

United Nations Office on Drugs and Crime

Topic A: Illicit cultivation, production, manufacturing, and trafficking of substances banned by international law
President: Jazmín Alejandra Hernández
Moderator: Gabriela Díaz Lucio
Official Assistant: Regina Rodríguez

INTRODUCTION

Before we talk about “drugs” we need to define some key concepts that are crucial for its correct understanding. Therefore, the Oxford Dictionary defines illicit as something that is not allowed by laws or rules. On the other hand, banned defines something that is officially or legally forbidden.

This topic is related to a medicine or other substance which has a physiological effect when ingested or somehow introduced into the body. Having said that, international law is a summary of rules established by customs or treaties recognized by nations as a binding between their relations.

International law is a primary concern of the United Nations, it is set of rules and principles regarded and accepted as a binding between relations that defines the legal responsibilities of States in their relations between each other, and their interaction within State boundaries.

The history of drugs goes back to the same time of humanity awareness of them; it has always been part of many cultures such as peyote by Native Americans, cannabis used by central and South Asian cultures, opium used by Sumerians, Assyrians, Egyptians, Indians, Greeks and Romans, or Psilocybin used by ancient cultures around the Saharan desert. Actual drug war started by the Nixons passage of the Controlled Substances Act in 1970 that created the scheduling system, which made many drugs such as marijuana, heroin, and other drugs Schedule 1 substances and by these means they were appreciated with no medical acceptance or use having as well a high potential for abuse.

There are many substances banned by international law, but they can be categorized into seven types;

1. CANNABINOIDS

- a. MARIJUANA
- b. HASHISH

2. OPIOIDS

- a. HEROIN
- b. OPIUM

3. STIMULANTS

- a. COCAINE
- b. AMPHETAMINE
- c. METHAMPHETAMINE

4. CLUB DRUGS

- a. MDMA [METHYLENE

DIOXY

METHAMPHETAMINE]

- b. FLUNITRAZEPAM
- c. GHB

5. DISSOCIATIVE DRUGS

- a. KETAMINE
- b. PCP AND ANALOGS
- c. SALVIA DIVINORUM
- d. DEXTROMETHORPHAN [DXM]

6. HALLUCINOGENS

- a. LSD
- b. Mescaline
- c. PSILOCYBIN

7. OTHER COMPOUNDS

- a. ANABOLIC STEROIDS
- b. INHALANTS

COUNTRIES INVOLVED

According to the BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS the following countries are considered as the major illicit drug producers: Afghanistan, The Bahamas, Belize, Bolivia, Burma, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haití, Honduras, India, Jamaica, Laos, México, Nicaragua, Pakistán, Panamá, Perú, and Venezuela.

HISTORICAL BACKGROUND

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988- Is against money laundering and the diversification of precursor chemicals. It provides for international cooperation measures such as the extradition of drug drillers, controlled deliveries and transfer of proceedings.

Convention on Psychotropic Substances, 1971- Responded to the diversification and expansion of the spectrum of the drug abuse and introduced controls over a number of synthetic drugs according to their abuse potential on the one hand and their therapeutic value on the other.

Single Convention on Narcotic Drugs, 1961- It seeks to limit the possession, use, trade, distribution, import, export, manufacture of drugs exclusively for medical and scientific purposes. It combats drug trafficking through international cooperation to discourage drug traffickers.

The UNODC decided to ban alcohol for a while; drugs and alcohol were both punished with death penalty. For years laws changed, and some things were unbanned and others were forbidden. It was also up to each country the decision to apply the laws or just not be part of them like everyone else. In the early centuries they used most of the drugs aimed to medicine; they tested them on patients or even soldiers. They were experimenting their use as cures or painkillers. They liked the drugs because it made them "relax and happy" so they decided not to ban the substances that made the poor people happy. Up until the 20th Century they started to forbid all drugs as they began to see the side effects that were presented by people in their medical studies.

Timeline:

5000 B.C. The Sumerians use opium, suggested by the fact that they had an ideogram for it which has been translated as HUL, meaning "joy" or "rejoicing."

c. 1000 Opium is widely used in China and the Far East.

c. 1525 Paracelsus [1490-1541] introduces laudanum, or tincture of opium, into the practice of medicine.

1792 The first prohibitory laws against opium in China were promulgated. The punishment decreed for keepers of opium shops was strangulation.

1800 Napoleon's army, returning from Egypt, introduces cannabis [hashish, marijuana] into France. Avante-Garde artists and writers in Paris developed their own cannabis ritual, leading, in 1844

1805 Friedrich Wilhelm Adam Sertürner, a German chemist, isolates and describes morphine.

1839-42 The first Opium War. The British forced upon China the trade in opium, a trade the Chinese had declared illegal

1841 Dr. Jacques Joseph Moreau used "hashish" in treatment of mental patients at the Bicetre.

1844 Cocaine was isolated in its pure form.

1856 The Second Opium War. The British, with help from the French, extended their powers to distribute opium in China.

1883 Dr. Theodor Aschenbrandt, a German army physician, secured a supply of pure cocaine from the pharmaceutical firm of Merck, issued to Bavarian soldiers during their maneuvers, and reports on the beneficial effects of the drug in increasing the soldiers' ability to endure fatigue.

1885 The Report of the Royal Commission on Opium concluded that opium was more like the Westerner's liquor than a substance to be feared and abhorred.

1894 The Report of the Indian Hemp Drug Commission, running to over three thousand pages in seven volumes, is published.

1900 James R. L. Daly, writing in the *Boston Medical and Surgical Journal*, declared: "It [heroin] possesses many advantages over morphine. . . . It was not hypnotic; and there was no danger of acquiring the habit. . . ."

1901 The Senate adopted a resolution; introduced by Henry Cabot Lodge, to forbid the sale by American traders of opium and alcohol

1903 The composition of Coca-Cola is changed, caffeine replaced the cocaine it contained until this time.

1904 Charles Lyman, president of the International Reform Bureau, petitions the President of the United States "to induce Great Britain to release China from the enforced opium traffic

1906 The first Pure Food and Drug Act became a law; until its enactment; it was possible to buy, in stores or by mail order medicines containing morphine, cocaine, or heroin, and without their being so labeled.

1909 The United States prohibited the importation of smoking opium.

1912 The first international Opium Convention meets at the Hague, and recommended various measures for the international control of the trade for opium. Subsequent Opium Conventions are held in 1913 and 1914.

1920 The U.S. Department of Agriculture published a pamphlet urging Americans to grow cannabis (marijuana) as a profitable undertaking.

1924 The manufacture of heroin is prohibited in the United States.

1928 It was estimated that in Germany one out of every hundred physicians was a morphine addict, consuming 0.1 grams of the alkaloid or more per day.

1937 The Marijuana Tax Act is enacted. On Oct 8 1937, a Mr Samuel Caldwell was arrested and begins 4 years hard labour for selling 2 joints.

1941 Generalissimo Chiang Kai-shek ordered the complete suppression of poppy; laws were enacted providing the death penalty for anyone guilty of cultivating poppy, manufacturing opium, or offering it for sale.

1951 Twenty thousand pound of opium, three hundred pounds of heroin, and various opium-smoking devices were publicly burned in Canton

China. Thirty-seven opium addicts were executed in the southwest of China.

1955 The Presidium des Deutschen Arzt Etages declared: "Treatment of the drug addict should be effected in the closed sector of a psychiatric institution. Ambulatory treatment is useless and in conflict, moreover, with principles of medical ethics."

1955 The Shah of Iran prohibits the cultivation and use of opium,

1956 The Narcotics Control Act is enacted; it provided the death penalty, if recommended by the jury, for the sale of heroin to a person under eighteen by one over eighteen.

1971 President Nixon declared that "America's Public Enemy No. 1 is drug abuse."

1972 In England, the pharmacy cost of heroin is \$.04 per grain (60 mg.), or \$.00067 per mg. In the United States, the street price raised to \$30 to \$90 per grain, or \$.50 or \$1.50 per mg.

1972 All poppy cultivation and opium production was forbidden.

1972 Operation Intercept. All vehicles returning from Mexico were checked by Nixon's order. Long lines occur and, as usual no dent is made in drug traffic.

2002 The Swedish Drug User Union is born

2008 INPUD is formally launched on International Drug Users day Nov 1st 2008 at the premises of the Danish Drug Users Union

Prevention of drugs:

The glock 67-the aim is to increase the number of patients receiving appropriate treatment for conditions that require the use of specific medication while controlling the abuse and diversion of those substances.

This Joint Global Programme on "Access to Controlled Drugs for Medical Purposes While Preventing Diversion and Abuse" is the result of the cooperation between UNODC, the World Health Organization (WHO) and the Union for International Cancer Control (UICC).

UNODC helps Member States to address significant impediments that contribute to the underuse of controlled medicines. It has made a lot of progress since it was first opened, with a lot of patients, treatments, and rehabilitation.

1847 The American Medical Association was founded by Nathan Smith Davis

1852 The American Pharmaceutical Association is founded.

1966 Congress enacts the "Narcotics Addict Rehabilitation Act, inaugurating a federal civil commitment program for addicts.

CURRENT RELEVANCE

In the past decade, there has been an important increase in drug trafficking. These type of trafficking was identified by having high levels of organization and the existence of strong criminal groups and systems.

In 2015 UNODC said that "in the stock of the Millennium Development Goals, there is a growing recognition that organized crime and illicit drugs are major impediments to their achievement." Consequently, drugs account for between a fifth and a third of the income of transnational organized crime and a third of drug proceeds may result in illicit financial flows as a result of that, drug proceeds damage economies in the long term.

As stated in a UN report in 2016, it was noticed that drug treaties remained unchanged and organized crime has kept pace with the expansion of global economy. More than 420 million shipping containers cross the seas every year, transporting 90% of the worlds merchandise.

In relation to the cultivation of drugs, since 2010, opium production and cultivation has increased, having in 2016, 300,000 hectares under cultivation of this drug, also since 2015 quantities of cocaine seized in North America and have an annual prevalence of cocaine use in the United States and Canada. On the other hand, Cannabis use initiation in the past years has increased; population of 26 years old or older started using cannabis exponentially since 2011.

According to the Foundation for a Drug Free World, there are various

reasons why people consume drugs:

To fit in	To escape or relax	To relieve boredom
To seem grown up	To rebel	To experiment

In agreement to a UNODC source, 240 million people use drugs from which 27 million already have drug disorders however in 2015, this numbers have increased presenting that, 255 millions use drugs and 30 million of them, have drug disorders. People who consume drugs or have a drug addiction can often have more than one medical issues, there are high-risk factors for acquiring and progressing to cardiovascular diseases, strokes, cancer, mental disorders like depression, anxiety, hepatitis etc. among people who use drugs, and a minimum of 190,000 are drug related deaths, mostly by overdoses. The annual number of drug related deaths (estimated at 187,100 in 2013) has remained unchanged.

INTERNATIONAL ACTIONS

The European Union's Drugs Strategy 2013 - 2020. aims to strengthen coordination between EU countries and its international partners.

The EU's approach on cooperation with third countries on drugs focuses on specific drug trafficking routes, involving producer, transit and consumer markets. The EU conducts regular experts' dialogues on drugs with the CELAC, Central Asia, Eastern Partnership, Russia, the US and the Western Balkans. With candidate and potential candidate countries the drug related acquis is addressed within chapters 23 and 24 of accession negotiations. With countries from the Southern and Eastern Neighborhood, drug policy was discussed in the context of Justice and Security sub-committees.

Since 2009 the EU has committed over than €50 to the "Cocaine Route Programme" with the focus of combat the transnational organised crime and drug trafficking in Latin America, the Caribbean and Africa to Europe. This program has supported 9 projects designed to promote the interception of drugs and the illicit crops and cultivation.

UN ACTIONS

The Vienna Declaration, a document adopted by The Third Ministerial Conference of the Paris Pact Partners, held in 2012 and attended by United Nations Secretary-General Ban Ki-moon, reflects the partnership's commitment to strengthening international and regional cooperation to counter, in a balanced and comprehensive manner, the global challenge and threat opiates pose to international peace and stability in different regions of the world. The Vienna Declaration embodies a 'roadmap' for Paris Pact partners, recognizing their common and shared responsibility. The Declaration guides the partnership on four interlinked pillars for enhanced cooperation:

Regional Initiatives	Illicit Financial Flows
Precursors	Drug Prevention and Health

27 May 2008. One of the most critical aspect of UNOD's work is to monitor the cultivation and yield of illicit crops. Estimating global illicit drug production and identifying trends help countries design appropriate drug control policies and alternative livelihood strategies. As previously said, UNODC conducts illicit crop monitoring in seven countries, where the main opium poppy producing areas are covered (Afghanistan, Myanmar and Laos). The main coca producing areas are Bolivia, Colombia and Peru.

In order to provide internationally credible estimates of illicit drug production, UNODC has developed accepted and comparable methodologies and definitions together with Member States and other partners. The Office has also strengthened capacity within the seven countries to themselves be involved in crop monitoring.

The 20th session of the Commission on Crime Prevention and Criminal Justice [CCPCJ] adopted resolution 20/6 on fraudulent medicines, otherwise referred to as falsified medicines due to concern about the involvement of organized crime in the trafficking in fraudulent medicines. At the same time, resolution 20/6 highlights the potential utility of the United Nations Convention against Transnational Organized Crime [UNTOC] for which UNODC is the guardian, in re-enforcing international cooperation in the fight against trafficking, through, its provisions, inter alia, on mutual legal assistance, extradition and the seizing, freezing and forfeiture of the instrumentalities and proceeds of crime.

POINTS TO DISCUSS

- Damage to health of persons who consume these different substances banned by International Law.
 - Damage to mental health.
 - Damage to physical health.
 - Damage to emotional health.
- Money Laundering as a cause of this problem.
- Search for a solution to put an end to the cultivation and trafficking of illegal substances.
- Sanctions for those who are part of these illegal acts.
- Should any drug would stop being forbidden because of majeure force causes, such as medical?
 - In which cases these could be possible?
 - Under what terms these actions would be carried out?

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