

AKADEMISCHES  
FORUM FÜR  
AUßEN-  
POLITIK -  
ÖSTERREICH

UNION  
ACADEMIQUE  
DES AFFAIRES  
ÉTRANGÈRES -  
AUTRICHE



ACADEMIC FORUM FOR FOREIGN AFFAIRS - AUSTRIA

**UNITED NATIONS YOUTH AND STUDENT ASSOCIATION OF AUSTRIA**

EISENSTADT - GRAZ - INNSBRUCK - KLAGENFURT - LINZ - SALZBURG - VIENNA



VIENNA INTERNATIONAL MODEL UNITED NATIONS  
03 - 07 August 2014

**Preparation Paper/Study Guide:**

**United Nations Office on Drugs and Crime (UNODC)**

**“Legalization of Soft Drugs”**

## **Content**

The committee .....	4
History of the committee .....	4
Mandate .....	4
Membership .....	4
Introduction to the topic .....	4
Definitions of Soft and Hard Drugs .....	4
Legalizing Drugs – Pros and Cons .....	4
Key Challenges .....	5
Defining Soft Drugs .....	5
Examples for soft drugs .....	5
Involving Civil Society .....	5
Strengthening Evaluation and Monitoring .....	5
Developing Regional Guidelines .....	6
International legal action .....	6
Three Drug Control Conventions (1961, 1972, 1988) .....	6
The Single Convention on Narcotic Drugs of 1961 .....	6
Convention on Psychotropic Substances of 1971 .....	6
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 .....	6
Political Declaration and Plan of Action of 2009 .....	6
The UN High-Level Segment on Drugs, March 2014 .....	7
Country positions .....	8
Afghanistan .....	8
China .....	8
Czech Republic .....	9
Germany .....	9
Netherlands .....	9
Portugal .....	9
Saudi Arabia .....	9
Switzerland .....	10
United States .....	10
Case Studies .....	11
Mexico .....	11
Washington .....	11
Uruguay .....	11
Points the resolution should address .....	12
Conference information .....	12

Position papers .....	12
Contact details .....	13
Further reading .....	13

## **The committee**

### **History of the committee**

The UN commission on Narcotic Drugs (CND) was created by the United Nations (UN) Economic and Social Council (ECOSOC) in February 1946 [Resolution 9(I)] and is considered to be the UN's main forum for supranational efforts in order to solve the world drug problem. The main goals of the CND are to provide policy guidance to UNODC, thus to supervise the application of the international drug control treaties, to evaluate the risks and benefits of different national responses to the drug problem and to develop actionable, evidence-based recommendations for constructive legal and drug policy reform.

In 1991 the mandates of the Commission were expanded, hence the Commission was recognized as the governing body of the UNODC, furthermore it was authorized to control the budget of the Fund of the United Nations International Drug Control Program. Apart from the annual meeting during which several decisions and resolutions are adopted, several inter-sessional meetings are held in order to review the effectiveness of the "war on drugs" approach.<sup>1</sup>

### **Mandate**

The mandate for the Commission on Narcotic drugs is laid out in the Economic and Social Council's resolutions 9(I) and 199/30. In resolution 1999/30, which is in fact the most recent revision of its mandate, the ECOSOC decided to improve the functioning of the CND, therefore restructured its approach to its work into two distinct segments: a normative segment (exercising treaty-based and normative functions); and an operational segment, during which the CND exercises his governing body of UNODC and finances measures to combat the world drug problem.

The main tasks of the body are to supervise the application of the international conventions and agreements to advise the ECOSOC on all matters concerning narcotic drugs; and to keep updated existing mandates and functions for international drug control.

### **Membership**

The election of the 53 Member States that are currently represented on the CND, is based on the equitable geographical distribution and adequate representation from Member States that fabricate or sell narcotic drugs. Member states serve for four-year terms and are distributed among African, Asian, Latin American and the Caribbean, Eastern Europe and Western Europe and other states.<sup>2</sup>

## **Introduction to the topic**

### **Definitions of Soft and Hard Drugs**

Although the international community has not agreed on a clear definition of soft and hard drugs yet, some Member States describe soft drugs as substances that are less addictive. The government of the Netherlands for example classifies soft drugs under Schedule II of its Opium act as drugs that „carry less serious risks than the hard drugs listed in Schedule I“<sup>3</sup>. According to the Dutch government, cannabis products (hash and marijuana) and sleeping pills and sedatives such as Valium and Seresta fall under the definition of soft drugs. Despite the Dutch government's distinction between soft and hard drugs, the INCB, which monitors and supports government's compliance with the international drug control treaties, believes that it is hard to distinguish between so-called "hard" and "soft" drugs, because these are popular expressions that have never been clearly defined. The INCB believes that these terms are usually used by those who are in favor of the legalization of the use of some narcotic drugs. The INCB further explains that the use of these terms can be misleading, implying that the difference between "hard" and "soft" drugs can be equated with the well-known clear distinction between hard and soft drinks.<sup>4</sup>

### **Legalizing Drugs – Pros and Cons**

While there are no serious discussions on whether hard drugs should be legalized, many actors from civil society in various countries argue that soft drugs as for example marijuana should be legalized. Some argue that soft drugs could be useful to heal diseases and access to those drugs should therefore be eased. Legalizing soft drugs could also raise tax revenues, because the amount sold on black markets would shrink, while legal sales would rise. These revenues could be used for improving information and prevention as well as prosecution of illicit trafficking or other crimes associated with drugs. The major case made by those in favor of legalizing drugs however is that transnational organized crime would be significantly reduced. This

---

<sup>1</sup>[https://www.unodc.org/unodc/commissions/CND/Mandate\\_Functions/Mandate-and-Functions\\_index.html](https://www.unodc.org/unodc/commissions/CND/Mandate_Functions/Mandate-and-Functions_index.html)

<sup>2</sup><https://www.unodc.org/unodc/en/commissions/CND/Membership/Membership.html>

<sup>3</sup><http://www.government.nl/issues/drugs/difference-between-hard-and-soft-drugs>

<sup>4</sup><http://www.unodc.org/unodc/en/illicit-drugs/definitions/index.html>

would be due to the fact that by granting individuals the possibility to buy soft drugs legally in legitimate and reliable stores, they would no longer need to get in contact with drug smugglers or other criminals. Accordingly drug cartels that often use their revenues for strengthening their power and undermining state sovereignty would lose substantial parts of their revenues and would therefore lose power and impact.

At the same time, many individuals, interest groups and states argue that drugs should not be legalized. In their opinion, legalizing drugs would not lead to better possibilities for prosecuting criminals, but would instead lead to greater consumption and abuse of drugs. Furthermore, they fear that a dangerous substance, which leads to severe consequences for each individual's health, might become socially accepted as for example alcohol. This might also lead to a rise of consumption by minors, as they don't regard soft drugs as extraordinarily dangerous anymore. Some opponents argue that drug cartels or other criminal actors involved in drug business would not lose their power, since their influence is already highly institutionalized and they could use legal stores to continue their businesses. In addition their influence on local or regional governmental institutions might even rise, since they would then be regarded as business partners while they could continue doing crimes in the legal background, because they often diversified their business areas.

## **Key Challenges**

### Defining Soft Drugs

Due to the fact that the international community did not agree on a universal definition of soft and hard drugs yet, an internationally acknowledged foundation for discussions on this issue is lacking. Different nations have different understandings of the term soft drugs. Accordingly, most reports and resolutions of UN bodies do not directly address the term soft drugs. As the INCB criticized that distinguishing between soft and hard drugs might be very difficult and might provoke misleading interpretations of the term soft drugs, either a definition on which most Member States and international organizations can agree needs to be found or another term needs to be established. No matter which road the international community will choose, a clear common basis for further debates is indispensable to effectively dealing with this issue.

### Examples for soft drugs

In fact, in some cases it is very difficult to draw the line between hard and soft drugs, and even though the term "soft drug" is usually referred to cannabis (=marijuana or hashish) it also implies psilocybin mushrooms and LSD, too.

Marijuana, made out of cannabis affects the nerve cells in the part of the brain where memories are formed. A recreational use leads to higher blood pressure, mild euphoria and relaxation, dizziness as well as panic and paranoia in some cases.

Psilocybin mushrooms commonly known as magic mushrooms causes paralysis of the brain's control over sleep, sensory perception, pain suppression etc. Its consumption leads to a reduction of psychological confusion, panic, vomiting, diarrhea and increases emotional awareness.

LSD actually causes changes in the sensory pathways of the brain, thus leads to distortion of time and space, paranoia, hallucinations, nausea, headache, changes in blood pressure and pulse as well as panic and agitation.

### Involving Civil Society

At the moment, most international and national policies take very little action to involve civil society as those who are most affected by the issue - drug users or growers representatives. Judging from other UN activities, integration of NGOs is vital for achieving progressive and effective solutions to global issues. Generally NGOs are regarded as a threat to the quality of discussion in the drug control system. However, representatives of those who grow crops that are used in illegal drug production could bring detailed insight to the governmental discussions on policy in source countries.<sup>5</sup>

### Strengthening Evaluation and Monitoring

Just as other UN bodies and agencies (for example, the United Nations High Commissioner for Refugees (UNHCR)) have demonstrated, evaluation and monitoring are the foundations of efficient policies. Without being properly informed about the current situation worldwide, drug policies and programs cannot be effectively designed and implemented. The World Drug Report together with the interactive map on worldwide drug trafficking constitute a good starting point for an extensive evaluation and monitoring approach. Further areas might include monitoring international legal frameworks for soft and hard drugs. The creation of new policies and programs is always connected to funding, the already existing evaluation and monitoring frameworks, as for example with regard to public health through the World Health Organization or

---

<sup>5</sup>[http://www.unodc.org/docs/youthnet/Final\\_Prescription\\_Drugs\\_Paper.pdf](http://www.unodc.org/docs/youthnet/Final_Prescription_Drugs_Paper.pdf)

the UNHCR, need to be incorporated into new approaches. Existing national and international evaluation mechanisms could be used for building a specialized evaluation framework on the global drug situation.

#### Developing Regional Guidelines

As one of the major tasks of the CND is to identify, analyze and monitor global drugs, the commission does already possess a remarkable amount of information on the global drug situation. The world drug report for instance is a useful tool to monitor the current drug situation. CND's data could be used more effectively for giving affected Member States concrete guidance on how to deal with drug issues. With regard to soft drugs, the current situation of consumption, sale, trafficking and other factors could be identified as the basis for further national and regional policies.

### **International legal action**

#### **Three Drug Control Conventions (1961, 1972, 1988)**

Members of the Commission on Narcotic Drugs have devised three very important Drug Control Conventions. The Single Convention on Narcotic Drugs of 1961, which was amended in 1972; the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which is a development and merge of the first two conventions.<sup>6</sup>

#### **The Single Convention on Narcotic Drugs of 1961**

The Single Convention on Narcotic Drugs of 1961 still forms the basis of the global drug regime. It includes policies and descriptions on the plants such as coca bush, opium poppy and Indian hemp; plant raw materials as opium, poppy straw and cannabis, opiates and heroin, as well as some synthetic opioids such as methadone but excluding hallucinogens. It prohibits the cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, buying, selling, delivery, dispatch, transport, importation and exportation of the above mentioned narcotic drugs.<sup>7</sup>

#### **Convention on Psychotropic Substances of 1971**

Introduction of the Convention on Psychotropic Substances of 1971 was a major success for the global drug policy. Additional substances, not mentioned in the Single Convention on Narcotic Drugs of 1961 were prohibited. In particular, hallucinogens, which had not been addressed in the Convention of 1961.<sup>8</sup>

#### **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988**

With the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, all co-contractors are requested to prosecute illicit trafficking of narcotic drugs and psychotropic substances, which are on the list of the above mentioned convention. They are obliged to punish people or organizations, which harm the regulations, expressed in the convention of 1988 – this also includes the possession, purchase or cultivation of these substances. Money laundering, which is directly linked to sale of these substances also has to be pursued by governments. Leaks of chemical ingredients, which are necessary for the production of these substances, have to be plugged or prevented. Better international legal assistance is pursued, including the surrender of criminals. In 2013, 188 out of 193 United Nations member states were part of the Convention and only Equatorial Guinea, Kiribati, Palau, Papua New Guinea, Solomon Island, Somalia, South Sudan, Timor-Leste and Tuvalu have not signed it yet.<sup>9</sup>

#### **Political Declaration and Plan of Action of 2009**

The Political Declaration and Plan of Action on the World Drug Problem, was created in 2009 and guides the world community until 2019 in drug related matters. The aims of this declaration are to apply demand reduction and related measures, supply reduction and related measures and countering money-laundering and promoting judicial cooperation to enhance international cooperation.<sup>10</sup>

---

<sup>6</sup><http://www.unodc.org/unodc/en/treaties/index.html#Drugrelated>

<sup>7</sup>[http://www.unodc.org/documents/treaties/organized\\_crime/Drug%20Convention/Commentary\\_on\\_the\\_single\\_convention\\_1961.pdf](http://www.unodc.org/documents/treaties/organized_crime/Drug%20Convention/Commentary_on_the_single_convention_1961.pdf)

<sup>8</sup>[http://www.unodc.org/documents/treaties/organized\\_crime/Drug%20Convention/Commentary\\_on\\_the\\_Convention\\_1971.pdf](http://www.unodc.org/documents/treaties/organized_crime/Drug%20Convention/Commentary_on_the_Convention_1971.pdf)

<sup>9</sup>[http://www.unodc.org/documents/treaties/organized\\_crime/Drug%20Convention/Commentary\\_on\\_the\\_united\\_nations\\_convention\\_1988\\_E.pdf](http://www.unodc.org/documents/treaties/organized_crime/Drug%20Convention/Commentary_on_the_united_nations_convention_1988_E.pdf)

<sup>10</sup>[https://www.unodc.org/documents/commissions/CND/CND\\_Sessions/CND\\_52/Political-Declaration2009\\_V0984963\\_E.pdf](https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_52/Political-Declaration2009_V0984963_E.pdf)

### **The UN High-Level Segment on Drugs, March 2014**

On 13th and 14th March 2014, UN member states gathered in Vienna for a 'High Level Segment' of the annual UN Commission on Narcotic Drugs. During their meeting, they jointly reviewed the progress, which has been made and identified some remaining challenges. The major outcome and purpose of their meeting was the 'Joint Ministerial Statement'<sup>11</sup>, which aimed to set a scene for the 2016 UN General Assembly Special Session on Drugs (UNGASS), an event where the UN drug policy for the next decade is to be agreed on; while at the same time recording member states' views of progress. After long rounds of negotiations and informal consultations the Statement was finally adopted and controversial issues such as death penalty for drug offenders and the question of harm reduction were removed from the final version.

On several official meetings previous to the conference, two major political lines concerning the issue emerged between the states wishing to promote openness and progress towards the reform (for example, Norway, the Netherlands, Switzerland, Guatemala and Mexico) and others who prefer to keep the status quo and emphasize the recommitment to existing efforts (China, Pakistan and the Russian Federation).

The outcome of the High-Level Segment, the Joint Ministerial Statement, focuses on providing a list of achievements in tackling the global drug issue as well as some key challenges that the international community has to deal with. The document states that based on the information available and reported by the Member States, the global illicit supply and demand for narcotic drugs and psychotropic substances under international control have remained largely stable during the past five years as general achievement. At the same time it emphasizes that trends in drug supply and demand have been unequal across the regions and countries, as well as differing in predomination of drug types in different areas. The High-Level Segment further welcomes ongoing efforts to strengthen cooperation in combating illicit trafficking in drugs undertaken by regional organizations and trans regional initiatives. It particularly acknowledges the initiatives of members of the Commonwealth of Independent States, the Triangular Initiative, the Shanghai Cooperation Organization, the Economic Cooperation Organization, the Collective Security Treaty Organization, the Eurasian Group on Combating Money Laundering and Financing of Terrorism and other relevant sub regional and regional organizations and initiatives. The document among others identifies the following challenges in tackling the global drug issue: responding to shifting trafficking routes and new drug trafficking trends, including Internet-based e-commerce and mail order services; the need for a better understanding of the social and economic drivers of the world drug problem; the emerging challenge of polydrug abuse in some regions; the continuing challenge of amphetamine-type stimulants; the need of establishing and improving national drug control strategies and measures.

The Joint Ministerial Statement further addresses achievements and challenges of demand reduction and related measures, which seek to establish and improve incentives for the demand of drugs. Achievements include implementation of comprehensive drug demand reduction programs for offenders of the several Member states and provision of a broader range of alternatives for conviction and punishment in appropriate drug-related cases. The High Level Segment is aware of the fact that many challenges remain and especially drug-related health effects need to be addressed more extensively by the Member States. Furthermore, public health systems need to be strengthened, particularly in the areas of prevention, treatment and rehabilitation. The High Level Segment further emphasizes that the transmission of HIV/AIDS through the use of drugs remains a pressing issue, which needs to be addressed in national and international programs.

The third pillar of the Joint Ministerial Statement is dedicated to supply reduction and the related measures. The abstract on this issue is structured similarly to the previous ones, starting with achievements and continuing with remaining challenges. While the document does not name any particular achievements by individual Member States, it states its general appreciation of Member States' collaboration with the UNODC as well as with other United Nations bodies and other international organizations, in particular the International Narcotics Control Board (INCB). With regard to remaining challenges, the Joint Ministerial Statement makes clear that law enforcement measures alone cannot address the challenge of reducing the supply of drugs. An additional very important challenge is constituted by establishing an instrument, which scientifically evaluates where appropriate drug supply reduction measures are needed, in order to direct government resources to initiatives that have proved to be successful in tackling the causes of the world drug problem. The document puts further emphasis on the fact that links between drug trafficking, corruption and other forms of organized crime are becoming increasingly dominant. Additionally, the need to develop sustainable crop control strategies consistent with domestic legal frameworks, with appropriate attention to alternative development is mentioned in the document.

---

<sup>11</sup>[http://www.unodc.org/documents/commissions/CND/CND\\_Sessions/CND\\_57/Draft\\_Resolutions/E-CN7-2014-L15/V1401384\\_E.pdf](http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_57/Draft_Resolutions/E-CN7-2014-L15/V1401384_E.pdf)

The fourth and last abstract of the Joint Ministerial Statement focuses on countering money-laundering and promoting judicial cooperation to enhance international cooperation. While the document only states few achievements in this sector such as the promotion of international standards through regional and international frameworks, several challenges and priorities remain. These for instance include the need for Member States to review and strengthen coordinated measures, enhance capacity-building to combat money-laundering arising from drug trafficking and improve judicial cooperation at national, regional and international levels.

## **Country positions**

Reality shows that at the moment not a single Member State of the Single Convention on Narcotic Drugs of 1991 has developed a fully satisfying set of policies on that matter. In many countries repressive policies remain firmly in place and the polarization between legalization and prohibition blocks the debate. In order to contain and solve the global drug problem and illicit trafficking of those substances, many actors: legislators and policymakers, scientists and health professionals, educators, law enforcement officers, parents and young people should get engaged in constructive debates about viable alternatives, both at the national and international level.

Alternatives to the dominant drug policy of criminalization and strict enforcement are discussed at various levels and include full legalization as well as decriminalization, which aim at reduced control and lower penalties (or even no penalties) as well as de facto no prosecution of drug consumers.

Country positions on the global drug policy vary significantly among the Member States. In fact, there is far less global consensus on drug policy than commonly assumed.<sup>12</sup> The stark divisions are usually overcome by water-downed documents but opposition to the status quo is becoming vociferous ahead of 2016 UN General Assembly Session, when the new global drug policy is to be determined.

### **Afghanistan**

Afghanistan is one of the most significant producers of opium; the political situation related to drugs and their consequences for the public health emphasizes the economic value of narcotic substances. Poppy cultivation is considered to be a major source of income for various terrorist groups (such as the Taliban) and even though the eradication of those cultivations is in progress, the economic dependence on the local drug industry remains. Weak judicial institutions and close relations between Afghan drug lords and official rulers cause a lot of harm to the progress in the war against drugs.<sup>13</sup>

Due to the fact, that the supply of illicit Afghan opiate is already satisfying the global demand of those substances, the use of Afghan poppy for legal opiates is considered counterproductive. The Afghan government lacks of control mechanisms and law enforcement for regulation of a legal drug market. Legalization of narcotics would attract even more citizens to cultivate poppy, hence such regulation would strengthen the illicit drug trade.<sup>14</sup>

### **China**

Due to the proximity to two major heroin-exporting areas, (1) the Golden Triangle (Vietnam, Laos, Thailand, Burma) and (2) the Golden Crescent (Afghanistan, Iran, Pakistan) for decades China has been an important drug transit country. The PRC has its own drug production and is a major supplier for such illicit substances as heroin, cocaine and crystal methamphetamine. The number of drug cultivation as well as new synthetic drugs is increasing. The Chinese government needs to develop alternative economic options for those in charge of the production of synthetic drugs; fight against drug abuse as a nationwide danger for the public health system; increase counter-narcotics cooperation and enforce cooperation in drug control with other nations. Current political actions of the government against illicit narcotics cannot be considered as successful. China has strict laws against misuse of any narcotic substances and condemns legalization of narcotic substances: anyone caught smuggling more than 50 grams of any narcotics (including cannabis, opium and cocaine) may face death penalty.<sup>15</sup> During the last years Chinese drug policy has changed, several treatment programs has been launched. In reality problems still remain and the government is a strict proponent of a crackdown on national and international drug production, trade and consumption.

---

<sup>12</sup> <http://www.theguardian.com/politics/2013/nov/30/un-drugs-policy-split-leaked-paper>

<sup>13</sup> [www.heritage.org/research/reports/2013/09/us-counternarcotics-policy-essential-to-fighting-terrorism-in-afghanistan](http://www.heritage.org/research/reports/2013/09/us-counternarcotics-policy-essential-to-fighting-terrorism-in-afghanistan)

<sup>14</sup> [www.state.gov/documents/organization/142643.pdf](http://www.state.gov/documents/organization/142643.pdf)

<sup>15</sup> [//">www.echinacities.com/expat-corner/Up-in-Smoke-An-Overview-of-Drug-Usage-and-Policy-in-China //](http://www.echinacities.com/expat-corner/Up-in-Smoke-An-Overview-of-Drug-Usage-and-Policy-in-China)

<sup>16</sup> [www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)60175-6/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)60175-6/fulltext)



## **Czech Republic**

The Czech Republic produces most of Europe's methamphetamine; the country is considered to have one of the most liberal drug laws in Europe. Since January 2010 a new drug law legalizes the possession of a certain amount of marihuana, heroin, cocaine and ecstasy as well as magic mushrooms. The government insists on clear distinction between hard and soft drugs and according to the new law a person found with more than 1,5 grams of heroin, four tablets of ecstasy, 15 grams of marihuana or 1 gram of cocaine will be charged with a crime. Possession of this or lesser amount of drugs or cultivation of 5 cannabis plants is therefore considered to be legal. The personal use of larger amounts of those substances would be punished by up to 3 years of prison. The government as well as the civil society believe the new legislation is a step in the right direction and hope to set an example for other European countries to move towards decriminalization of narcotics in order to solve the world drug problem.<sup>16</sup>

## **Germany**

As a member of the European Union, the Federal Republic of Germany takes part in the EU Drugs Strategy (2013-2020), which aims to underline the priorities of the EU's drug policy such as the reduction of demand and supply of narcotic substances. In order to reduce distribution of illicit narcotics, enforce cooperation with international organizations related to drugs issues and emphasize common consciousness of dangers and harmful consequences of illicit drugs the Justice and Home Affairs Council of the European Union endorsed the EU action plan on drugs.<sup>17</sup> Despite these efforts against the misuse of illicit substances, Germany's drug policy is highly criticized by its citizens and legal experts who aim to decriminalize the criminal law related to drugs.<sup>18</sup> The German law does not distinct between hard and soft drugs; acquiring soft drugs is considered as a crime, whereas use of drugs as such remains legal. Nevertheless, Germany's Supreme Court decision to outlaw cannabis (April 1994) stays against legalization of drugs.

## **Netherlands**

The Dutch drug policy has long been regarded as a prime example for a liberal drug policy in Europe. Holland's policy on drugs is marked with clear distinction between "soft" and "hard drugs" and allows the use of the former. The underlying tone of the policy is that the use of drugs is not a criminal matter, but rather a health related one. Therefore, a policy of non-enforcement is pursued. Cannabis remains a controlled substance in the Netherlands; both possession and production for personal use are still misdemeanors, theoretically punishable by fine. However, these legal provisions are not implemented. The Dutch Ministry of Justice issued an official set of guidelines telling public prosecutors under which circumstances offenders should not be prosecuted.

Due to concerns of drug related crimes and drug tourism, the Dutch government tried to set up a new system to restrict access to the coffee shops to adults residing in the Netherlands. However, the government decided not to introduce the new 'pass system', stipulating instead that visitors should present their identity card at the coffee shops to confirm their residence in the Netherlands. The implementation of this rule is left at the discretion of municipalities, which means that the enforcement of this rule varies from one municipality to another.

## **Portugal**

In 2012 Portugal took a drastic step and abolished all criminal penalties referring to the personal use of all drugs. That caused a lot of critics towards the Portuguese government; possession of hard and soft drugs for recreational use is now considered to be legal. The decriminalization of all drug substances is considered to be a move towards a solution of the war against drugs, indeed the rate of HIV infections among drug users has declined, deaths caused by heroin and similar substances has been drastically reduced but the number of people drawing on the medical treatment for drug addiction kept rising. In addition to that, the Portuguese government emphasizes significant financial and social benefits of legalization of narcotic and hard drugs such as reduction of criminal networks and gangs referring to the illicit drug traffic.<sup>19</sup>

## **Saudi Arabia**

The cultivation and production of narcotic substances are minimal in Saudi Arabia; the Kingdom is not considered to be a significant transit country of them in the Arab region. Nevertheless, the smuggling and illicit traffic of narco-drugs are on the rise. Conservative religious values have high priority in the Kingdom thus narcotic related crimes are punished harshly. Drug smugglers receiving and distributing drugs from

---

<sup>17</sup>[ec.europa.eu/justice/anti-drugs/european-response/strategy/index\\_en.htm](http://ec.europa.eu/justice/anti-drugs/european-response/strategy/index_en.htm)

<sup>18</sup>[www.zeit.de/wissen/gesundheit/2014-04/drogenpolitik-deutschland-cannabis](http://www.zeit.de/wissen/gesundheit/2014-04/drogenpolitik-deutschland-cannabis)

<sup>19</sup>[www.dutch-passion.nl/en/news-and-development/portugals-drug-laws-a-new-european-model/](http://www.dutch-passion.nl/en/news-and-development/portugals-drug-laws-a-new-european-model/) //

[metronews.ca/news/world/393170/portugal-makes-peace-with-the-war-on-drugs/](http://metronews.ca/news/world/393170/portugal-makes-peace-with-the-war-on-drugs/) // [ash-college.ac.il/.upload/Dr Edith Gotesman/Bretteville on economic approaches to decriminalization of drugs.pdf](http://ash-college.ac.il/.upload/Dr%20Edith%20Gotesman/Bretteville%20on%20economic%20approaches%20to%20decriminalization%20of%20drugs.pdf)

abroad are facing death penalty, which was imposed in 1988. In the past years the Saudi Arabian government has made significant efforts in the fight against drug abuse, which has led to a large number of narcotic arrests; the government is enhancing cooperation in prevention and treatment with friendly nations (the Gulf States). Porous borders (Yemen, Iraq, Jordan), high youth unemployment and increasing profit from drug trade are the main reasons for illicit drug trafficking and increasing number of dealers.<sup>20</sup>

### Switzerland

In the last decade the Swiss government has made significant efforts to improve the national drug policy. According to the Swiss law, growing, consuming and dealing with drugs is forbidden, nevertheless enforcement of sanctions still vary between the Swiss cantons. Due to the increase in consumption of marihuana the government officially decriminalized this substance. Since October 1 2013 adults over 18 years are allowed to possess 10 grams or less of marihuana and escape formal legal proceeding by paying a fine. Despite the revision of the law, individuals under 18 years caught with marihuana still face harsh penalties and are unaffected by the new law. However, the Swiss government remains concerned about reducing drug consumption and negative consequences for drug users and the society and continues to base its global drug policy on a four pillar model including drug prevention, various therapy initiatives, law enforcement and harm reduction for consequences of drug abuse.<sup>21</sup>

### United States

Several new laws, conventions and prevention initiatives under Barack Obama administration emphasize the effort of the government to reduce drug use and its illicit trafficking, to support treatment and recovery of addicts and strengthen penalties for drug dealers. The National Drug Control System, pursued by the nation since 2010, shows that American policymakers are aware of the serious consequences caused by consumption of narcotics and its trafficking, focus on new criminal justice reforms, expansion of global drug prevention and cooperation with organizations that continually attempt new approaches in the war against narcotic substances.<sup>22</sup>

Even though American citizens are getting more and more open-minded about drug legalization, the government does not approve Uruguay's decision to regulate legal drug market. The United States of America still aim to reduce drug production and consider drug use as a major menace to community health and safety.<sup>23</sup>

Despite disapproval by the national government and various official institutions (INCB) in 2012 Washington and Colorado were the first states to legalize use of marijuana for recreational purposes. According to the new law (Colorado) individuals 21 years or older are allowed to possess marijuana for recreational use and can cultivate up to 6 marijuana plants without penalty.<sup>24</sup> Washington also decriminalizes possession, selling and distribution of drugs for adults and regulates legal marijuana cultivation for licensed growers. However, growing marijuana by individuals remains illegal except for medical purposes.<sup>25</sup> INCB vigorously criticizes the two states and presses the federal government to implement drug-treaties on the entire territory of the United States.<sup>26</sup>

---

<sup>20</sup>[//  
\[//  
\\[//\\]\\(http://www.cndblog.org/2014/03/statement-of-saudi-arabia.html\\)\]\(http://www.talkingdrugs.org/the-incb-annual-report-criticises-cannabis-legalisation-but-praises-saudi-arabia\)](http://books.google.at/books?id=0jnyNWFuhXYC&pg=PA533&lpg=PA533&dq=saudi+arabia+drug+trafficking&source=bl&ots=ith5Ahc6Mx&sig=gBL5YeTsFyNwOWXp51FTgY8ABA&hl=de&sa=X&ei=WCRzU_qVG--OyQPj0oHYBg&ved=0CH8Q6AEwCTgK#v=onepage&q=saudi%20arabia%20drug%20trafficking&f=false)

<sup>21</sup>[//  
\[//\]\(http://www.swissinfo.ch/eng/swiss\_news/Mixed\_feelings\_over\_new\_Swiss\_cannabis\_law.html?cid=36977488\)](http://the-libertarian.co.uk/another-sensible-drug-policy-switzerland)

<sup>22</sup> [//  
\[//  
\\[//\\]\\(http://www.whitehouse.gov/ondcp/national-drug-control-strategy\\)\]\(http://digital.usembassy.gov/st/english/texttrans/2012/04/201204174016.html#axzz2znykMOhF\)](http://www.whitehouse.gov/ondcp)

<sup>23</sup>

<sup>24</sup>

<sup>25</sup>

<sup>26</sup>

## Case Studies

### Mexico

For decades Mexico has been fighting a wide range of drug trafficking organizations and drug cartels within the country; corruption which implies distribution rights or market access of narcotic substances underlines the failure of the state-policy to develop control mechanism against narco-traffic. Weak judicial and political system, lack of transparency led epy drug trade to flourish: Mexico is considered to be one of the major suppliers of heroin to the U.S., as well as methamphetamine and marijuana to the global market and production of those substances is still on the rise.

Call for judicial reforms in the country affected by various drug cartels shows the nation's intention to change the political course, but Mexico still remains the major supplier to satisfy the U.S. drug demand. As the drug-related violence (murders, kidnappings etc.) is one of the major problems in Mexico, especially three main sources of violence have a tremendously dangerous impact on the nations' security and public health system: (1) intra-cartel disputes, (2) intra-cartel rivalries, and (3) the overall war against the cartels maintained by the government.<sup>27</sup>

In order to enforce the nations security system, to reduce the drug-related violence and curb the illicit drug traffic, Mexico and the United States have launched security cooperation which is getting more and more sophisticated during the last years. The number of so-called "Autodefensas", self-defense groups created by civilians in order to fight against the cartel leaders and the drug-related violence remains high.<sup>28</sup>

In order to develop a different way to deal with the drug problems, policymakers of the Mexico City are about to propose legalization of production and storage of up to 5 grams of marijuana. Nevertheless Mexico's President Enrique Pena Nieto opposes the legalization of narcotics arguing that those measures would not reduce the illicit traffic and related violence.<sup>29</sup> Mexico has also become critical of the current global policy and is one of the Latin American states that regards the policy as root of its own problems, particularly the rise of paramilitary groups and organized crime.

### Washington

Even though the U.S. had been at the edge of legalization of narcotic drugs several times, the year 2012 was the first time that measures to legalize and regulate marijuana were approved by the public. 2 years ago Washington and Colorado were the first states legalizing use and sale of marijuana. These juridical reforms continue to be an offense under federal law. Administration of President Obama remains to be against the legalization of narcotic drugs arguing that those actions stimulate the demand and supply of narcotics to a greater extent. Legalization of narcotics is therefore counterproductive because drugs are more available and the black-market flourishes even more.

American federal administration considers soft drugs like marijuana to run counter to public health, to be a serious danger for the users themselves, as well as their families and is aware of the dangers caused by regular use such as dependence and addiction. The nation's effort focuses on drug-prevention, treatment and rehabilitation initiatives for addicts and new strategies to free individuals from chains of drugs and crime. Furthermore, as lower drug prices would lead to lower tax revenues for the states, the American federal administration considers this to be an additional argument against legalization of narcotic substances.<sup>30</sup>

Even though the government opposes a nationwide legalization of marijuana, there is an evident discord between state and federal laws. Free use of this substance, causing inter alia respiratory illnesses in Washington is celebrated as a victory by the advocates of legalization.

### Uruguay

In December 2013 Uruguay became the first country to legalize production and use of cannabis. Although various countries like Canada, Israel and the Netherlands have already regulated cannabis for medical purposes and Uruguay is the first nation in the world to decriminalize production of marijuana, made out of cannabis for recreational use.<sup>31</sup> The Uruguayan government tolerates possession of 40 grams of marijuana, acquisition of cannabis from the pharmacies and the Ministry of Health, even home cultivating is considered to be legal. Uruguay's overcrowded prisons are full of those related to drug-related crimes (trafficking and sale of narcotics). Policymakers urge to make progress in solving and improving current drug-related crime and illicit traffic crisis. The nation sets store by the fact that the legalization of cannabis has to be seen as a new attempt to fight against the nationwide and global drug problem. Hence, as to prevent cannabis users

---

<sup>27</sup> [www.iop.harvard.edu/sites/default/files\\_new/research-policy-papers/TheWarOnMexicanCartels.pdf](http://www.iop.harvard.edu/sites/default/files_new/research-policy-papers/TheWarOnMexicanCartels.pdf)

<sup>28</sup> [www.cfr.org/mexico/mexicos-drug-war/p13689](http://www.cfr.org/mexico/mexicos-drug-war/p13689)

<sup>29</sup> <http://www.telegraph.co.uk/news/worldnews/centralamericaandthecaribbean/mexico/10639879/Mexico-City-government-mulls-legalisation-of-marijuana.html>

<sup>30</sup> [www.whitehouse.gov/sites/default/files/ondcp/issues-content/marijuana\\_and\\_public\\_health\\_one\\_pager\\_final.pdf](http://www.whitehouse.gov/sites/default/files/ondcp/issues-content/marijuana_and_public_health_one_pager_final.pdf)

<sup>31</sup> [www.reuters.com/articel/2013/12/11/us-uruguay-marijuana-vote-idUSBRE9BA01520131211](http://www.reuters.com/articel/2013/12/11/us-uruguay-marijuana-vote-idUSBRE9BA01520131211)

from consuming dangerous substances the aim is to separate the market of soft drugs from this of dangerous substances, to reduce the illicit soft drug trafficking and to ensure a good quality of the legalized, regulated substances. Nevertheless the Federal Administration is aware of the nation's responsibility to promote information and education as to avoid and respond to crisis situations in cases of drug-misuse: Having already established compulsory treatment and rehabilitation programs for addicts, the government is currently discussing about a compulsory treatment for addicts found drugged in a public place.

The Uruguayan government is aware of the dangers caused by misuse of drugs, and as a member of the UNODC by means of diplomacy the nation tries to enforce global cooperation in drug control. Despite those efforts to pursue a global solution to the drug crisis, Uruguayan's pioneering move to lead the way in the legalization of soft drugs was criticized by several other states and supranational organizations like Russia or the UN body, INCB.<sup>32</sup> The International Narcotics Control Board (INCB), a quasi-judicial organization charged with making sure that countries comply with the three drug conventions, threatened that the proposed Uruguayan law would violate the 1961 Convention on Narcotic Drugs<sup>33</sup>. During the last years various activist groups as well as society organizations and civilian platforms in favor of the legalization of cannabis launched several initiatives in order to promote its considerable impact on the health, economic and social field and consider adoption of the legalization policy as a major success.<sup>34</sup>

### **Points the resolution should address**

The final resolution of the CND should, inter alia, address the following questions:

Should there be a universally acceptable definition of soft and hard drugs and to which ends?

Are the drug control conventions still up-to-date or should there be a general overhaul of UN drug policy?

What if the CND would come to a conclusion that the conventions ought to be amended- which drugs would be affected?

What could be effects of the soft drug liberalization? Could legalization undermine illicit drug trade of hard drugs?

What should be the international response to drug production and consumption? Can the members states of the CND together with the observers manage to draft a common proposal ahead of the UN General Assembly Special Session on Drugs?

### **Conference information**

All preparation materials and the Rules of Procedure are available on the homepage<sup>35</sup>(“Committees-Topic-Team” section). Each participant has to prepare individually for the country he/she is representing (libraries, internet, embassies, media) and send in a one page Position Paper to the Chairs prior to the conference, since the Preparation-Paper is only a general outline.

#### **Position papers**

A Position Paper is a brief outline of a country's policy and interests concerning the topic at hand. It should contain a clear statement of the country's position on the topic and the reason behind it, and it should suggest a plan of action concerning the problem under consideration. The Position Paper should be a product of the delegate's own research and should be written concise and up to the point. Ideally a Position Paper is 1 to 2 pages (A4) long. The font type should be Arial, with a font size of 11 pt, single line spacing.

Note that the below mentioned structure is only one way of writing Position Papers and is meant to guide the delegate's of VIMUN in their writing process.

At the beginning of your Position Paper you should state the following: Committee, Country, Issue. In the first part of your Position Paper you should briefly specify the issue of your Committee:

- Why is this issue relevant? What is the scope of the problem? You can name statistics, the major players or the current developments concerning the issue under discussion.
- You can also mention the UN action that has been taken in this respect already. Which resolutions have been passed so far? Which conferences have been held? What is planned for the future?

In the second and most important part you should specify the official position of the country/organization you represent in respect to the issue under consideration:

<sup>32</sup>[www.turkishweekly.net/news/160630/russia-regrets-uruguay-s-marijuana-legalization-ministry.html](http://www.turkishweekly.net/news/160630/russia-regrets-uruguay-s-marijuana-legalization-ministry.html) // [incb.org/documents/Publications/PressRelease/PR2013/press\\_release\\_111213.pdf](http://incb.org/documents/Publications/PressRelease/PR2013/press_release_111213.pdf) //

[www.reuters.com/article/2013/12/11/us-uruguay-marijuana-board-idUSBRE9BA0VU20131211](http://www.reuters.com/article/2013/12/11/us-uruguay-marijuana-board-idUSBRE9BA0VU20131211)

<sup>33</sup><http://uk.reuters.com/article/2013/12/11/uruguay-marijuana-board-idUKL6N0JQ3TP20131211>

<sup>34</sup>[www.druglawreform.info/en/country-information/uruguay/item/209-uruguay](http://www.druglawreform.info/en/country-information/uruguay/item/209-uruguay)

<sup>35</sup><http://afa.at/vimun/vimuncommittees2014.htm>

- What is your country's/organization's policy on the topic? Why? What issues in this area are particularly relevant to the country / organization you represent? What action has your country / organization taken already?
- What are the possible solutions to the problems in this area? What is the type of resolution your country / organization tries to accomplish?

Remember that you have to represent the position of your country/organization in the Committee. Therefore you should not write or speak in the first person ("I"), but with the voice of the country you represent (for example: "Algeria suggests...", "Germany proposes...."). You may offer your own ideas for a solution of the problem, but always make sure that this ideas do not contradict with the policies of the country you represent.

**The deadline for submitting the position papers will be 26 July!**

#### **Contact details**

Chairs can be contacted via the following e-mail address: [unodc.vimun@afa.at](mailto:unodc.vimun@afa.at)

#### **Further reading**

<http://www.ipsnews.net/2013/12/more-un-states-quietly-say-no-to-drug-war/>

<http://www.unodc.org/unodc/commissions/CND/>

[http://www.theguardian.com/politics/2013/nov/30/un-drugs-policy-split-leaked-](http://www.theguardian.com/politics/2013/nov/30/un-drugs-policy-split-leaked-paper)

[paperhttp://www.cliffsnotes.com/more-subjects/criminal-justice/criminal-law/should-drugs-be-legalized](http://www.cliffsnotes.com/more-subjects/criminal-justice/criminal-law/should-drugs-be-legalized)

<http://www.bbc.com/news/world-latin-america-25340324>

<http://www.aljazeera.com/indepth/features/2011/06/201161613337193611.html><http://www.cndblog.org/http://i>

[dpc.net/http://idpc.net/policy-advocacy/regional-work](http://idpc.net/policy-advocacy/regional-work)