

HISTORICAL PERSPECTIVE OF INTERNATIONAL EFFORTS AT ERADICATING ILLICIT DRUG TRADE AND ABUSE

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ABSTRACT

Drug is known to be any substance in pharmaceutical product that is used to modify or explore physiological system or pathological states for the recipient. As Goodman & Gilman (1980) observed, drug is any natural or synthetic substance which (when taken into living body) affects its functions or structure and is used in the diagnosis, treatment or prevention of a disease in relief of discomfort. Drug referred to as narcotic psychoactive drugs are habit forming stimulant (such as alcohol, cannabis, nicotine, or a derivative of cocoa or poppy) which produces a state of arousal, capable of inducing sleep, contentment, stupor and insensibility in the system. Armin (1984) expressed that, continued or excessive use (called drug abuse or substance abuse) of such substances causes addiction or dependence. However, over the years, the continuous use of these drugs had increased its rate of trafficking to an alarming proportion worldwide; which has become a global headache within the international community. This paper made use of secondary sources in discussing the historical perspective of international community's efforts at eradicating the illicit drug trade and made suggestions on how to prevent its abuse.

Keywords: Substance, Addiction, Eradicating.

INTRODUCTION

Fundamentally, the use of drugs has multifarious effects on man. It varies from positive to negative effects. In medicine a drug is basically a chemical substance that could be used as curative measure on any form of ailment, when used according to prescription¹. Also a drug is any chemical substance that is capable of affecting living process. Living process includes respiration, growth, excretion, locomotion, reproduction etc. These effects may be beneficial as is the case when drug commonly referred to as MEDICINE are used as prescribed by the doctor e.g. Paracetamol, Cough mixture, etc. Some other drugs have been found to be capable of producing effects that are not beneficial but are harmful or habit forming, e.g. cocaine, LCD, PCP, Heroine, Cannabis, Cola etc. However, trade in drugs could be both legal and illegal. Legal, in the sense that a country's pharmaceutical industry needs these raw drugs – cocaine, heroin, etc. for the production of essential drugs within the ambit of the law, but inflow is restricted and under close observation of the government. In the same vein, drugs become illegal or illicit when these drugs are traded outside the ambit of the law for profit reasons and not for health consideration. It should be noted that the production of these illicit drugs are more prevalent in the developing countries than the developed ones, e.g. Latin American countries like Bolivia, Colombia, Panama, Mexico, etc. Large expanses of lands are cultivated for the growth of the plants. These plants are processed in hi-tech laboratories to facilitate easy package from one transit point to the other. With the huge sum of dollars

that accrue from the sales of hard drugs, large sums of money are equally committed in the trafficking of same. Also, the modes of concealing these drugs are diverse, from dissolving them in chemicals and subsequently extracting them in the laboratories at the final destination. Drug barons have exploited the underdevelopment of countries in third world, hence, their use as transit points. The drug war gathered memorandum in the 1990s with the United States and other European Countries committing so much resource into it and by assisting countries in fighting against the trade in drugs.

The continuous use and trafficking of these dangerous drugs have graduated to alarming proportion worldwide, it has therefore become a global challenge within the international community to control it to its minimal level if not total extermination of the use and trafficking of illicit drugs. Thus, the main crux of this paper is to historically examine the various measures or efforts by the international community towards fighting and eradicating illicit drug use and trafficking.

HISTORY AND NATURE OF ILLICIT DRUG TRADE

Since the earliest times, herbs, roots, barks, leaves and plants have been used to relive pain and control diseases. However, the use of drugs does not constitute an evil; drugs properly administered, have been a medical blessing. Unfortunately, certain drugs, also initially produce enticing side effects, such as a feeling of euphoria, a sense of “feeling good”, elation, serenity and power. What began as something of a recreational activity evolved in time into a problem of dependency and abuse. In the last two decades, the use and trafficking of illegal drugs have spread at an unprecedented rate and has reached to every part of the world. No nation has been immune to the devastating problems. The insidious long-term effects of chronic drug use and its impact on the user, the family, the community, and on society cannot be over emphasized, this is why many nations have adopted various means and measures towards reducing if not total eradication of the trade. Before the 1980s, no major attempt was made at international level to coordinate effort at curbing the use and trafficking in illicit drugs, but when the trade and consumption became more dangerous, accessibly and deadly in our societies, especially with the use of sophisticated weapons, by drug barons and cartel leaders, either against rival groups, dubious buyers and sellers, and even law enforcement agents, this led to the compelling need by the international community to involved and device ways and means of dealing a lethal blow on the trade and consumption. As a result, the United Nations General Assembly in 1990, proclaimed the period 1991 – 2000, the United Nations Decade Against Drug Abuse, in order to intensify International co-operation and to increase effort of States in that direction. Illicit drugs such as Psychotropic substance and Narcotics have long plague society; some like cocaine and marijuana were once viewed as being fashionable. Before the 1970s, the most common type of narcotic was marijuana and opium, but recently, more potent and devastating drugs, such as cocaine and heroin, which are highly dangerous, became popular in the 1970s.

Ever since, their consumption has been on the increase. Cocaine and heroin consumption were once viewed as the exclusive privilege of the rich. It should also be noted that the major countries in the world being plug by cartel leaders who have become billionaires many times over are Bolivia, Panama, Peru, Ecuador, and Colombia. These countries produce heavy drugs like cocaine and heroin in substantial bulk per year and the vast majority of it for these seemingly insatiable United States market and also smuggled into many countries. The Cocaine barons have enormous resources. For example, in Colombia, a 22,000 – gallon tank of the type service stations use to store gasoline, which contained cocaine was seized. Also,

in Colombia seized a half million gallon of chemicals and 1,200 kilograms of cocaine hydrochloride. In Peru, and Bolivia, there are evidence of cocaine possessing facilities. The world's two productive coca-growing areas are the chaperon region of Bolivia ad upper Huallaga Valley in Peru.

THE HISTORY AND DEVELOPMENT OF INTERNATIONAL MEASURES /CONVENTIONS AGAINST ILLICIT DRUG USE AND TRADE

The United Nations and Government of most sovereign states are intent on working together to reduce the flow of illicit drugs. The United Nations bodies concerned have assumed greater roles in assisting individual states in dealing with this plague. The organization is training border patrols to spot drug shipments, helping to create laboratories to test seized materials, setting up rapid and complete methods of communication about drug movements and assisting individual governments in dealing with the drug problem on every level, from the creation of education and prevention programmes, to reduction of demand to drawing up statutes to deal with the arrest and punishment of drug traffickers. International co-operation in the field of drug control began in the early part of the 20th century, when in 1990 the first attempts to limit the shipping of narcotic drugs were made. International drug treaties concluded between 1912 and 1972 provided the legal framework for the present International drug control system. The operation of the International control system is predicated on the concept of national control by individual states within the limits of their jurisdiction, in complete compliance with the provisions of the International treaties. Each state to a particular treaty is bound to adopt appropriate legislation, introduce necessary administrative and enforcement measures and co-operate not only with other countries but also with the established International drug control organs.

In 1990, 13 nations came together at Shanghai for the first International conference on narcotics drugs. This forum became known as the Opium commission, which led to the signing of the first drug control treaty, the International Opium convention, at Hague, in Netherlands in 1912. It became the first branding instrument of International law governing the shipment of narcotic drugs, aimed at controlling the transport of drugs deemed necessary for medical use.

LEAGUE OF NATIONS

Before the establishment of the United Nations, the League of Nations and other organs in 1920 established an advisory committee on traffic in Opium and other dangerous drugs and to arrest and advice the League's council on the subject. Under the League's auspices, three main conventions were developed:

1925 OPIUM CONVENTION: The 1925 convention was aimed at supervising the statistical control system on Opium, which entered into force on 25th September 1928. The Board also established a system of import certification and export authorizations for the illicit International trade in narcotic drugs.

1931 CONVENTION FOR LIMITING THE MANUFACTURE & REGULATING THE DISTRIBUTION OF NARCOTIC: Aimed at limiting the world's manufacture of drugs to the amount needed for medical and scientific purposes, by introducing a compulsory estimate system. The convention for limiting the manufacture and regulating the Distribution

of Narcotic Drugs, 1931, which entered into force on 9th July 1933, also established a Drug Supervising Body to monitor operation.

1936 CONVENTION FOR THE SUPPRESSION OF ILLICIT TRAFFIC IN DANGEROUS DRUGS

By 1936, the international law controlling the illegal shipment of narcotic drugs were not sufficient to deal with the transit of drugs. The 1936 Convention for the Supervision of the illicit Traffic in Dangerous Drugs was the first to call for the severe punishment of illicit drug traffickers. The convention came into force on September 26, 1939.

UNITED NATIONS INVOLVEMENT IN DRUG CONTROL

By 1946, the United Nations assumed the drug control functions and responsibilities formerly carried out by the League of Nations. All drug related issues were transferred to the United Nations Commission on Narcotic Drugs, established in 1946, as a functional commission of the Economic and Social Council.

1946 Protocol: This protocol is the instrument, which legally transferred the drug control functions previously exercised by the League of Nations to the United Nations. It came into force on October 10, 1947. The treaties on drug control had remained in force to the extent possible throughout the period of the Second World War and by the 1946 protocol; the international community restated its firm intention to maintain control over addictive drugs.

1948 Protocol: In the pre-war years, the numbers of products considered to be a threat and subject to control were largely limited to those related to the Opium poppy, the coca bush and the cannabis plants. Shortly after the end of Second World War, many other compounds had been synthesized which had dependence-producing effects. This whole new area of man-made substances was brought under the mantle of international law and control by the 1948 protocol, which entered into force on December 1, 1949, bringing under international control drugs outside the scope of the 1931 convention.

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

This convention consolidated onto most of the earlier international instruments. The convention, which entered into force on December 13, 1964 and was amended by the 1972 protocol, is regarded as a major achievement in the history of international effort to control narcotics. This convention established the International Narcotic Control Board (INCB). One of the goals of the treaty was the extension of the existing control system to include the cultivation of plants that were grown as the raw material of natural narcotic drugs. One single convention prohibit the practices of Opium smoking, Opium eating, Coca leaf chewing, hashish (cannabis) smoking and the use of cannabis plant for any known medical purposes.

1981 INTERNATIONAL DRUG ABUSE CONTROL STRATEGY

By the end of 1970s, the sharp increase in drug abuse and illicit trafficking required that more attention be devoted to these problems at the international level. Consequently, at the direction of the United Nations General Assembly, Commission on Narcotic Drugs (CND) studies the possibility of launching a comprehensive and workable strategy for long range international drug Control Strategy (IDCS) containing a basic five year (1982 -1986)

programme of action dealing with every aspect of drug control, abuse, trafficking, treatment, rehabilitation and crop substitution and proposals for action in these areas by member state. The “master plan” approach to strong drug control measures, while maintaining the balance between the supply and demands for drugs for legislative purpose became the word of every United Nations organ dealing with the problem. It also led to greater emphasis on the ratification of the treaties, the participation of non-governmental organizations and agencies within the United Nations system to provide increased support to aid government in such activities as enhancement of capacity for drug law enforcement, long – range crop substitution and preventive education programmes.

The General Assembly asked the CND, in consultation with the appropriate specialized agencies and other United Nations drug-related bodies to establish a task force to review, monitor and co-ordinate the implementation of the strategy and programme of action and to report to it on an annual basis. Basically, the strategy called for international co-operation to combat drug abuse and trafficking with the following objectives:

- (1) Improvement of drug control systems.
- (2) Maintenance of a balance between legitimate drug supply and demand.
- (3) Eradication of illicit drug supply.
- (4) Reduction of illicit traffic.
- (5) Reduction of illicit demand and prevention of inappropriate use of illicit drugs.
- (6) Treatment, rehabilitation and social re-integration of drug abusers.

1984 DECLARATION ON THE CONTROL OF DRUG TRAFFICKING AND DRUG ABUSE

The United Nations General Assembly, on December 14, 1984 described drug trafficking and abuse as “an international criminal activity demanding urgent attention and maximum priority “and subsequently adopted the Declaration on the Control of Drug Trafficking and Abuse. The Assembly thereby declared that, the “illegal production of illicit demand for abuse of and illicit trafficking in drugs impede economic and social progress, constitute a grave threat to the security and development of many countries and people and should be combated by all moral, legal and institutional means. “ Its eradication, the assembly said was the collective responsibility of all states. The declaration goes on to state that member states “undertake to intensify efforts and co-ordinate strategies aimed at the control and eradication of the complex problem of drug trafficking and drug abuse through programmes including economic, social and cultural alternatives”.

1987 INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING

Recognizing the heightened international dimensions of the problem connected with illegal drugs. United Nations Secretary General Javier Perez de Cuellar called for an international conference as an expression of the political will of nations to combat this menace on a global basis. The General Assembly subsequently called for an international conference on drug abuse and illicit trafficking, the first United Nations conference at the ministerial level to deal with questions of drug abuse and the illicit traffic drugs, convened at Vienna, Austria, from June 17 – 26, 1987, the conference was attended by representatives of 138 states, about half of whom were ministers of Cabinet rank. The conference adopted by consensus recommendations for a broad range of measures to address the entire drug abuse

phenomenon. Guidelines for dealing with the reduction of both supply and demand of illicit drugs, as well as the suppression of illicit trafficking, were adopted by the conference under the title “Comprehensive and Multidisciplinary outline of future activities relevant to the problems of drug abuse and illicit trafficking”. The Comprehensive Multidisciplinary Outline (CMO) is divided into four chapters, containing 35 targets, defining the problems and suggesting specific courses of action at national, regional and international levels.

Chapter I on prevention and reduction of illicit demand, calls for:

- (a) Further research and study of drug abuse.
- (b) More systematic analysis of data
- (c) Development of national educational programmes aimed at preventing drug abuse, particularly among young people.

The dangers of drug abuse in workplace and the need for joint employer, employee programmes to discourage it are also highlighted. The crucial role of culture and sports activities as an alternative to drug abuse is emphasized, as is the importance of broadcasting, film and other media coverage that discourages rather than glamorizes the use of illicit drugs.¹⁶ Chapter II advocates the reinforcement and extension of measures for control of the supply of drug instituted by the international drug control treaties, including the following:

- (a) Rational use of pharmaceuticals containing narcotic drugs and psychotropic substance.
- (b) Control of international movements of psychotropic substances
- (c) Control of commercial movement of precursors, specific chemicals and equipment.
- (d) Identification of illicit narcotic plant cultivation
- (e) Elimination of illicit planting
- (f) Redevelopment of areas formally under illicit drug crop cultivation.

Suppression of illicit drug trafficking is dealt with in chapter III. National legislative bodies are urged to establish penalties for transport companies that do not correct misuse of their facilities by international trafficking networks and to improve reporting of suspect activities by financial institutions that may be involved in laundering profits derived from drug sales. Several recommendations were made as to criminal justice procedure:

- (a) Facilitation of extradition.
- (b) Mutual judicial and legal assistance between states in international trafficking cases.
- (c) Laws allowing the admissibility in evidence of samples of bulk seizures of drugs, thus, reducing the opportunities for illicit diversion of these caches.
- (d) Adequacy of penal sanctions for convicted traffickers and greater international standardization of sentencing procedure.
- (e) Forfeiture of the instruments and proceeds of illicit drug trafficking.
- (f) Greater use of the technique of controlled delivery, where drug shipments once detected is followed to their destination so as to discover criminal ringleaders.

The following possibilities for more efficient co-operation between states were also outlined:

- (a) Surveillance of approaches to frontiers, airports and seaports.
- (b) Regulation of the mails and controls over ships on the high seas and aircraft in international airspace.

Greater efforts to treat and rehabilitate drug addicts were urged in chapter IV including:

- (a) Analysis of existing techniques for working with chronic drug users taking into account local social, cultural and environmental factors.
- (b) Reintegration of former drug users into the society on a permanently drug-free basis.
- (c) Reduction of the incidence of AIDS spread through drug use, disease such as hepatitis and AIDS.

The political declaration adopted unanimously at the 1987 conference reaffirmed the political will of the participating states to take vigorous actions against drug abuse and trafficking and set a benchmark for progress towards the long term goal of a society free from drug abuse. The concept of a balance approach and the need for the international community to adopt measures to treat all aspects and causes of drug abuse was affirmed. Also, states participating in the conference recognized the collective responsibility of government to provide appropriate resources for the elimination of illicit production, trafficking and drug abuse.

1988 UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Throughout the world, millions of individuals are affected by drug abuse either directly or from the criminal activities of the traffickers, related violence and ever-increasing corruption. Drug abuse and illicit trafficking not only destroy human lives but also jeopardize the structure of society and even threaten the ability of governments. Drug related problems are increasingly affecting countries in most regions of the world, transcending national frontiers and social systems. Billions of dollars are involved. All nations are vulnerable regardless of geographical location, political orientation or stage of economic development. In view of its alarming dimensions, the drug abuse phenomenon is now increasingly seen as a growing global challenge requiring a global response. The need for intensified international co-operation in this field is abundantly clear. However, continuing its role in the international fight against this modern plague, the United Nations convened in 1988 a conference of plenipotentiaries, which led to the adoption by 106 states of the United Nations convention against illicit traffic in narcotic drugs and psychotropic substances. This convention was designed to hit drug traffickers where it hurts them most: by depriving them of ill-gotten financial gains and freedom of movement. One of the innovative provisions of the 34 articles convention concerns the tracing, freezing and confiscation of proceeds and property derived from drug trafficking. To that effect, courts are empowered to make available or to seize bank, financial or commercial records. Bank secrecy cannot be involved in such cases. In addition to providing for the criminalization of drug trafficking, the 1988 convention bars all havens: to drug traffickers, particularly through its provisions for extradition of major drug traffickers, mutual legal assistance between states or drug related investigations; and the transfer of proceedings for criminal prosecution. Another significant and innovative landmark is the commitment of parties to eliminate or reduce illicit demand for narcotic drugs and psychotropic substances. Over 60 states are now party to the 1988 convention, which entered into force on November 11, 1990. Other states were invited to the extent possible to apply provisional the measures contained in the convention. Furthermore, the 1988 convention also provide for the control of precursor and essential chemicals used to illicitly manufacture drugs. Article 12 of this convention introduced a number of control measures on various substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances. The article entrusted the International Narcotic control Board (INCB) with the responsibilities of monitoring the Implementation by Government of the control measures

over such substances and assessing chemical substances for possible international control. The board reports yearly to the commission on government implementation of that article.

THE UNITED NATIONS GENERAL ASSEMBLY OF 1990

However, the United Nations General Assembly on February 23, 1990, further agreed on a thirty point political declaration and a one hundred –points to fight an international war on drug abuse. In declaring their political resolve to “protect mankind for the scourge of drug abuse and illicit “ trafficking, more than one hundred and forty nations who attended the assemblies four day section pledge to combat drug problem, acknowledge their individual responsibility to act and vowed to increase international cooperation. They also declared the year 1990-2000 as the United Nations decade against drugs. Malvin Lavitsky, the United States Assistant Secretary of States for International Narcotic matters said, “The important thing out of the cartegena summit and the world summit is the common commitment to work against drugs. It is very important to create an international code in which those who take, grow, or traffic in drug will be considered pariahs in the international community and will not be able to work the street or fell free to enjoy the illicit profits”.

CARTEGENA SUMMIT OF 1990

The Cartegena summit was held in Colombia on February 15, 1990. George Bush – United States President as at the time travelled to Cartegena in Colombia where he met counter parts from Colombia Bolivia, and Peru. In Cartegena, the summit partners (i.e. President of each state, Peru, Bolivia, and Colombia and the United States) pledged to attack the merchants of drugs and death from every angle..... production, distribution, finance, and use. President Bush assured Colombia, Bolivia and Peru that he will not fail to support them in drug fight. As part of the United States support from fiscal year 1989 to fiscal year 1991, the United States increased its international drug budget for Colombia, Bolivia and Peru. It is fitting that the summit was held in Colombia because Colombia at this time had decided to seized and destroy laboratories, arrest and prosecute narcotic offenders, extradict traffickers and money launderers and challenge the cocaine empire. Together with President Barco, President Bush, Garcia and Paz, all recognized their responsibility to take the lead in combating cocaine. Furthermore, the United States, apart from giving as much as \$164.1billion to Colombia and its immediate neighbours as drug package on a five year programming. The United States helicopters, machine guns and sniper scopes sent to Colombia has helped the military and the police shut down more cocaine laboratory and seize more drug financed planes, homes and businesses. In view of the above, one plant was needed by Colombian police and seizures of one thousand; two hundred kilograms of cocaine hydrochloride was made. Paramilitary mission started the project, second week of September 1989; the project called operation Snowcap is being run jointly run by the United States drug enforcement administration and the state’s department. Snowcap is directed at Chapere region of Bolivia and the upper Huallaya valley in Peru. Snowcap started in 1988. On December 24, of 1989, General Manuer Anthonio Noriega of Panama was arrested by the United States troops in Panama and brought to trial in Florida on drug trafficking charges; he became a federal prisoner in Miami. The trial involves drug conspiracy, pure and simple; it described Noriega as the man who trafficked directly in narcotics; allowing Colombia’s meddling cartel to use Panama as a trans-shipment point for cocaine heading for the United States and jealously guarded his share of profit. He was however tried and convicted and since being in imprisoned in the United States.

CONCLUSION

By and large, solution to the problem of drugs at the global and international levels can be said to have been articulated in all these various conferences and bi-lateral cooperation among states. However, one would have thought that all the enumerated conferences and cooperation amongst states should have exhausted the issues involved in the drug problem, but at last this is not so, because the primary aim for drug peddlers is financial and they go about in this pursuit without consciences. Money is the motivating factor and they go about it in a reckless abandoned insensitivity. Those who specialized in this method of making money is determine to perpetrate this trade because they see it as the only means of livelihood. They are prepared to any length to sustain these ungodly businesses. And this is the main reason why the whole world looks helpless and seemingly frustrated in the concerted effort to stamp out drug abuse in the society. In fact, it is feared that the business of illegal sales of drugs is still booming in spite of all the effort to destroy the trade.

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