

# RENMUN VII

*Peace in Permanence*



March 5-6, 2022

**Chair Report**

## Chair Introduction

Dear delegates,

Welcome to the United Nations Office on Drugs and Crime (UNODC). We are Isabelle and Milo, a Form 5 student studying at St. Paul's Co-educational College and a Year 9 student at Renaissance College respectively. We hope that after RENMUN VII you will be inspired to keep joining more conferences, and that this experience will remain a valuable learning experience.

The UNODC is committed to achieving security and sustaining the well-being of global citizens. It deals with issues surrounding drug trafficking and dependence, organized crime, terrorism. In this conference, we will be focusing on combatting international terrorist laundering and money laundering, and the decriminalization of drugs. We hope this will be an eye-opening experience for delegates, and that you may gain a broader perspective on UNODC issues through research, discussion, and writing resolutions.

Before the conference, delegates should read through the chair report thoroughly, conduct extensive research on the issue and your country's stance to better prepare yourselves for the conference. If you encounter any questions, please do not hesitate to ask us! Wishing you the best of luck and we look forward to seeing fruitful debates in the council!

Best regards,

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# Discussing the decriminalisation of drugs as a means to reduce pressures on criminal justice systems

## Introduction

According to the 2021 World Drug Report released by the United Nations Office on Drugs and Crime, around 275 million people used drugs in the last year, while an estimated 36 million people suffer from drug use disorders. This is a slight increase from the numbers published in the 2020 report.

Highly addictive and extremely damaging, drugs have ravaged society for hundreds of years and are a problem that continues to exacerbate despite best efforts by the international community. Substance abuse is a problem not only because of the physical and psychological effect on the user, but also because of the various effects drugs have on society as a whole. Drug gangs and cartels continue to proliferate and spread, particularly in countries with less income and less political stability. This leads to drugs having a lot of power and influence.

Another reason why drugs are so popular is their monetary value. The illegal drug trade has a world GDP of around \$78 trillion US dollars and has been estimated to make up one percent of total global trade. As such, this problem is extremely widespread and hard for governments to deal with. That is not to say that efforts have not been made. Various solutions are currently being implemented worldwide to varying degrees of success. In this conference delegates will be debating the different solutions, with a focus on their effect on criminal justice systems.

## Key Terms

Term	Definition
Decriminalisation	The removal of criminal sanctions against an act, article or behaviour
Legalisation	The action of making something that was previously illegal permissible by law.
Drug use disorder	A disease that affects a person's brain and behaviour and leads to an inability to control the use of a legal or illegal drug or medication
Cartels	An association of manufacturers or suppliers with the purpose of maintaining prices at a high

	level and restricting competition
Gangs	An organised group of criminals
Proliferation	A rapid increase in the number or amount of something
Criminal justice system	The combination of courts and legal processes used to deal with crimes
Incarceration	The state of being confined within a prison; imprisonment
Psychotropic substances	A drug or other substance that affects how the brain functions.
Synthetic drugs	A drug created by man-made chemicals

**Background Information**

In June of 1971, United States president Richard Nixon declared drugs to be ‘public enemy number one’. It was at this same time that the initiative known as the war on drugs first began. In the war on drugs, governments crack down on drug production, distribution and consumption. This is done through anti-drug laws, mass incarceration and military intervention.

To an extent, the war on drugs has worked - substances are less accessible, thus preventing a lot of drug abuse. However, for many, the negative effects of the war outweigh any positives. Around the world, there has been a stark increase in instances of drug-related violence, while a dramatic increase in incarceration rates has caused prisons to overcrowd.

Additionally, the increase in incarcerated individuals has led to criminal justice systems receiving a lot of added pressures, and in some instances has resulted in them clogging up. This has led to many delays, with charged individuals being required to wait for prolonged periods of time in order to have their trial. This results in many legal complications. On most occasions, an individual charged with an offence faces restrictions on their freedom and liberties until they are proved innocent. This greatly impedes upon their lives, as well as the lives of those around them. Because of this, the world has seen an increase in support for alternative solutions, the most notable of which being the decriminalisation of drugs.

Decriminalisation removes criminal charges for felonies such as drug possession, drug use and low-level drug sales. This prevents the user from suffering life-changing consequences for an arguably small crime. Note the distinction between decriminalisation and legalisation - legalisation would make everything legal, while decriminalisation maintains the illegality of both production and mass distribution.

Additionally, because individuals are not incarcerated, a lot of pressure previously placed on criminal justice systems would be removed. Furthermore, a lot of prison costs would also be removed thanks to smaller population sizes - this money could instead be put towards rehabilitation efforts, placing an emphasis on health and safety instead of punishment.

### Key Stakeholders

Stakeholder	Involvement with the Issue
United States	<p>The most prominent power player and forefront of the war on drugs. Have spent over \$1 trillion US dollars on the issue.</p> <p>Since the beginning of the war on drugs, the country's prison population has increased tenfold. Over 1.6 million people have been charged for drug-related offences, with approximately 300,000 - or one in five prisoners - being incarcerated for a drug charge. Of these, 85% were charged for drug possession.</p>
Portugal	<p>One of the forerunners of the pro-decriminalisation movement. In 2001 Portugal became the first country to decriminalise the possession and consumption of all drugs.</p>
The Netherlands	<p>One of the world's largest producers and distributors of drugs, particularly synthetic drugs. Has quite relaxed drug laws where citizens are not prosecuted for the possession or use of small amounts of soft drugs. This has had both positive and negative implications - drug addicts are now able to openly visit</p>

	<p>rehabilitation centres, though drug consumption has risen by a considerable margin. Each year an estimated 21% of the Dutch population use marijuana, while an estimated 17% take 'hard drugs' such as cocaine and ecstasy.</p>
Canada	<p>Has recently seen a major drug policy reform - in 2018 it became only the second country in the world to legalise marijuana. Possession of drugs for personal use has been decriminalised. Certain parts of the country have started programmes where drug addicts are allowed to enter clinics and take drugs under the supervision of trained medical professionals.</p>
Criminal justice systems	<p>Used to convict and incarcerate individuals who have been charged with an offence.</p> <p>As a direct result of the war on drugs, criminal justice systems worldwide have seen a large influx in individuals charged with a drug-related offence. This adds a lot of pressure and can clog the system, leading to a lot of legal difficulties.</p>
Public hospitals	<p>For many who suffer from a drug use disorder, public hospitals are one of the only places where they can receive treatment and begin the process of rehabilitation.</p> <p>A system where drug possession and usage is decriminalised encourages more people to step out of the shadows and receive treatment. Without the right prior preparation, this can lead to hospitals being overwhelmed, which can severely impede upon a country's overall healthcare system. Additionally, if public hospitals are not equipped for the dealing of those with a drug use disorder, these individuals end up having nowhere to go, leaving them with their disorders.</p>

Prisons	<p>Used to punish incarcerated individuals through confinement and the stripping of freedoms.</p> <p>Similar to criminal justice systems, prisons are a victim of the mass incarceration caused by the war on drugs. Prisons around the world have begun to overcrowd, worsening the conditions for prisoners and impeding upon their already-limited liberties.</p>
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## Key Clashes

### Incarceration vs specialised rehabilitation

Drug addiction is the main issue associated with drug possession and usage - a drug addict is unable to control their urges regarding drugs and is subsequently left to suffer the damaging, life-changing consequences.

Different governments have come up with different solutions for this. In a war on drugs, drug addicts are incarcerated and stripped of their freedoms while being forced to be away from society. Addicts are then meant to reflect on their actions and transform into better human beings. For a situation where an addict requires medical attention, they are sent to a prison equipped with a rehabilitation centre.

In theory, incarceration is meant to force drug addicts away from any substances, meaning that even if they can not control their urges, there are no drugs available for consumption. However, this is not always the case. An estimated one in three incarcerated individuals have used drugs at some point during their incarceration period. The smuggling of drugs into prisons is very common and is a problem that needs to be addressed, as it undermines the main purpose of the incarceration of drug addicts.

The decriminalisation of drugs would remove some of this risk. For drug addicts that have not committed any crime other than drug possession and/or usage, there is no punishment and no criminal record. These people are instead sent to a specialised rehabilitation centre, wherein they are shown to a doctor and are given treatment. In many cases, drug addicts are given equipment for the consumption of drugs (needles, etc.) in order to prevent the spread of diseases such as HIV/AIDS. Addicts are encouraged to take drugs under the supervision of a trained medical professional and in some cases, hospitals provide drugs such as heroin in controlled amounts.

These two methods of dealing with drug addicts are highly polarised. While incarceration might be harsh, it also seems wrong to willingly provide addicts with drugs and equipment. It is up to a delegate to decide what is right - note that this ties into the below section on the necessity of punishment.

### **The necessity of punishment for drug possession**

Having the decriminalisation of drugs as a possible solution asks a very important question - should the possession of drugs for personal use be a crime? Does it warrant punishment?

As stated previously, in a war on drugs, those charged with drug possession are sent to prisons and are given rehabilitation while being stripped of their freedoms. Afterwards, incarcerated individuals face trouble being reintegrated into society - their status as a dangerous individual and their criminal records mean that even with freedom, it is a struggle to find work and earn money. This creates a lot of hardship for these people, making some fall back into the clutches of drugs and crime. The reason for these hardships is largely down to the stigma that surrounds not only drug addicts but incarcerated individuals as a whole. Even if a person has changed for the better, many people do not believe them and this can ruin a person's life.

Decriminalisation would remove all of these struggles - by removing all penalties for drug possession and usage, addicts are able to continue life as normal after rehabilitation - but is this a good thing? Drugs are extremely damaging towards various aspects of life, but by allowing people to take drugs and walk away without any punishment, it can be seen as governments encouraging people to take drugs and downplaying the negative consequences.

In Portugal, removing penalties for drug possession and usage did not reduce the number of drug addicts in the country. If anything, that particular figure rose. What it did do, however, was significantly reduce the country's prison population and lower the number of drug-related deaths. Whether or not the compromise is worth it, is for delegates to decide.

### **Timeline**

Date	Action taken
July 14, 1969	In an address to the United States Congress, president Richard Nixon calls for national anti-drug laws.
June 18, 1971	Nixon labels drugs as 'public enemy number one' and begins the war on drugs.

November 1975	Colombian police seize 600 kilograms of cocaine from a small plane. At the time, this was the largest ever seizure. Drug traffickers respond by killing 40 people in one weekend, in what is now known as the 'Medellin Massacre'. This event showcases the growing power that drugs are starting to have on society.
1977	The war on drugs temporarily stalls as newly-elected president Jimmy Carter campaigns for the decriminalisation of marijuana. This leads to the passing of a bill in October of 1977 that decriminalises possession of up to an ounce of marijuana for personal use.
1981	Ronald Reagan is elected president of the United States and immediately expands upon Nixon's drug laws. The passing of severe penalties for drug-related crimes results in the skyrocketing of incarceration rates.
1984	First Lady Nancy Reagan launches her highly-publicised 'just say no' anti-drugs campaign. Through this and through the use of media, mass hysteria around the use of drugs ensues in the general public.
October 1986	Ronald Reagan signs the Anti-Drug Abuse act of 1986, imposing minimum penalties for drug offences and allocating \$1.7 billion US dollars towards the war on drugs.
1990s	Countries such as Switzerland and Germany announce the partial decriminalisation of soft drugs.
2001	Portugal become the first country in the world to fully decriminalise all drugs. Instead of being incarcerated, drug addicts are instead brought to a local commission where they are given help by doctors, lawyers and social workers.
2000s	Support for the war on drugs begins to wane as more and more countries either partially or completely decriminalise the possession of drugs.
2010s	The majority of US States begin to gradually soften their previously imposed laws regarding drug use and possession. Several states legalise marijuana.

2016	The Philippines begin their highly-publicised war on drugs under the guidance of newly elected president Rodrigo Duterte. As of October 2021 the official death toll of this war is 6,215 people, although human rights groups have estimated that as many as 27,000 people have been killed.
November 2020	Having already legalised marijuana, Oregon becomes the first US State to decriminalise the possession and use of all drugs. Those found with drugs for personal use are fined and/or given a health check at a rehabilitation centre.

**Past UN Actions**

**Paris Convention of 1933**

The first international treaty regarding drug production and distribution. Signed by members of the League of Nations (the predecessor to the United Nations). The treaty sorted drugs into two separate classes: Group I and Group II. Group I was subject to stricter rules and regulations, in particular regarding the use of drugs in both medical and scientific fields of study.

**Single Convention on Narcotic Drugs of 1961**

Limits drug production, distribution, possession and usage exclusively to medical and scientific purposes. Aims to combat drug trafficking through coordinated international action. Earlier treaties only targeted opium, coca and their derivatives. This convention consolidated and expanded upon previous treaties such as the Paris Convention, broadening the scope in order to include substances such as cannabis.

**Convention on Psychotropic Substances of 1971**

Responds to the growing spectrum of drugs by establishing an international control system for psychotropic substances. This treaty cracked down upon the growing demand for psychotropic substances while also severely limiting the scope of the growing synthetic drug industry. Judgement was based on these substances' abuse potential and therapeutic value.

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

Provides updated, comprehensive measures against drug trafficking. Includes provisions against money laundering. Provides for international cooperation through means such as the extradition of drug traffickers, controlled deliveries and the transfer of proceedings. This treaty responded to social and political change

throughout the 1970s and 80s, in particular the growing demand for the recreational use of illicit substances. By doing so, this treaty further escalated the war on drugs around the world and led to many countries banning the use of drugs for personal consumption. This was new for the United Nations - instead of just targeting drug manufacturers and distributors, this treaty was the first to target the user.

## **Points of Consideration**

### **Implications of different solutions on criminal justice systems**

Although delegates are encouraged to write detailed resolutions that cover all aspects of the topic, delegates are reminded to have a focus on alleviating pressures on justice systems. That is, after all, the purpose of this topic.

One thing to consider is that although the decriminalisation of drugs is arguably one of the best ways to alleviate justice system strains, for many countries it may not be the most realistic solution. Delegates are strongly encouraged to stay true to their stance - if a delegate's country is against decriminalisation and its effects (making drugs more accessible and allowing more people to develop drug use disorders), then another solution must be found. An example of this could be the changing of existing incarceration systems within a war on drugs.

### **Ethical considerations of prescribed drugs**

In the Key Clashes section of this chair report, there was a part written about the use of specialised rehabilitation in a system where drugs are decriminalised. One of the main features of specialised rehabilitation is the fact that doctors willingly give patients drugs and the equipment used to take these. This is because rehabilitation is hard and does not always work - it is a lot more realistic to instead support those with a drug use disorder and make sure that they take drugs in a healthy, controlled manner. As is to be expected, this has raised a lot of moral and ethical concerns.

## **Possible Solutions**

### **War on drugs**

As explored previously, a war on drugs is a system where a government uses anti-drug laws and mass incarceration to control the production, distribution and consumption of illicit substances. In particular, a war on drugs targets the user, incarcerating those who possess and consume drugs for recreational use.

Delegates who wish to pursue a war on drugs should be wary of the vast funding that is required in order to develop and maintain such a system. A war on drugs will

also target the proliferation and power of cartels while preventing the smuggling of drugs through trafficking. This is typically done through the use of military intervention. A war on drugs is heavily reliant on international cooperation and does not work if countries, particularly those that share a border, do not agree.

### **Drug decriminalisation**

Viewed as more progressive than most solutions, decriminalisation is where criminal penalties are removed for offences such as drug possession. This thus reduces incarceration rates and alleviates pressures faced by criminal justice systems.

Drug decriminalisation is heavily reliant on public healthcare. These will need to be equipped with the right systems and personnel, in order for proper rehabilitation to take place. Additionally, delegates may need to consider things such as education programmes, in order to remove some of the stigmas associated with substance abuse. Only then will those suffering from a drug use disorder be able to get the help they require.

### **A mixed solution**

Many delegates may find that their country's stance does not fully fall within the criteria of either solution listed above. A progressive approach may be needed, but for many decriminalisation is unrealistic due to a multitude of factors. If so, the best solution may be to compromise and find common ground between complete decriminalisation and a complete crackdown.

Many examples of this can be found around the world, particularly in European Union countries. In these, drugs are still illegal but the punishments are not as serious - this reduces a lot of stigmas and makes rehabilitation a lot more feasible. Many of these countries use decriminalisation ideals without actually decriminalising drugs. This can include the establishment of specialised rehabilitation centres and the prescription of substances to those with a drug use disorder.

### **The diversion of funding**

Funding is a very important consideration for many delegates, especially those representing LEDCs (Less Economically Developed Countries). For many countries, developing and maintaining new systems is simply unfeasible without the right financial backing. This backing could take many different forms, including a monetary fund or direct funding from parties such as individual countries or international financial institutions (ie. the World Bank, International Monetary Fund).

Additionally, funding can easily be freed up by the reduction of incarceration rates (possibly through the solution of drug decriminalisation). The United States alone

spends an estimated \$51 billion US dollars every year on the war on drugs. A lot of this money goes towards prisons and the criminal justice system, but if it were to be diverted, it could instead be put towards a different cause. This can include things such as specialised rehabilitation and the reintegration of previously-convicted drug offenders into society.

## Guiding Questions:

- Is drug decriminalisation a viable solution to the issue of substance abuse? If not, what other solutions are there?
- Do the benefits of drug decriminalisation, particularly those regarding criminal justice systems, outweigh the negative implications?
- Does the act of drug possession warrant a crime and/or subsequent punishment?
- Is the funding of things such as rehabilitation programmes feasible? If not, what other solutions are there?
- Is it ethical for trained medical professionals to support and provide equipment for the intake of drugs, considering the extremely damaging effects that substance abuse can have on an individual's life?
- Does the need for health and safety outweigh the need for punishment?

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