

Developing sector nations demand a real U.N. anti-drug fight

by Mary McCourt

Something unique went on before and at the United Nations International Conference on Drug Abuse and Illicit Traffic held June 17-26 in Vienna: There was a real political fight inside the United Nations. Developing sector nations, led by Malaysia and some Ibero-American nations, are demanding that drug trafficking be fought as a crime against humanity, that the dope trade be ended, and that whatever measures necessary, including the death penalty for drug traffickers, be recommended to win the war on drugs. Such proposals were cut from final recommendations to the U.N. conference, but the entire context of U.N. debate on drugs has been changed from liberal prattle about "social problems" and "education" to the issues of national security and millions of lives.

Malaysian Prime Minister Dr. Mahathir Mohammad—the only prime minister to attend the conference—was elected president of the conference, with the support of India, among other nations. Dr. Mahathir, a medical doctor, has led Malaysia in its courageous, solitary, enforcement of its strong anti-drug-trafficking laws, which include the death penalty for traffickers, no matter what their national origin. Dr. Mahathir told an annual Commonwealth parliamentary conference in August, "Our laws are harsh, but we make no apology. Our youths are being destroyed by this scourge. We consider those who distribute drugs as their destroyers, their murderers. And it is as murderers they will be treated."

These laws are a matter of national survival for Malaysia, one of the many Asian and Ibero-American nations where drug consumption has soared since the beginning of the 1980s. As the U.S. drug market has reached the saturation point, and production increased in recent years, traffickers are now flooding impoverished Third World nations with cheap dope. The results are horrendous: In Pakistan, the number of heroin addicts rose from 5,000 in 1981 to 450,000 in 1986. Thai authorities report some 500,000 addicts. Malaysia, a nation of 15 million, has 450,000 addicts—as compared with 20,000 in the Netherlands, with a similar population level.

Prime Minister Mahathir raised another point that the

U.N. liberals have avoided—the vast financial resources of the dope traders. More than £300 billion—a figure close to the \$500 billion cited by the book *Dope, Inc.* as the international gross of the narcotics trade—is at the disposal of the drug dealers, Mahathir said. To combat them, the U.N. had barely a few hundred million dollars.

Dope a crime against humanity

Two proposals opened up the fight within the U.N. apparatus, and put it before the public. First, the Ibero-American nations took the initiative to bring their Quito and Lima declarations of 1984—which declared drug trafficking a Crime Against Humanity—to the U.N. General Assembly, where it was decided to work out a new U.N. Convention on illicit trafficking, to replace the 1961 Single Convention on Drugs, and the 1971 Convention on Psychotropic Substances.

Second, at Malaysia's initiative, the U.N. General Secretary ordered that the proceedings of the preparatory body for the June conference, and the final recommendations of the conference, be produced as "Recommendations Regarding a Comprehensive Multidisciplinary Outline of Future Activities Relevant to the Problem of Drug Abuse and Illicit Trafficking," (CMO), as a "final expression of the political will of the international community to combat drug abuse and illicit trafficking." The final document contains several important policy recommendations, including that traffickers' assets be forfeited, and that "suspect activity" by banks and financial institutions—including "unusually large" cash transactions, be reportable to drug law enforcement agencies. But far more interesting is the preliminary CMO, the result of a February conference at the U.N. headquarters in Vienna, where the battle lines were drawn.

One of the biggest issues was clearly the language of the documents. What compromises necessary to even get the CMO produced, were made very clear by the footnote on the front cover: Whenever the word "should" in the text "might be construed as indicating an obligation for a government to take a certain action," "could" or "may" will be substituted

in the final text, "to emphasize that no obligation is implied." The force of the Quito declaration made some people very nervous: One Swedish delegate's reaction was that "they contained some very strange formulations. They were not in conformity with U.N. language—it was very powerful language."

Such powerful language appeared in the first recommendation of the Feb. 12-18 preparatory conference document, which invites all nations to consider the measures proposed, because they will permit an "effective campaign" against drug abuse, illicit production, and trafficking "with a view to its total elimination." The conference chairman declared that since illicit drug trafficking was run by "veritable crime multinationals that often had greater resources than their victims, . . . a new international legal regime should be envisaged, which would provide people with more vigorous legal instruments with which to carry out their struggle." The fundamental objective of the preliminary conference, he said, was "to formulate an effective consensus instrument to combat drug trafficking, even if it meant that States had to change their legislation."

The current legal regime is totally ineffective, as Interpol Secretary-General Raymond Kendall, at a conference in Japan July 1-4, told Kyodo News Service. "The sums of money and the quantity of drugs involved are so enormous at present, that police crackdowns have no effect," Kendall said. For each arrest made, new groups of traffickers spring up every day, he said.

The U.N. report to the main committee is not such an effective instrument, because the critical recommendations to make it so were considerably weakened or even eliminated. The CMO chapter on "Control of Supply," a long-term U.N. topic of discussion with little more result than the notably ineffective drug crop substitution programs, such as that supported by the British in Pakistan, did call for aerial spraying (although with "environmentally safe" herbicides), and other high-technology anti-drug measures. But a forceful suggestion, that a U.N. body itself should enhance international cooperation on destroying drug supplies, by "organizing and executing international action to locate and eliminate illicit narcotic crops. Such an action may include *physical actions* by this United Nations body," was not accepted [emphasis added].

A lot more fireworks clearly went off in the discussion of the chapter on "Suppression of Illicit Trafficking," a whole new topic of discussion for the United Nations. The proposals made here are the proposals also being made by the Ibero-American nations in their call for a new Convention based on the Quito and Lima declarations, and some European delegates reported there were efforts to throw out the whole chapter. That failing, one delegation demanded that the war on drugs be called off, by a proposed addition—not adopted—citing some legal and social science "experts" that attempting to solve the drug problem by applying penal law

"has led to unintentional negative side effects," including "physical and social problems" for addicts and "has contributed to the endangerment of the civilized legal and enforcement system."

Death penalty proposed

Actually, most of the proposals that would give nations a genuinely "civilized" legal system—notably the death penalty for drug traffickers as part of an all-out shooting war on drugs—were eliminated from the final conference report in June, but the fact that such proposals were even made shows that the fight is on. The death penalty, "subject to the limitations of the constitution and law of the State concerned," severe restrictions on travel of anyone convicted of drug crimes, and the strongest proposals calling for forfeiture of drug trafficker's property were cut from the final recommendations. The proposal that governments should modify their laws to "ensure the seizure, freezing, and forfeiture of the objects knowingly used in trafficking and the proceeds therefrom," was adopted, but the addition, which would have made it stronger, "even if intermingled with other property acquired licitly," was dropped.

The most powerful anti-trafficking recommendation, actually adopted for the June conference, was one proposed by the British to follow up the strong legislation—especially against money laundering—that the British adopted Jan. 1. National authorities should ensure that any "suspect activity" by banks and other financial institutions be reported to drug enforcement agencies, the report states, and the movement or deposit of unusually large amounts of cash or negotiable instruments, unreported foreign accounts, and "large unexplained accumulations of wealth of obviously illicit origin should be liable to penalties if there is evidence of 'laundering' or concealment of funds connected with illicit drug trafficking."

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