DRAFT MOTION FOR A RESOLUTION

Fighting drug trafficking and organised crime in the European Union and Latin America

LAC Co-Rapporteur: Sonia ESCUDERO (Parlatino)
Fighting drug trafficking and organised crime

The Euro-Latin American Parliamentary Assembly,

- having regard to the World Drug Report 2011 of the United Nations Office on Drugs and Crime (UNODC),

- having regard to the declarations made at the six summits of Heads of State and Government of Latin America, the Caribbean and the European Union, held respectively in Rio de Janeiro (28-29 June 1999), Madrid (17-18 May 2002), Guadalajara (28-29 May 2004), Vienna (11-13 May 2006), Lima (15-17 May 2008) and Madrid (17-18 May 2010),

- having regard to the Madrid Action Plan (2010-2012) adopted at the EU-LAC summit in Madrid on 18 May 2010,

- having regard to the declarations approved during the European Union-Latin American and Caribbean interparliamentary conferences held between January 1981 (the Bogotá Conference) and May 2005 (the Lima Conference),

- having regard to the Latin America and Caribbean-European Union Coordination and Cooperation Mechanism on Drugs, and specifically the Port of Spain Declaration adopted at its Ninth High-Level Meeting (22-23 May 2007), the Quito Declaration adopted at its Eleventh High-Level Meeting (27 May 2009), and the Madrid Declaration adopted at its Twelfth High-Level Meeting (27 April 2010),

- having regard to the Latin America-European Union Programme of Cooperation on anti-drug policies (COPOLAD), which is designed to help make such policies more coherent, more balanced and more effective,

- having regard to the programme on the prevention of the diversion of drug precursors in the Latin American and Caribbean region (PRELAC),

- having regard to the report published in June 2011 by the Global Commission on Drug Policy,

- having regard to the debates on the worldwide drugs problem held within the Euro-Latin American Parliamentary Assembly (EUROLAT)’s Committee on Political Affairs, Security and Human Rights on 4 and 5 November 2010 in Cuenca, Ecuador, and on 17 and 18 May 2011 in Montevideo, Uruguay,

- having regard to the working document on fighting drug trafficking and organised crime in the European Union and Latin America presented by Boguslaw Sonik MEP in the Euro-Latin American Parliamentary Assembly’s Committee on Political Affairs, Security and Human Rights,
having regard to the working document on fighting drug trafficking and organised crime in the European Union and Latin America presented by Senator Sonia Escudero in the Euro-Latin American Parliamentary Assembly’s Committee on Political Affairs, Security and Human Rights,

A. whereas protecting the health, security and welfare of humankind must be the primary objective of a global policy on drugs;

B. whereas the problem of illegal drugs is a complex one that combines issues relating to public health and public security, as evidenced by the high number of deaths connected to drug trafficking, the high level of crime and the link with other illegal activities, and therefore a multi-faceted, multi-disciplinary approach to this problem is needed if it is to be dealt with politically;

C. whereas the high profits involved are the cornerstone of the drugs trade, particularly for the top intermediaries, who benefit just as much from the lack of give-and-take in the product they are trafficking as they do from the fact that drugs are highly addictive, and whereas the shape of the illegal drugs trade generally echoes the traditional pattern of asymmetrical relations between countries;

D. whereas offences linked to drug trafficking and organised crime are a major public order problem in the world;

E. whereas organised crime openly challenges the authority of the State, causing hitherto unknown levels of violence and meaning that security has to be stepped up, ratcheting up production costs, spoiling projects that could help create jobs and prosperity for society as a whole and driving foreign investment away;

F. whereas murder, firearms, people trafficking and the drugs trade are all interlinked because drugs finance the arms purchases that fuel the warfare between criminal organisations and gangs fighting for control of territory and trafficking, and very often subsidise the activities of terrorist organisations;

G. whereas global criminal activity is standing the rules of the game on their head, creating new players and reconfiguring access to and the availability of power in international politics and the international economy, and whereas an increasingly major role is being played by networks of profit-motivated individuals who have no links to a specific country and who are empowered by globalisation;

H. whereas an unwanted side-effect of the opening-up of national borders – which occurred as a result of the processes of regionalisation and globalisation – has been the fact that criminal threats have become transnational, and whereas these threats include money laundering and flows of illegal drugs and illicit funds: businesses involving both legal and illegal activities that can sometimes even end up providing funding for political activities;
I. whereas poverty and social exclusion, as well as the quick profits involved, are still causing people to become involved in drug trafficking, which is a lucrative business;

J. whereas increasing numbers of women are becoming involved in drug trafficking, more and more women who, because they are living in poverty, are seeking to improve their socio-economic circumstances by working as drug mules and dealers, and whereas, given that 60% of female prisoners in Latin America have been convicted for drug dealing, women are now coming off worst in the process;

K. whereas drug trafficking is a crime that transcends national borders, and therefore no country can solve it by adopting isolationist policies; whereas, on the contrary, it needs to be addressed by means of international cooperation;

L. Takes the view that anti-drugs policies that have alternated between a ‘war on drugs’ approach and damage limitation have failed and that a third way needs to be found;

M. whereas these policies have not always produced the desired results: the number of hectares of coca crops being grown has not fallen, there is usually a major adverse impact on the environment, crop locations have changed, neither supply nor consumption figures have fallen, many drug users are choosing to take different drugs, and countries that have traditionally been centres for production or transit have now become centres for the abuse of drugs, particularly low-quality, leftover substances; whereas, at the same time, the extensive black market funded by the profits made in meeting the demand for illegal drugs is continuing to grow;

N. whereas the traditional approaches have tended to mean that the public security agenda focuses on high-profile offences such as murder, robbery, theft and assault, when drug trafficking is actually just as closely associated with economic and white-collar crime;

O. whereas some of the principal opiate- and cocaine-producing countries are those that since 2001 have been the focus of the war on terror; although production of both substances has remained fairly stable over the last few years;

P. whereas the policy of criminalising the producers, small-scale dealers and users of illegal drugs has led to enormous sums of public money being used to heighten levels of stigmatisation and social fragmentation, filling prisons to bursting point without, however, curbing the availability of illegal drugs or the power of the drugs cartels, as it is easy to replace these people without disrupting drug trafficking;

Q. whereas figures published by the United Nations Office on Drugs and Crime show that less than 10% of drug users can be seen as ‘problematic’ and as posing a risk to social order, and whereas the widespread focus on repression therefore needs to be shifted;

R. whereas the approach taken in respect of drug users ought to put a stop to criminal stigmatisation and focus on damage limitation, public health protection and respect for human rights; whereas the way in which the law deals with those involved in crop
growing at the lowest levels should be different from the way in which it deals with members of violent criminal organisations;

S. whereas a repressive policy aimed at drug users might become a hindrance to public health measures designed to combat HIV/AIDS, overdose deaths and other negative effects of drug use such as failure at school and social apathy among many young people;

T. whereas more human, social and financial resources are needed to prevent drug addiction and treat and rehabilitate drug addicts;

U. whereas satisfactory policies – i.e. those that successfully curb the damage caused to health, security and the welfare of society as a whole – can only be set up on the basis of sound empirical and scientific evidence;

V. whereas the current international system for classifying illegal drugs was established more than 50 years ago and therefore needs to be reviewed and updated on the basis of sound scientific evidence and taking account of cultural traditions;

W. whereas the development and implementation of these policies ought to be a joint responsibility shared by all countries, whilst ensuring that national sovereignty is respected and there is no interference in internal affairs, and whereas this should apply to producer, transit and destination countries, although this distinction is being rendered meaningless by the fact that the different stages of the criminal process are increasingly coinciding within a single country;

1. Calls for an agreement to be reached on the foundations for a global system which will foster the well-being of humankind by controlling potentially harmful substances, but with sufficient flexibility to allow countries to experiment with specific responses, as this is vital in order for lessons to be learned about the effectiveness of different approaches that respect cultural traditions;

2. Proposes that a global debate should be launched – with the involvement of producer, transit and consumer countries – covering the broadest possible spectrum of ideas for identifying anti-drugs and anti-organised crime policies that are based on the scientific knowledge available and on experiences that help overcome any dogmatism;

3. Suggests that efforts to come up with drugs policies should be shared by a broader range of multilateral agencies such as the UN Office on Drugs and Crime, the Joint UN Programme on HIV/AIDS, the World Health Organization, the UN Development Programme, UNICEF, UN Women, the World Bank and the Office of the UN High Commissioner for Human Rights;

4. Takes the view that it is essential to create institutional fora within which government authorities, parliamentarians, intellectuals and scientists from both regions can meet and hold discussions, so that parliamentarians can find out about developments in medicine, biology, sociology, criminology and any other discipline that might help in
formulating properly founded legislative policies on drug trafficking and drug use, differentiating between illegal drugs in terms of the damage they do to health and society;

5. Sees it as vital that a comprehensive approach should be taken to formulating drugs policies, encouraging families, schools, public health specialists, parliamentarians, scientists, government authorities and civil society leaders and activists, etc. to get involved and work with the relevant government agencies;

6. Recommends the promotion of inter-regional public policies that seek to introduce tight controls on all substances recognised as precursors for manufacturing illegal drugs and to standardise the legal definition of such substances;

7. Calls for the emerging threat posed by synthetic drugs to be addressed;

8. Considers it vital that as opposed to the approach that criminalises, stigmatises and marginalises drug addicts, damage-limitation programmes be introduced, with therapy, healthcare and reintegration into society for those that need it;

9. Proposes that a system of measurements, statistics and models should be set up, based on empirical and scientific evidence, making it possible for drugs policies to be evaluated accurately using indicators such as the number of victims of drugs-related violence, the level of crime committed by users, the level of overdose deaths, the level of HIV or hepatitis C infection among users and the financial sums involved in the drugs trade, etc.;

10. Recommends that more resources be earmarked for prevention and social cohesion programmes that principally aim to help the most vulnerable social groups, avoiding simplistic messages and fostering inclusive educational approaches that are based on reliable information;

11. Suggests that gender equality should be taken into account in prevention and social cohesion programmes, given that women are one of the most at-risk groups in the illegal networks involved in the production, distribution and use of drugs, and given the links with other illegal activities such as human trafficking and prostitution;

12. Takes the view that priority should be given to mounting innovative information and prevention campaigns that young people, in particular, can understand and take on board, as the majority of users are young people;

13. Suggests that possible alternative community- and education-related punishments be considered for small-scale dealers and first-time offenders, given that many of them are victims of violence and intimidation or are motivated by a desire to escape terrible poverty, and taking into account the fact that investment geared towards offering them alternative employment opportunities is more effective than long prison sentences, which are of course very costly;
14. Makes an urgent call for a review of the 50-year-old system for classifying illegal drugs, to be based on scientific data;

15. Takes the view that, as the main aim is to combat and eradicate drugs trafficking, account must be taken of the economic, political and cultural specificities of the Partnership countries, as well as respect for indigenous peoples, in the efforts it makes with a view to fostering integrated development policies within LAC-EU cooperation on drugs;

16. Calls for intensified transnational research into drug trafficking as a crime and the many variations that can arise when it is combined with other illegal activities such as arms trafficking, people trafficking, money laundering, the smuggling of other goods, etc., and points out that international political, judicial and police cooperation is vital in order to achieve this;

17. Proposes that repressive action should be aimed at violent national and transnational criminal organisations, with a view to curbing their influence and scope; points out that reducing violence should be a priority;

18. Draws attention to the need for absolutely rigorous state controls on the circulation of weapons, given the evidence that one of the pillars supporting the destructive power of organised criminal networks devoted to drug trafficking is the scale and sophistication of the weaponry available to them;

19. Recommends further legislative debate on the broad outlines of the draft Framework Law on illegal trafficking and consumption of narcotic and psychotropic substances produced by the Latin American Parliament’s Committee on Citizens’ Security and Combating and Preventing Terrorism, Drug Trafficking and Organised Crime, as well as any drafts on the topic emanating from the European Parliament;

20. Calls for continued exchanges of information between the relevant authorities in the European Union and the Latin American states at national, sub-regional, regional and bi-regional levels;

21. Welcomes the launch of the new COPOLAD programme, which focuses on cutting both demand and supply of drugs and seeks to step up cooperation between national agencies and others responsible for anti-drugs policies; with this in mind, supports the establishment of LAC-EU networks with a view to exchanging experience and best practices;

22. Calls for close political, judicial, police and scientific cooperation with a view to combating the laundering of illicit funds resulting from corruption;

23. Takes the view that LAC-EU cooperation within the United Nations – in the shape of joint initiatives to combat drug trafficking – is vital;
24. Instructs its Co-Presidents to forward this resolution to the Council of the European Union and the European Commission, and to the parliaments of the Member States of the European Union and all the countries of Latin America and the Caribbean, the Latin American Parliament, the Central American Parliament, the Andean Parliament and the Mercosur Parliament, the Secretariat of the Andean Community, the Committee of Permanent Representatives of Mercosur, the Permanent Secretariat of the Latin American Economic System and the Secretaries-General of the Organization of American States, the Union of South American Nations and the United Nations.