting the independence, sovereignty, territorial integrity, national traditions and customs, mutual benefits and ensuring practical efficiency, on the basis of laws of Vietnam and the concerned countries, multilateral and bilateral international treaties which Vietnam has signed or acceded to.
2. Ensuring the centralized and uniform direction and administration by the Prime Minister and direct management by the concerned Vietnamese agencies and organizations.
3. Cooperation contents and programs must be based on the line and policies of the Party and laws of the State, taking into account the priority direction and cooperation possibility of Vietnamese as well as foreign agencies and organizations.
4. The formulation, conclusion and implementation of international treaties on drug prevention and combat must comply with the provisions of the Ordinance on Conclusion and Implementation of International Treaties and other relevant legal documents.
5. The management and use of official development assistance (ODA) source and aid of foreign non-governmental organizations in service of drug prevention and combat must also comply with the provisions of this Decree and Decree No. 103/1998/ND-CP of December 26, 1998 of the Government on the management of legal cooperation with foreign countries; the Regulation on management and use of ODA sources, promulgated together with the Government's Decree No. 17/2001/ND-CP of May 4, 2001; the Regulation on management and use of foreign non-governmental aid, promulgated together with the Prime Minister's Decision No. 64/2001/QĐ-TTg of April 26, 2001; and other relevant legal documents.

Chapter II

FORMS AND CONTENTS OF INTERNATIONAL COOPERATION IN THE FIELD OF DRUG PREVENTION AND COMBAT

Article 3.- International cooperation in the field of drug prevention and combat shall be effected in the following forms:

1. Coordination in detecting and preventing acts of violating the legislation on drug prevention and combat according to the provisions of laws of Vietnam and the concerned countries.
2. Conclusion of multilateral and bilateral international treaties on prevention and combat of drug addiction, drug-related crimes and other drug-related illegal acts (*hereinafter referred collectively to as the drug evil for short*).
3. Gathering, study and exchange of information and experience in drug evil prevention and combat.
4. Coordination in training, fostering and drilling of professional skills in drug prevention and combat for officials and employees of the concerned agencies and organizations.
5. Coordination in organizing conferences and workshops on relevant issues in drug prevention and combat.
6. Coordination in investigating and handling drug-related crimes involving foreign individuals and/or organizations in Vietnam and overseas Vietnamese individuals and/or organizations.
7. Mutual assistance in material and technological foundations, and enhancement of legal capability in drug prevention and combat activities.

Article 4.- On the basis of laws of Vietnam and concerned countries, multilateral and bilateral international treaties which Vietnam has signed or acceded to, the Vietnamese agencies and organizations shall, within the ambit of their respective tasks and powers, be entitled to carry out the following activities:

1. Setting up networks of drug prevention and combat liaison officers in various countries for operation coordination as well as prompt and accurate information.
2. Reaching agreements with concerned agencies of other countries on meeting the requests for controlled goods transfer on the basis of international treaties which Vietnam has signed or acceded to, in order to detect persons committing drug-related crimes and examine the penal liability therefor.

Article 5.- On the basis of laws of Vietnam and concerned countries, multilateral and bilateral international treaties which Vietnam has signed or acceded to, the Vietnamese agencies and organizations shall, within the ambit of their respective tasks and powers, undertake the international cooperation on the following issues:

1. Propagation and education about the drug prevention and combat.
2. Eradication or replacement of narcotic-bearing crops.
3. Organization of drug detoxification and management of persons having undergone detoxification; research into and application of detoxification medicament prescriptions and methods for drug addicts' detoxification and functional rehabilitation.
4. Organization of prevention of and combat against the illegal trading and use of narcotics, addictive drugs and psychotropic substances in schools, other educational establishments, agencies and organizations.
5. Tight control and management of narcotics, addictive drugs, psychotropic substances and pre-substances used in healthcare, industrial production, scientific research, analysis and testing, and support the supply of equipment, means and conditions in service of the control and management of such

substances.

6. Application of measures to alleviate narcotics' harmful impact on the community health, including those to prevent the transmission of HIV-AIDS and other contagious diseases through drug injection.

7. Building up of communes, wards, district townships, agencies and units free from drug-related crimes and drug addicts.

8. Organization of training and fostering courses for officials engaged in drug prevention and combat, and provision of drug prevention and combat equipment and facilities.

9. Compilation, promulgation and organization of the implementation of legal documents on drug prevention and combat.

10. Organization of scientific research and application of scientific and technological advances, and exchange of experiences in drug prevention and combat.

Article 6.- Vietnamese agencies and organizations may refuse legal assistance in the criminal field for drug-related cases according to the provisions of the legal assistance treaties signed by Vietnam with other countries.

Chapter III

THE STATE MANAGEMENT OVER INTERNATIONAL COOPERATION IN THE FIELD OF DRUG PREVENTION AND COMBAT

Article 7.-

1. The Government exercises the uniform State management over international cooperation in the field of drug prevention and combat, having the following responsibilities:

a/ To promulgate legal documents on international cooperation in the field of drug prevention and combat;

b/ To decide on undertaking, policies, orientation and general programs on international cooperation in the field of drug prevention and combat;

c/ To direct the signing and implementation of programs, plans and projects on cooperation with foreign countries in drug prevention and combat.

2. The Ministry of Public Security shall be answerable to the Government for assuming the prime responsibility and coordinating with the ministries, the ministerial-level agencies and the agencies attached to the Government in exercising the State management over the international cooperation in the field of drug prevention and combat, including:

a/ Working out long-term and annual master plans on international cooperation in drug prevention and combat, and synthesizing and coordinating contents of cooperation programs, plans and projects, urging and inspecting the implementation of programs and/or plans by agencies and organizations, then reporting on the results of implementation thereof to the Government;

b/ Assisting the Government in exercising the uniform State management over international cooperation in drug prevention and combat, undertaking international cooperation in extradition of drug criminals, providing legal assistance in drug-related crimes, transferring persons sentenced to imprisonment for drug-related crimes, and performing other tasks in this field according to the provisions of law.

c/ Performing Vietnam's duties as prescribed by the United Nations' conventions on drug prevention and combat;

d/ Guiding the ministries, branches and People's Committees of the provinces and centrally-run cities in implementing general programs on international cooperation in drug prevention and combat.

Article 8.- The Ministry of Public Security shall have to:

1. Formulate and organize the implementation of policies and plans on international cooperation in drug-related crime prevention and combat.
2. Assume the prime responsibility and coordinate with the Ministry of Defense, the Ministry of Finance and other relevant agencies and local administrations in undertaking cooperation with the concerned agencies of the countries bordering Vietnam and other countries for drug-related crime prevention and combat.
3. Formulate and direct the implementation of international agreements on cooperation in the cross-border control of narcotics, pre-substances, addictive drugs and psychotropic substances, which Vietnam has signed with other countries.
4. Guide the People's Committees of the border provinces in performing the tasks of cooperation in the field of drug prevention and combat with border provinces of the People's Republic of China, the People's Democratic Republic of Laos and the Kingdom of Cambodia.
5. Assume the prime responsibility for and coordinate Vietnam's drug prevention and combat forces in cooperating with the corresponding agencies of foreign countries in investigating and handling drug-related crimes according to the provisions of law.

Article 9.- The Ministry of Labor, War Invalids and Social Affairs shall have to:

1. Formulate and organize the implementation of policies and plans on international cooperation in drug detoxification and solution of post-detoxification social issues, addiction relapse prevention and combat.
2. Guide and direct localities and detoxification establishments in their activities of international cooperation on drug detoxification, reception and use of aid sources of foreign organizations and individuals for building material foundations and organizing detoxification, managing and educating drug addicts and those having been detoxified, and helping detoxified people re-integrate into the community.

Article 10.- The Ministry of Health shall have to:

1. Formulate and organize the implementation of policies and plans on international cooperation in the control of addictive drugs, psychotropic substances and pre-substances for use in healthcare, analysis, testing and scientific research.
2. Assume the prime responsibility for and organize the execution of projects for international cooperation on research into and use of medicament prescriptions and medical methods for drug detoxification; projects for international cooperation on control of addictive drugs, psychotropic substances and pre-substances for use in healthcare, analysis, testing and scientific research.

Article 11.- The Ministry of Industry shall have to:

1. Formulate and organize the implementation of policies and plans for international cooperation on the control of pre-substances for industrial use.
2. Organize the execution of projects for international cooperation on the control of pre-substances for industrial use.

Article 12.- The Ministry of Education and Training shall have to:

1. Formulate, and organize the implementation of, policies and plans for international cooperation on drug prevention and combat in schools and other educational establishments.
2. Organize the execution of projects for international cooperation on education of drug prevention and combat among teachers, officials, staff members, pupils, students and learners.

Article 13.- The Ministry of Agriculture and Rural Development shall have to coordinate with the Nationality Committee and other concerned agencies and organizations in directing the international cooperation on propagation, education and organization of elimination of narcotic-bearing plants, implementation of socio-economic development programs in support of the efficient production shift and people's life stabilization.

Article 14.- The Ministry of Defense shall have to direct the Border Guard and the Coast Guard forces in performing of the task of cooperating with the concerned corresponding agencies of other countries according to the provisions in Chapter VI of the Law on Drug Prevention and Combat and this Decree as well as other relevant law provisions in detecting and preventing acts of illegally trading and/or transporting narcotics, pre-substances, addictive drugs and psychotropic substances across the borders.

Article 15.- The Ministry of Finance shall have to direct the General Department of Customs and the customs forces of all levels in cooperating with drug prevention and combat agencies and customs offices of the countries bordering Vietnam, the customs organizations of the region and other countries in performing the task of preventing and combating the illegal trading and transport of narcotics, pre-substances, addictive drugs and psychotropic substances across the borders according to the provisions of Vietnamese laws and multilateral as well as bilateral international treaties which Vietnam has signed or acceded to.

Article 16.- The Ministry for Foreign Affairs shall have to coordinate with the concerned ministries and branches in studying and proposing guidelines for negotiation, conclusion and implementation of international treaties on drug prevention and combat.

Article 17.- The Ministry of Justice shall have to coordinate with the concerned ministries and branches in studying and perfecting the legislation on international cooperation on drug prevention and combat, ensuring the compatibility of Vietnamese laws with the United Nations' conventions on drug prevention and combat; take part in the elaboration and evaluation of legal documents on international cooperation on drug prevention and combat, and organize the dissemination of such documents among officials, public servants and people.

Article 18.- The Ministry of Planning and Investment and the Ministry of Finance shall, within the ambit of their tasks and powers, coordinate with the Ministry of Public Security in evaluating schemes and projects for international cooperation on drug prevention and combat, then submitting them to the Government and the Prime Minister for consideration and approval, and shall have to ensure funding for the implementation of programs, plans, schemes and projects on drug prevention and combat already approved by the Government and the Prime Minister.

Article 19.-

1. The People's Committees of the provinces and centrally-run cities, basing themselves on the Government's plans, shall have to:

- a/ Formulate, and organize the implementation of, plans for international cooperation on drug prevention and combat in their respective localities;
- b/ Direct the following forces: Police, Customs, Border Guard and Coast Guard in their localities to cooperate with corresponding agencies of the countries bordering Vietnam on information exchange, coordination in inspecting, controlling, detecting and handling acts of trading in and illegally transporting narcotics, pre-substances, addictive drugs and psychotropic substances across the borders according to the provisions of law;

c/ Organize biannual and annual regular meetings with administrations of the provinces of the countries bordering Vietnam for exchange of information, discussion of measures for coordination in drug prevention and combat. The organization of regular meetings with corresponding provinces shall comply with Appendices 1, 2 and 3 to this Decree and with the regime of meeting venue rotation between the two countries.

2. The provincial-level agencies in charge of drug prevention and combat and the People's Committees of the border districts shall have to hold regular briefings with the corresponding agencies and administrations of border districts of the bordering country under treaties or agreements already signed between the two countries for the purpose of information exchange and coordination in inspecting, controlling, detecting and handling acts of illegally trading in and transporting narcotics, pre-substances, addictive drugs and psychotropic substances across the borders according to the provisions of law.

Article 20.- The Vietnamese agencies and organizations, basing themselves on their respective functions, tasks and powers as well as the international treaties which Vietnam has signed or acceded to, shall have to:

1. Mobilize financial aid sources, formulate programs and projects for international cooperation on drug prevention and combat, then submit them to the competent authorities for approval, and organize the implementation of such programs and projects according to the provisions of law.

2. Perform the tasks of international cooperation on drug prevention and combat under the Government's plans.

Article 21.- Annually, the agencies and organizations shall coordinate with the Ministry of Public Security in working out plans on international cooperation in the field of drug prevention and combat under their management, then submit them to the Government for approval; report on the situation of implementation of international cooperation programs and projects, and the use of foreign aid sources according to the provisions of law, to the Ministry of Public Security for synthesization and reporting to the Government.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 22.-

1. Vietnamese agencies, organizations and individuals, international organizations, foreign organizations and individuals that record achievements in international cooperation in the field of drug prevention and combat according to this Decree shall be commended and/or rewarded according to the current regulations.

2. Organizations and individuals that commit acts of violating the provisions of this Decree shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability.

Article 23.- This Decree takes effect 15 days after its signing.

The Ministry of Public Security shall assume the prime responsibility and coordinate with the concerned ministries and branches in inspecting and urging the implementation of this Decree.

Article 24.- The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On behalf of the Government

Prime Minister

PHAN VAN KHAI

APPENDIX 1

PAIRS OF CORRESPONDING BORDER PROVINCES OF VIETNAM AND LAOS

(Promulgated together with the Government's Decree No. 05/2003/ND-CP of January 21, 2003)

The Socialist Republic of Vietnam	The People's Democratic Republic of Laos
Lai Chau province	Phongsali and Luangprabang provinces
Son La province	Luangprabang and Huaphan provinces
Thanh Hoa province	Huaphan province
Nghe An province	Huaphan, Xieng Khoang and Bolikhamsay provinces
Ha Tinh province	Bolikhamsay and Khammoun provinces
Quang Binh province	Khammoun and Savannakhet provinces
Quang Tri province	Savannakhet province
Thua Thien Hue province	Salavan and Sekong provinces
Quang Nam province	Sekong province
Kon Tum province	Sekong and Attapu provinces

APPENDIX 2

PAIRS OF CORRESPONDING BORDER PROVINCES OF VIETNAM AND CAMBODIA

(Promulgated together with the Government's Decree No. 05/2003/ND-CP of January 21, 2003)

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An Giang province	Kandal, Takeo and Kirivong provinces
Kien Giang province	Kampot province

APPENDIX 3

PAIRS OF CORRESPONDING BORDER PROVINCES OF VIETNAM AND CHINA

(Promulgated together with the Government's Decree No. 05/2003/ND-CP of January 21, 2003)

The Socialist Republic of Vietnam	The People's Republic of China
Lai Chau, Lao Cai and Ha Giang provinces	Yunnan province
Cao Bang, Lang Son and Quang Ninh provinces	Guangxi autonomous region