

PORCMUN '17 - RESEARCH PAPER DRAFT**Committee:** Committee on Drugs and Crime**Chairpersons:** Daniella Ofer (CZ) & Marek Gerle (CZ)**Topic:**

Reevaluating the war on drugs and updating international legislation on illegal substances

1. INTRODUCTION

Almost thirty years passed since the last update of international legislation concerning illegal substances. Since the world, including the world of drugs, is changing every day, the UN anti-drug legal framework is inevitably aging. However *the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* from 1988 remains the latest international instrument in so-called “war on drugs.” This campaign directed against production, trafficking, possession and usage of illicit drugs intensified especially in the 1970s and remains one of the priorities of all UN members. In order to maximize the effectivity of this process, the international treaties dealing with this issue and possibly the complex policy of restrictive approach toward illegal substances require a revision.

2. DEFINITION OF KEY TERMS

- **Illicit drugs:** Illegal or illicit drugs refer to narcotic, psychotropic, and related substances whose production, sale, and use are restricted by domestic law and international drug control agreements. Common illegal drugs trafficked internationally include cocaine, heroin, psychotropic substances (such as methamphetamine and ecstasy), and cannabis. The illegal trade in these drugs represents a lucrative and hardly tractable transnational criminal enterprise.
- **International control of illicit drugs** is based on three main UN documents: the 1961 *Single Convention on Narcotic Drugs*, the 1971 *Convention on Psychotropic Substances*, and the 1988 *Convention Against Illicit Traffic in Narcotics*. These three documents define how member states should develop domestic policies to combat drug use.

- **Drug trafficking** refers to drug offenses committed not in connection with the use or possession of drugs for personal consumption. Examples include the Balkan and northern routes as the main heroin trafficking corridors linking Afghanistan to the huge markets of the Russian Federation and Western Europe.
- **Illicit drug precursors:** A *precursor* is a compound that participates in a chemical reaction that produces another compound, which is used as a drug.
- **Prohibition policies** - the 1961 *Single Convention on Narcotic Drugs* – which first laid out prohibitionist policies, stimulated the trend of outlawing production, sale, possession and usage of illicit substances. Those strict policies have had cost thousand of lives of drug producers, smugglers, drug dealers and users, billions of dollars and even resulted in civil wars against drug cartels in states such as Colombia or Mexico.

3. GENERAL OVERVIEW

“Despite massive deployment of police and other resources to implement the UN Conventions, production and consumption of, and trafficking in, prohibited substances have increased exponentially over the past 30 years.” (European Parliament, 2002)

i) Results of implementation of the international legislative on illicit drugs

Most drug control strategies have proven difficult to implement effectively, particularly in less economically developed countries with weak national governments that lack institutional co-ordination and sufficient financial resources. Despite previous efforts, the Conventions seem not to be able to resolve the ever-spawning issues of the world’s drug problem with a permanent mandate. One of the most important reasons for this is the fact that the more effective prohibition is at raising costs within the drug trade, the greater the revenue for the drug industry.

All these reasons stimulate public debate concerning decriminalization, de-penalization, legalization and regulation of illicit drugs. However, these subjects may seem to be difficult to understand as a globally accepted definition does not exist and interpretations frequently vary even within the same language.

ii) Problematic drug usage and associated issues

People who engage in the high-risk consumption of drugs, for example people who use drugs on a daily basis and/or people diagnosed as drug dependent are considered problem drug users and it is estimated that there are around 27 million in the world with an additional 210,000 narcotics related deaths a year.

iii) Criminal justice

The different ways countries have implemented the international drug control conventions determines the extent to which an individual will encounter the criminal justice system for drug possession for personal use. Penalties can range from a warning to more severe consequences, such as incarceration. Moreover, many countries still carry the death penalty for various drug related crimes, mainly trafficking and importing. These include: Brunei, Indonesia, Iran, Malaysia, Saudi Arabia, Singapore, and Vietnam.

iv) Relevant UN Treaties and Events**• The 1961 Single Convention On Narcotic Drugs**

The 1961 Convention exercises control over more than 115 narcotic drugs including mainly plant-based products and its derivatives, but also synthetic narcotics. The treaty highlights the need to provide treatment and rehabilitation services to drug abusers as well.

• The 1971 Convention On Psychotropic Substances

This convention extended the international drug control system to include hallucinogens, stimulants, and sedative hypnotics. Special provisions were made concerning abuse prevention aimed at ensuring early identification, treatment, after-care rehabilitation, education, and social reintegration of dependent persons.

• United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances, 1988

It was formulated specifically to deal with the growing problem of international trafficking, which had only been dealt with marginally by earlier international legal instruments. The Convention includes money-laundering and illicit traffic in precursor and essential chemicals within the ambit of drug trafficking activities. It also intensifies efforts against the illicit production and manufacture of narcotic and psychotropic drugs by calling for strict monitoring of the chemicals often used in illicit production.

4. MAJOR PARTIES INVOLVED

As the drug problem is a global one, it remains relevant in many parts of the world, such as:

Afghanistan

Afghanistan is the frontline of the war on drugs producing over 70 percent of the world's global supply of heroin, being the largest supply in the world. Participating and profiting the most from the opiate trade are the Taliban and other anti-government groups. Most of the heroin consumed in Europe and Eurasia is derived from Afghan opium.

Indonesia

Indonesia's war on drugs has led to an increase in death sentences and executions, particularly of foreign drug traffickers, with the most recent publicised cases in 2015.

Mexico

Mexico has long been used as a transshipment point for narcotics and contraband between Latin America and the U.S markets, given its geographical location. For this reason, it stands as a major supplier of heroin and also the largest foreign supplier of marijuana and methamphetamine to the US market. Mexican drug cartels represent the most powerful drug related organizations in the world and are responsible for estimated 120,000 victims of the Mexican drug war by 2013, not including the 27,000 missing.

Philliphines

After president Duterte's win in presidential elections in 2016 a brutal campaign against drug dealers and even users started in Phillipines.

The United States of America

Since president Nixon declared drug abuse "public enemy number one" in 1971, USA plays a key role in the campaign of prohibition of drugs, military aid, and military interventions, with the stated aim being to reduce the illegal drug trade and drug abuse worldwide.

5. TIMELINE OF KEY EVENTS

1961 - *The Single Convention On Narcotic Drugs*

1971 - *The Convention On Psychotropic Substances*

1988 - *United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substances*

2006 - Start of the Mexican Drug War

2016 - Exceptional UN General Assembly meeting concerning drugs in Vienna

6. PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

There has been substantial progress made over the past two decades, since the international community, in the 1988 Convention, adopted precursor control as one of its strategies to fight illegal drug production. While drug production has not been eliminated by the introduction of precursor control measures, there is sufficient evidence to show that precursor control has had a positive impact on the illicit manufacture of some drugs.

In 2013, Colombia, Guatemala and Mexico, some of the countries hardest hit by the armed conflicts caused by drugs, called for a special session of the United Nations General Assembly on drugs arguing that “revising the approach on drugs...can no longer be postponed.” Leaders of the three countries have called for a more “humane solution” to the drugs problem that goes beyond the focus on enforcement and criminalisation.

The 2016 General Assembly special session – known as UNGASS - took place in Vienna. The rift between countries interested in drug policy reform and those with repressive drug control regimes was evident. The negotiation process failed to gather a consensus on steps including opium replacement therapy and an end to drug crime executions and other measures aiming at less repressive approach towards the drug producers, transporters and especially consumers.

8. APPENDICES

Links for further reading:

- <https://www.unodc.org/unodc/en/illicit-drugs/definitions/>
- <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B5-2002-0541+0+DOC+XML+V0//EN&language=EN>
- <https://fas.org/sgp/crs/row/RL34543.pdf>

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"UPDATE 2-U.N. Sees Serious Setbacks in Anti-drugs Fight." *Reuters*. Thomson Reuters, 13 Mar. 2014. Web. 27 Dec. 2016.

PORGMUN 2017
Research Paper
Committee – Drugs and Crime Committee

Topic:

Transparent ownership one year after Panama Papers

1) INTRODUCTION

Documents are an important asset to any organization. They can contain confidential information and plans for militaries. The majority of the documents contain extremely sensitive information.

There have been number of public disclosures of classified information in the past few years that have led to embarrassing and even dangerous results.

The majority of these leaks happen in the United States. The 3rd largest country in the world, with a ruling government. Documents of the government are kept under high security; however, data can be hacked into and shared. The International Consortium of Investigative Journalists (ICIJ) has been part of previous research for past products, for example, Offshore Leaks, Lux Leaks and Swiss Leaks.

In July of 2010, over 91,000 records about the US war in Afghanistan (2004-2010) have been released to the public.

2) DEFINITION OF KEY TERMS

- *Classified Information* – Material that a government claims as sensitive information and requires high protection to prevent leaks. There documents can be titled “Top Secret” “Secret” or “Confidential”
- *Public Disclosure* – This refers to the act of making information/data available to all individuals.
- *Tax Haven* – A country or independent area where taxes are levied at a low rates.

3) GENERAL OVERVIEW

Tax havens are countries/areas where taxes tend to extremely low or even non-existent. Because of this, people and companies search go to these countries to set up accounts in order to avoid paying taxes.

Panama falls into the list of most secretive states, meaning that they do not reveal a lot of information to the public.

Panama Papers are consisted of 2.6TB of data which includes 11.5 million leaked documents. This is considered as one of the largest document leaks in history.

The *Suddeutsche Zeitung*, which is a German newspaper, received the files from an unnamed source from inside of Mossack Fonseca and shared them with the ICIJ. The data covers a period of time spanning from the 1970's to 2016.

It was leaked from one of the most secretive companies in the world, Mossack Fonseca, which is a Panamanian law firm. These documents list 15,600 paper companies that were set up for the most powerful people in the world that used offshore havens to conceal their wealth and avoid paying taxes that are worth millions of dollars. It is a company that operates in tax havens such as Switzerland, Cyprus and the British Virgin Islands.

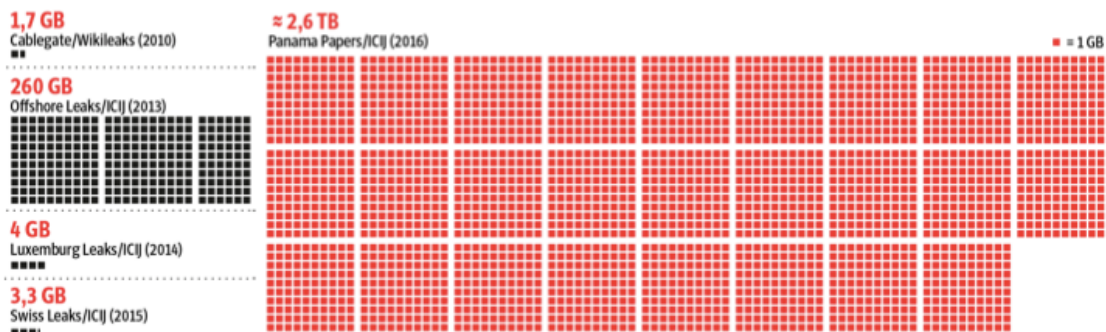
Mossack Fonseca says that their offices are supported by “secure, state-of-the-art technology that is upgraded continually.” They have also denied any wrongdoing in helping the rich and powerful to use tax havens to hide their wealth.

The journalists that researched all of the data, compiled a list of important figures, ranging from international criminals to well-known athletes.

Mossack Fonseca said that the reveal of all of the documents was “a crime and an attack on the nation.” Ramon Fonseca, a partner of the company, said “This is an attack on Panama because certain countries don't like it that we are so competitive in attracting companies,”

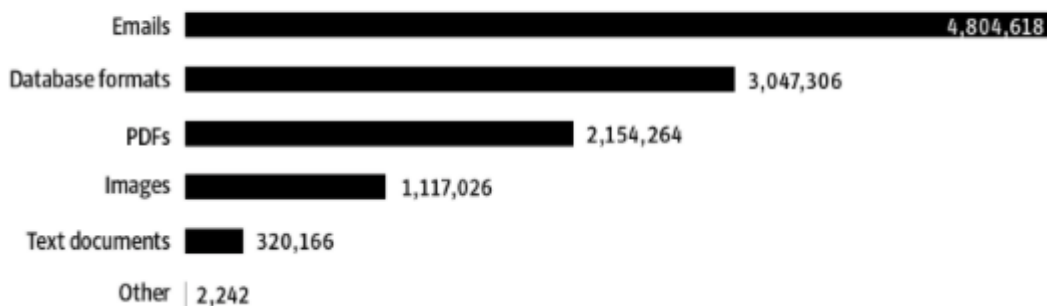
The scale of the leak

Volume of data compared to previous leaks



The structure of the leak

The 11,5 millionen contain the following file types



4) MAJOR PARTIES INVOLVED

- International Consortium of Investigative Journalists (ICIJ)
- Mossack Fonseca – A Panamanian law firm which conducted illegal activity by helping Offshore companies and important people avoid paying high taxes.
- Suddeutsche Zeitung (German Newspaper) – The German newspaper that received the leaked information from an unknown source.
- Panama – Mossack Fonseca has their largest office there, and in other parts of the world.
- United Kingdom – Six members of the House of Lords and three Conservative MPs had offshore accounts. In addition, David Cameron's father is also named in the files.
- Members of FIFA's ethics committee – A member of the ethics committee acted as a lawyer for individuals accused of corruption.
- Vladimir Putin – The leaked documents also showed that a billion-dollar money laundering ring (run by a Russian bank and involved the Russian president) was channeled through offshore companies.

5) TIMELINE OF KEY EVENTS

- 2014 – The ICIJ received documents from the Suddeutsche Zeitung and started to research into the data.
- April 2016 – The documents are made public
- May 2016 – South Africa has committed to ending anonymous companies

6) PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

- After the Panama Papers leak, the United Nations called for an end of financial secrecy in international communities.
- Other countries have tried to increase their security to prevent information being stolen and leaked to the public.
- The people of China censored the access to sites and media coverage on the Panama Papers after their President was also involved in the situation.

- There was a series of probes triggered by state authorities all around the world. The Panama prosecutors said “The facts described in national and international communication media publications under the term ‘Panama Papers’ will be the subject of criminal investigation.”

7) HELPFUL LINKS:

- <https://wikileaks.org/-Leaks-.html>
- <http://panamapapers.sueddeutsche.de/articles/56febf0a1bb8d3c3495adf4/>
- <https://www.theguardian.com/news/series/panama-papers>
- <http://www.telegraph.co.uk/news/2016/04/04/what-are-the-panama-papers-who-is-involved-and-what-is-a-tax-hav/>

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