

## **SUPREME DECREE No. 22373**

REGULATIONS IN APPLICATION OF TITLE VI OF LAW No. 1008 ON THE REGIME APPLICABLE TO COCA AND CONTROLLED SUBSTANCES, 21 November 1989

### **CHAPTER I**

#### **Article 1**

The National Council against the Abuse of and Illicit Traffic in Drugs, CONALID, is the supreme national body for the control of drug abuse and illicit traffic, as provided in article 132, title VI, of Law No. 1008 on the Regime Applicable to Coca and Controlled Substances.

#### **Article 2**

The purpose of the National Council against the Abuse of and Illicit Traffic in Drugs is to define and regulate national policy for: planning, organization, supervision, control and coordination of plans, programmes and projects for alternative development and replacement of coca cultivation; control, surveillance and interdiction of illicit drug traffic; prevention, treatment, rehabilitation and social reintegration.

### **CHAPTER II**

#### **SECTION I**

#### **Article 3**

The National Council against the Abuse of and Illicit Traffic in Drugs shall consist of the Minister for Foreign Affairs and Worship and the Ministers of the Interior, Migration, Justice and Social Defence, Planning and Coordination, Rural and Agricultural Affairs, Social Welfare and Public Health, Education and Culture, National Defence, Finance and Aviation, as provided in article 133 of the Law on the Regime Applicable to Coca and Controlled Substances.

#### **Article 4**

The National Council may invite other ministers of State to participate if it considers this necessary.

The National Council against the Abuse of and Illicit Traffic in Drugs shall be presided over by the Minister for Foreign Affairs and Worship or alternatively by the Minister of the Interior, Migration, Justice and Social Defence in the event of absence or other cause.

#### **Article 5**

The Permanent Executive Coordinating Council shall be established as the coordinating operational organ of the National Council against the Abuse of and Illicit Traffic in Drugs, and shall consist of the Ministers of the Interior, Migration, Justice and Social Defence, Rural and Agricultural Affairs and Social Welfare and Public Health; it shall be presided over by the Minister for Foreign Affairs and Worship or, in the event of

absence or other cause, by the Minister of the Interior, Migration, Justice and Social Defence.

## **Article 6**

The National Executive Directorate shall be established as an organ of the Permanent Executive Coordinating Council for the operational execution and coordination of plans, programmes and projects for alternative development, replacement of coca cultivation, prevention of drug abuse and control, surveillance and interdiction of illicit traffic in controlled substances.

## **SECTION II**

### **Article 7**

The functions of the National Council against the Abuse of and Illicit Traffic in Drugs are as follows:

1. To comply and ensure compliance with the Law on the Regime Applicable to Coca and Controlled Substances;
2. To formulate government policy in relation to controlled drugs;
3. To coordinate and evaluate the execution and implementation of plans and projects on the subject, developed by operational areas;
4. To establish public investment policies in the area, for incorporation in the national budget;
5. To regulate and supervise the application of the national policy for the control of drug abuse and illicit traffic.

## **SECTION III**

### **Article 8**

The President of the National Council against the Abuse of and Illicit Traffic in Drugs is responsible for:

1. Directing, coordinating and supervising the activities of CONALID;
2. Representing the National Council in such functions as are required;
3. Approving the agenda of meetings;
4. Convening and presiding over meetings, and ensuring that their decisions are implemented;
5. Signing decisions and resolutions of the National Council;
6. Coordinating and directing the preparation of the annual report on its activities.

### **Article 9.**

The members of the National Council shall:

1. Participate and vote in plenary meetings;
2. Propose or request clarifications useful for a better understanding of the matters under consideration;
3. Undertake other activities assigned to them by the President of the Council;
4. Participate in special commissions.

## **CHAPTER III**

## **SECTION I**

### **Article 10**

The Permanent Executive Coordinating Council is responsible for coordinating the operational implementation of national policy in the following areas:

1. Alternative development and replacement of coca cultivation;
2. Control, surveillance and interdiction of illicit drug trafficking;
3. Prevention, treatment, rehabilitation and social reintegration.

### **Article 11**

The function of the Permanent Executive Coordinating Council is to regulate the application of national policy for controlling drug abuse and illicit drug trafficking.

### **Article 12**

The Permanent Executive Coordinating Council may delegate its operational and administrative functions to the National Executive Director for the execution of plans, programmes and projects in coordination with the under-secretariats in each area, as provided in article 51 of the Law on the Administrative Organization of the Executive Power, which entered into force by Decree 10460 of 12 September 1972.

## **SECTION II**

### **Article 13**

The National Executive Directorate is responsible for supporting and coordinating technical and administrative activities required for the functioning of the Permanent Executive Coordinating Council and for carrying out the following functions:

1. Planning, supervising and coordinating activities in the operational areas of the following organs:

Under-Secretariat for Social Defence;

Under-Secretariat for Alternative Development and Replacement of Coca Cultivation;

Under-Secretariat for Prevention, Treatment, Rehabilitation and Social Reintegration;

2. Coordinating, in the framework of national policy on the subject, the formulation and supervision of plans, programmes and projects in the areas of: control and supervision of coca production; suppression and interdiction of illicit drug trafficking, alternative development and replacement of coca cultivation; prevention, treatment, rehabilitation and social reintegration;
3. Analysing and proposing alternative options in international agreements and contracts on the subject with national entities, in collaboration with the Permanent Executive Coordinating Council;
4. Preparing the general budget of the National Executive Directorate, for its subsequent inclusion in the general budget of the nation;
5. Creating offices or agencies required in order better to achieve the basic objectives of the National

- Executive Directorate;
6. Managing and administering bilateral and multilateral international cooperation, under the guidelines established by the Permanent Council and CONALID;
  7. Organizing an information and communications network in support of the normative and surveillance organs and central and local executive and operational organs.

## **SECTION III**

### **Article 14**

The functions of the National Executive Directorate are the following:

1. To draw up periodic reports to the Permanent Executive Coordinating Council on tasks carried out in the performance of its functions;
2. To represent the country in international events and vis-à-vis agencies specializing in the subject;
3. To manage donations from and cooperation extended by national and international persons, entities or organizations for the benefit of the National Council;
4. To manage external technical and financial cooperation from international drug control agencies, complying with the respective legal formalities;
5. To evaluate and follow up the progress of execution of plans, programmes and projects in the operational areas and those of public, private and mixed institutions;
6. To control and supervise the marketing and circulation of substances listed in schedule V of Law No. 1008.

## **CHAPTER IV**

### **Article 15**

The National Fund for Alternative Development, established by article 23 of the Law on the Regime Applicable to Coca and Controlled Substances, is a subordinate agency of the National Executive Directorate.

### **Article 16**

The National Fund for Alternative Development has the purpose of promoting social and economic development through the financing of plans, programmes and projects for public investment, in the framework of the Integrated Plan for Alternative Development and Replacement of Coca Cultivation (PIDYS) and the financing of programmes and projects in the areas of surveillance, control and interdiction, prevention, treatment, rehabilitation and social reintegration.

### **Article 17**

Its operational policies, its functional organic structure and its functions and attributions and economic and financial regime shall be governed by special regulations.

## **CHAPTER V**

## **SECTION I**

### **Article 18**

The Under-Secretariat for Alternative Development and Replacement of Coca Cultivation is technically and functionally an agency of the National Executive Directorate. Politically and administratively, it is an independently managed agency of the Ministry of Rural and Agricultural Affairs.

### **Article 19**

Its attributions are:

1. Planning and programming the application of national policy for alternative development and replacement of coca cultivation;
2. Programming the voluntary reduction of coca cultivation;
3. Planning the administration of chapter III of the Law on the Regime Applicable to Coca and its implementing regulations, both at central and local level;
4. Organizing and starting up the National Commission for Alternative Development (CONADAL) and local and regional committees for alternative development, as provided in Supreme Decree 22270 of 26 July 1989, regulating the Integrated Plan for Alternative Development and Replacement of Coca Cultivation.

### **Article 20**

Other attributions are to coordinate, analyse and evaluate plans, programmes and projects in its area of competence with the National Executive Director.

### **Article 21**

Its operational policies and its functional organic structure shall be governed by internal rules.

## **SECTION II**

### **Article 22**

The Under-Secretariat for Social Defence is technically and functionally an agency of the National Executive Directorate. Politically and administratively, it is an independently managed agency of the Ministry of the Interior, Migration, Justice and Social Defence.

### **Article 23**

Its attributions are:

1. Planning and programming the application of national policy for the control, surveillance and interdiction of illicit drug trafficking;
2. Carrying out judicial police duties in controlled substance cases, through the Special Force to Combat Drug Traffic (article 93 of Law No. 1008);

3. Controlling and supervising the marketing and circulation of coca leaf;
4. Controlling and supervising the marketing and circulation of the substances listed in schedule V of Law No. 1008.

## **Article 24**

It shall coordinate, analyse and evaluate plans, programmes and projects in its area of competence with the National Executive Director.

## **Article 25**

The Special Force to Combat Drug Traffic is an agency of this Under-Secretariat, in accordance with article 135 of Law No. 1008.

## **Article 26**

The National Directorate for the Control and Supervision of Coca, responsible for legal coca, is incorporated in the organic structure of this Under-Secretariat.

## **Article 27**

The operational policies and functional organic structure of the Under-Secretariat shall be subject to internal regulation.

## **SECTION III**

## **Article 28**

The Under-Secretariat for Prevention, Treatment, Rehabilitation and Social Reintegration is technically and functionally an agency of the National Executive Directorate. Politically and administratively, it is an independently managed agency of the National Council against the Abuse of and Illicit Traffic in Drugs.

## **Article 29**

Its attributions are:

1. Applying plans and programmes for comprehensive prevention of drug abuse;
2. Applying plans and programmes for treatment, rehabilitation and social reintegration of children, prisoners and users dependent on drugs, in cooperation with the competent institutions;
3. Designing a national programme for prevention of drug abuse;
4. Administering and directing State institutions for prevention, treatment and rehabilitation;
5. Coordinating plans, programmes and projects with private institutions and non-governmental agencies.

## **Article 30**

It shall coordinate, analyse and evaluate plans, programmes and projects in its area of competence with the

National Executive Director.

### **Article 31**

Its operational policies and its functional organic structure, centrally and locally, shall be subject to internal regulation.

### **Article 32**

The National Institute for Drug-Dependency Research (INIF) and all State agencies for prevention and treatment are incorporated in the organic structure of this Under-Secretariat.