

UTMUN



Commission on Narcotics and Drugs

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Content Disclaimer

At its core, Model United Nations (MUN) is a simulatory exercise of diplomatically embodying, presenting, hearing, dissecting, and negotiating various perspectives in debate. Such an exercise offers opportunities for delegates to meaningfully explore possibilities for conflict resolution on various issues and their complex, even controversial dimensions – which, we recognize, may be emotionally and intellectually challenging to engage with.

As UTMUN seeks to provide an enriching educational experience that facilitates understanding of the real-world implications of issues, our committees' contents may necessarily involve sensitive or controversial subject matter strictly for academic purposes. We ask for delegates to be respectful, professional, tactful, and diplomatic when engaging with all committee content, representing their assigned country's or character's position, communicating with staff and other delegates, and responding to opposing viewpoints.

The below content warning is meant to warn you of potentially sensitive or triggering topics that are present in the formal content of this background guide, as well as content that may appear in other aspects of committee (e.g., debate, crisis updates, directives), so that you can either prepare yourself before reading this background guide or opt-out of reading it entirely:

Some of the content discussed in this guide and this committee deals with sensitive subject matter. This content might include: Substance abuse, stigmatization of addiction, self-harm, suicide, death and dying.

If, because of this committee's content warning, you wish to request switching committees and you registered with UTMUN as:

- a) part of a group delegation, please contact your faculty advisor and/or head delegate with your concerns and request.
- b) an individual delegate, please email our Equity Officer at equity@utmun.org with a brief explanation of your concerns based on this committee's content warning and your request to switch. You will be contacted shortly regarding your request

UTMUN Policies

We ask for your cooperation in maintaining order, both inside and outside of committee session, so that we may provide a professional, safe, inclusive, and educational conference.

Throughout the conference, please note that delegates shall only:

1. Wear Western Business Attire (i.e., no costumes, no casual wear)
2. Embody their assigned country's/character's position, not their mannerisms (e.g., no accents, no props)
3. Use laptops or electronic devices during unmoderated caucuses to draft paperless resolutions/directives (subject to their committee director's permission)
4. Opt for diplomatic, respectful, and tactful speech and phrasing of ideas, including notes (e.g., no foul language, suggestive remarks, or obscene body language)
5. Make decisions that contribute to a professional, safe, inclusive, and educational space for debate

The rest of our conference policies can be found on our website at <https://www.utmun.org/conference-policies>. By attending all or part of a UTMUN conference, attendees agree to abide by all of our conference policies.

Furthermore, delegates' efforts to contribute to a culture of collaboration, inclusivity, and equity at our conference, both inside and outside of committee session, will be considered by the dais and Secretariat when determining conference scholarships and committee awards.

In cases of failing to adhere to any of UTMUN's policies, the Secretariat reserves the right to take any action it deems necessary, including rendering delegates ineligible for awards, taking disciplinary action, and prohibiting delegates from participating further in the conference.

Equity Concerns and Accessibility Needs

UTMUN 2020's Secretariat and Staff are committed to ensuring every attendee has an enjoyable, comfortable, and safe experience and is able to participate fully and positively at our conference.

If you have any equity concerns (e.g., concerns about barriers to participation) or accessibility needs now or during the conference, please do not hesitate to contact your committees' dais and/or our Equity Officer at equity@utmun.org.

A Letter from Your Director

Dear Delegates,

Welcome to UTMUN 2020! I know I speak for the entire dais when I say how excited we are to meet you all in February. Before we bombard you with information, a little bit about myself: my name is Aadam Dadhiwala, and I will be your Director for the Commission on Narcotics and Drugs at UTMUN. I am currently a second-year at the University of Toronto double-majoring in Human Geography and History.

The dais and I have worked very hard to design a unique committee experience. This committee will require you to utilize the knowledge you gain through research, be creative, be quick-thinking, and cooperate with your fellow delegates. It is important to recognize that this background guide does not contain a complete description of the committee's topics. We have provided you with broad context for the committee, but it is crucial that you supplement this information with your own research. It is up to you to learn more about the complexities of each topic, study the foreign policy of your respective countries, and develop possible solutions from that research. As a helpful starting point, we have included an Advice for Research and Preparation section at the end of this background guide.

Our dais values diplomacy, debate, and cooperation. Your goal in February should not be to overpower your fellow delegates; rather, you should be prepared to consider all sides brought forth in committee. The ability to listen to other perspectives and respond productively is one of the most important skills in debate, especially within the international community. Your aim in this committee should be to find viable solutions to the crises within the constraints of your nation's distinct interests and policies.

You will quickly realize that these topics are quite complicated. I am entirely confident that each of you is capable of tackling them, but if you have any questions, I am always available to you as a resource. Feel free to email me any time before the conference about the topics, research, the committee, or UTMUN itself.

The CND staff and I are incredibly excited to meet you all in committee. Good luck with your research, do not hesitate to reach out at any time, and see you all in February!

Sincerely,
Aadam Dadhiwala
Director, Commission on Narcotics and Drugs (CND)
aadam.dadhiwala@mail.utoronto.ca

Committee Background

In the context of modern international drug control, a “drug” is any substance falling under section I or II of the 1961 Single Convention on Narcotic Drugs.¹ The United Nations Office on Drugs and Crime (UNODC) website offers this simple definition of a drug in pharmacological terms, which is “any chemical agent that alters the biochemical or physiological processes of tissues or organisms.” International efforts to control narcotics predate the modern United Nations (UN). In 1912, the International Opium Convention was signed at The Hague, and adherence to its provisions was built into the Treaty of Versailles, which ended the First World War.² The fledgling League of Nations took over international narcotics control, primarily through the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs. The signature achievement of this committee was the 1933 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs.³ These early bodies and treaties reflected the scientific knowledge and societal practices of the time and focused predominantly on opiate and coca derivatives, but nonetheless established the principle of the absolute prohibition of the trade in narcotics, with the only exceptions being for internationally sanctioned medical or research purposes.

The CND’s mandate is to “monitor the world drug situation, develop strategies on international drug control and recommends measures to combat the world drug problem, including through reducing demand for drugs, promoting alternative development initiatives, and adopting supply reduction measures.”⁴ Like many older UN agencies, the mandate of the CND has evolved over time. The original mandate, as set out in ECOSOC resolution 9(1) called for the new body to assist ECOSOC, supervise existing narcotics control treaties, and make recommendations on narcotic drug control issues.⁵ This means that the CND has always had functional, operational aspects to its mandate, in addition to a normative policy-making mandate. However, this division of roles was only clarified and formalized in 1999 with the adoption of ECOSOC resolution 1999/30, which requires the CND to structure its agenda into two distinct sections: a normative section, centered around policy issues and the upholding of treaties; and an operational section, where it exercises its role as the governing body of UNODC.

The UNODC itself was formed in 1997 by the merging of the secretariats of the UN International Drug Control Program and the Centre for International Crime Prevention.⁶ As a governing body, the CND is responsible for administrative and budgetary matters of the UNODC, as well as strategic oversight.⁷ This means that while the CND is not responsible for

1 UNODC, *Information About Drugs*, 2015.

2 UNODC, *A Century of International Drugs Control*, 2008, p. 7.

3 League of Nations, *Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs*, 1933.

4 UNODC, *CND*, 2017.

5 UN ECOSOC, *Resolution on the Establishment of a Commission on Narcotic Drugs (E/RES/9(1))*, 1946.

6 UNODC, *A Century of International Drugs Control*, 2008, p. 9.

7 UN CND, *Annotated Provisional Agenda, 58th Session*, 2014.

the daily operations of UNODC, it is recognized as the central drug policy making organ of the UN, making suggestions as to the direction of UNODC policy and offering guidance on strengthening its programs during sessions concerning the first part of its agenda.⁸

⁸ Ibid

Topic A: Prevention of Illicit Drug Use by Youth

Youth and adolescence is a time for people to undergo many changes, including both physical and psychological development, and it stands to be one of the most pivotal stages of their life. It is a time where influences or different pressures inflict the chance of illicit substance abuse in their lives. The illicit use of both drugs and alcohol affects different facets of our society today, ranging from family life, social stigma and academic standing. The problems amongst youth is seen to be at an all-time high, with findings from several surveys showing that teens are getting involved in drug use as early as the 6th to 8th grade (12–14 years old). This is likened to the decreasing perceived risk of these drugs, which therefore encourages more use.⁹ For example, narrowing down on how these substances affect academic performance shows an utmost and urgent need to invest in our youth and find a resolution. The Centers for Disease Control and Prevention (CDC) found that 9th to 12th graders who received grades of mostly Ds and Fs were twice as likely to be current alcohol users, five times more likely to be current marijuana users, and 13 times more likely to be current cocaine users, compared to students receiving A grades.¹⁰ Therefore, more than ever, it is critical to focus resources and efforts on preventing use before it ever starts. This is not only common sense, but it is cost-effective: for every dollar invested in prevention, up to 10 dollars in treatment for alcohol or other drugs can be saved. Surveys on drug use among the general population consistently show that the extent of drug use among older people remains lower than that among young people. Data shows that peak levels of drug use are seen among those aged 18–25. This issue is more widespread than it might seem and will only continue to worsen if action is not taken.

United States

In the United States, marijuana use sharply increased from 1991 to 1997, from 15% to 30%.¹¹ After that, the rate dropped to 21% in 2008, followed by a rise to almost 26% in 2013. The most recent study, which was conducted in 2014, shows a decline of more than one percentage point.¹² In addition, in the USA, 9 percent of those aged 16–20 years old had a drug use disorder in 2017; this is several multiples higher than the total population average of 3 percent. The desire to fit into a social group can also lead to increased pressure to drink or use drugs. Despite being surveyed and results showing the potential decline in usage, it was evident amongst youth that they saw a decrease in the perceived harm of use, especially when asked about the use of marijuana. About 40 percent of college students report binge drinking. Other drug use, including marijuana and prescription drug abuse, is also of concern. About 25 percent of college students report academic consequences of their drinking, including missing class, falling behind, doing poorly on exams or papers, and receiving lower grades. In addition, college administrators report believing that alcohol

9 DRUGS AND AGE.” Drugs and Age. UNODC, June 2018. WDR18_Booklet_4_YOUTH.pdf.

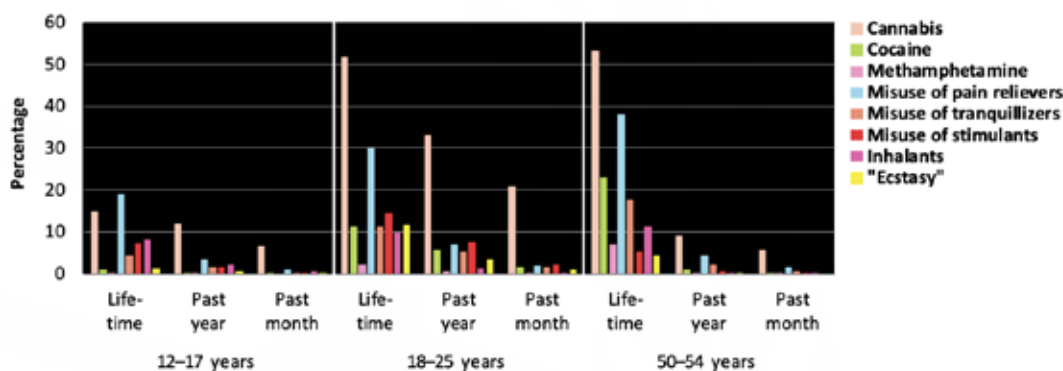
10 “UsoDrogasAmericas ENG-22.” Drug Use In The Americas. Inter-American Observatory on Drugs, 2015.

11 Ibid.

12 Ibid.

specifically was involved in 21 percent of all cases of student attrition.¹³ Reducing substance use behavior among college students requires prevention strategies at the college or university, as well as in the surrounding off-campus community.

FIG. 6 | Prevalence of drug use in the United States of America, by age group, 2017



Source: United States, Substance Abuse and Mental Health Services Administration, Center for Behavioural Health Statistics and Quality, Results from the 2016 National Survey on Drug Use and Health: Detailed Tables (Rockville, Maryland, 2017).

South America

Recent information from the Inter-American Drug Abuse Control Commission (CICAD) and the United Nations Office on Drugs and Crime (UNODC) indicates that substance use among high school students is a major issue of concern in South America. In South America, there is a striking difference between countries that have lower levels of marijuana use: Peru, Ecuador and Venezuela, each with rates of less than 3 percent; and the country with the highest level of use, Chile, which has a prevalence of around 28 percent.¹⁴ The use amongst teens seems to be growing in some part, due to 50 percent of users rating marijuana as an easily accessible drug. In addition, CICAD reports that 9.95 percent of secondary school students across Brazil reported the use of inhalants.¹⁵ A new report has brought to light the rising use of drugs amongst South American high school students compared to their peers in the United States. According to the Organisation of American States (OAS), consumption in South America has generally increased, most notably in Argentina and Uruguay, and less so in other nations like Chile and Brazil. In terms of South American countries with the highest rate of students reporting that they used cocaine in the past year, Chile ranks first, followed by Argentina and Colombia.

Africa

Illicit drug abuse amongst youth in Kenya is growing to become a major public health

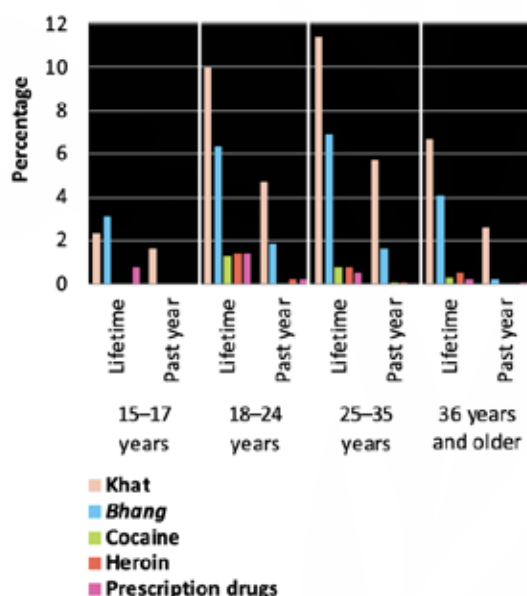
¹³ "Chapter 1. Strengthen Efforts to Prevent Drug Use in Our Communities." National Archives and Records Administration. Accessed November 6, 2019.

¹⁴ "UsuDrogasAmericas ENG-22." Drug Use In The Americas. Inter-American Observatory on Drugs, 2015.

¹⁵ Ibid

issue that both external and governmental bodies need to seriously address. Taking drugs at an early age of 14 or younger greatly increases the risks of drug problems in the future. The main sources of these drugs are usually in low-income areas, such as slums. As a result, young people are exposed to drugs and alcohol at an early age because of the ease of accessibility, availability, and affordability. Half of drug abusers in Kenya are aged between 10-19 years, with over 60 percent residing in urban areas and 21 percent in rural areas. In Kenya, older people report a higher use of established substances such as khat and cannabis, while drugs

FIG. 5 Prevalence of drug use in Kenya, by age group and drug type, 2012



Source: Kenya, National Authority for the Campaign Against Alcohol and Drug Abuse, *Rapid Situation Assessment of the Status of Drug and Substance Abuse in Kenya* (Nairobi, 2012).

that have become available in Africa more recently, such as cocaine and heroin, are reported to be used more frequently among those aged 18-24.

Asia

Emerging evidence, however, reveals this issue is often invisible and suggests that substance use – such as alcohol, tobacco, marijuana, and illicit drug use – among Asian American adolescent girls may not be as low as assumed. Consumption in Asian girls (33.6%) was slightly higher than that of Asian boys (30.6%). These numbers, released in June by the Hong Kong government's narcotics division, show an 18 per cent decline in the total number of drug abusers (from 2,692 to 2,212) in the first quarter of 2017, compared to the same period in 2016.¹⁶ Young people aged under 21 years form the biggest proportion of new

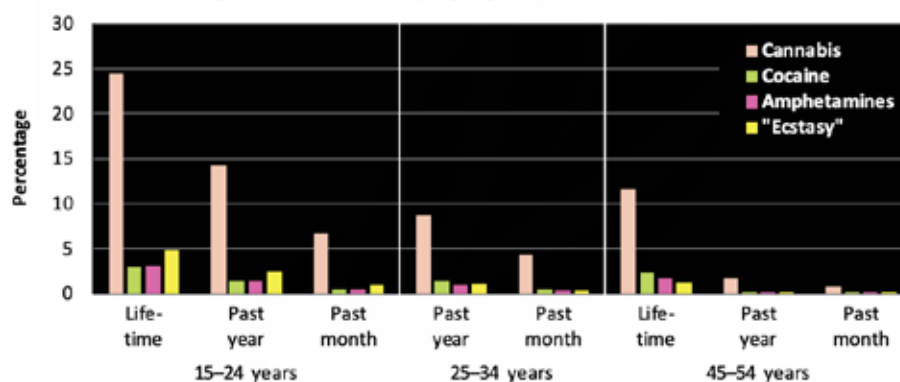
¹⁶ "Drug Use among Local Teens Remains Hidden Because It Is Rarely Addressed." South China Morning Post, July 20, 2018.

drug users (one third of users or about 1,000 teens) according to the 2012 Central Registry of Drug Abuse (CRDA) survey. Although the rates of teen drug use in Hong Kong are lower than in Western countries, there is a significant concern that reported cases are just the tip of the iceberg, as a majority of recreational drug use among local teenagers remains hidden.

Europe

Drug consumption among European youth is not a minor problem: 17.8 million young adults (15–34) used drugs in 2015, according to the European Drug Report of 2016.¹⁷ The same study estimates that cannabis was used in 2015 by 16.6 million young adults—that is, by 13.3% of the age group. In the case of cocaine, the figure was 2.4 million (1.9%). Moreover, it is estimated that 8% of the youngest group (15–24) have used new psychoactive substances at some time. The same source estimates that 24.3 billion EUR was spent in 2013 on illicit drugs in Europe; that there were 1.6 million reported drug offences in 2014; and that at least 6800 overdose deaths occurred that same year.¹⁸ Eighteen percent of European teenagers have attested to having illicit drugs at least once in their lives. By contrast, the rates of lifetime use of cocaine among those aged 15–24 and those aged 45–54 are comparable, while rates of lifetime use of cannabis is much higher among those aged under 35. This may reflect differences in the age of initiation for those substances, as well as different historical levels of use among young people in Europe. In England and Wales, the annual prevalence of drug use was highest in the 20–24 age group for all drug types in the period 2016–2017. For those aged 45 and older, the annual prevalence of drug use was considerably lower.

FIG. 2 | Prevalence of drug use in Europe, by age group, 2017



Source: EMCDDA.

Note: The information represented is the unweighted average of data from the European Union member States, Norway and Turkey, reporting to EMCDDA on the basis of general population surveys conducted between 2012 and 2015.

¹⁷Ayllón, Sara, and Natalia N. Ferreira-Batista. “Unemployment, Drugs and Attitudes among European Youth.”

¹⁸ibid

International Framework

EECA (Eastern Europe and Central Asia)

Countries in the region have both developed and introduced legislations for the prevention of drug usage as well as trafficking, with a direct focus on youth. The several different countries that fall under this bloc have all echoed the sentiment of urgency when it comes to dealing with this issue, which is also evident in their policy work. While all countries have different mediums of finding a solution, they all remain focused on one common goal and seem to be collaborating on the best strategy possible. The approach in this region seems to be raising awareness, promoting a healthy lifestyle, and increasing access to more education on the effects and treatments. For example, in addition to mandatory curricula, EECA countries also deliver optional educational programmes that are developed to take account of local needs, opportunities, and specific contexts.¹⁹ The key to success lies in fostering a caring and open environment where youth are welcome to learn about their actions and then are respectfully allowed to make their decisions.

United States

Prevention efforts are most successful when they involve multiple sectors of a community, such as schools, health and social service systems, law enforcement, faith communities, local businesses, and neighborhood organizations. Some efforts include SAMHSA's Strategic Prevention Framework-State Incentive Grant (SPF-SIG) program, which has contributed to building a national prevention infrastructure.²⁰ The SPF-SIG program helps states and communities implement effective prevention programs using a data-driven, strategic planning process. In total, the program has reached more than 800 communities.²¹ In addition, the National Youth Anti-Drug Media Campaign relaunched its Above the Influence (ATI) campaign aimed at youth, which includes broad prevention messaging at the national level—including television, print, and Internet advertising—as well as more targeted efforts at the local level. Since the relaunch, results from the Media Campaign's year-round tracking study of teens between the ages of 14 and 16 show a significant increase in teens' awareness of ATI messages.²²

Europe

The European Drug Abuse Prevention Trial (EU-Dap) is an experimental evaluation of a school-based drug abuse prevention programme conducted in seven EU countries (Austria, Belgium, Germany, Greece, Italy, Spain, and Sweden). The programme, *Unplugged*, uses a comprehensive social-influence approach to reduce the use of alcohol, tobacco, and

¹⁹ Ibid

²⁰ "UNESCO.org." *Substance Use Prevention in Educational Settings in Eastern Europe and Central Asia*, January 2015, 0–80.

²¹ "Chapter 1. Strengthen Efforts to Prevent Drug Use in Our Communities." National Archives and Records Administration. Accessed November 6, 2019.

²² Ibid

illegal drugs among 12-14 year old students. The results of this approach found that the experimental evaluation of an innovative school curriculum based on a comprehensive social influence approach, indicated persistent positive effects over 18 months for alcohol abuse and for cannabis use, but not for cigarette smoking.²³

UNODC

The three major international drug control treaties, the Single Convention on Narcotic Drugs of 1961 (as 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, are mutually supportive and complementary. The UNODC has an important role in assisting these bodies in performing their treaty-based functions, and in assisting states in the implementation of their obligations under the international drug control treaties.²⁴ In addition, the UNODC also has its own Youth Initiative, which aims to bring young people together and promotes activism in their respective schools. The main goal is to provide a platform for youth to share their experiences and ideas, and to receive support for creating their own substance use prevention and health promotion activities.²⁵

ISSUP

The International Society of Substance Use Prevention and Treatment Professionals (ISSUP) is a global, not-for-profit, non-government organisation that supports the development of a professional prevention and treatment network. It serves as a focal point for information about substance use prevention and treatment.²⁶ ISSUP's contribution is informed by science and research, promoting evidence-based, high quality, and ethical approaches to substance use prevention and treatment. It does this through their unique website, providing access to up-to-date information and support for the substance-use prevention and treatment community.

Tying it Together

When discussing the topic of drugs, the first thing that may come to mind is always in relation to young people. Although many people abuse substances, it is during the younger years where we see the introduction or so-called trigger of drug usage. The level of risk and social pressure attached with drugs are often the secret ingredient of attraction for many young people. Illicit drug use causes problems for all, however, they are used more and riskier when kids are both young and inexperienced. The real question revolves around the word "why": why do people take drugs? The answer is simple. A drug meets certain needs or solves certain problems through its array of effects, whether that be reduced pain or

23 Faggiano, Fabrizio, Massimiliano Panella, et al. "The Effectiveness of a School-Based Substance Abuse Prevention Program: 18-Month Follow-up of the EU-Dap Cluster Randomized Controlled Trial."

24 Rebecca.wabwoba. "United Nations Office on Drugs and Crime." Legal Framework. UNODC, 2019.

25 Stefanie.schmatz. "United Nations Office on Drugs and Crime." youth initiative/main. Accessed November 6, 2019.

26 "GDS 2019 - Key Findings Report." International Society of Substance Use Professionals. ISSUP. Accessed November 6, 2019.

anxiety, pleasure and happiness through intoxication, and most importantly can provide a sense of belonging for many. As time goes on, drugs are becoming more accepted, and young people are growing up in a world where tolerance and oblivion have both seen an immense surge. For example, in 2017, an estimated 271 million people, or 5.5 percent of the global population aged 15-64, had used drugs in the previous year. Although that increase was in part due to a 10 per cent growth in the global population, data now shows a higher prevalence of the use of opioids in Africa, Asia, Europe and North America; and the use of cannabis in North America, South America and Asia when compared to numbers in 2009.²⁷ The most important reason for increasing rates among youth is access. Most youth all over the world are seen expressing how easy it is for them to obtain these illicit substances, which makes them the most vulnerable to this inescapable cycle.

In conclusion, it is not enough to simply condemn usage and spread awareness about the harms. Rather, we need to start to find solutions, foster long lasting relations, and educate. Penalties associated with the use of illicit substances can be harsh, and the general stigma surrounding street youth and illicit drug use represents a significant barrier to reaching and helping these young people. These barriers will only continue to contribute to more problematic use and extend this pressing issue beyond our reach.

Questions to Consider

1. What factors encourage youth to participate and consume illicit substances?
2. What could/needs to be changed about the current acting legislations and prevention plans to find a solution?
3. What role can other UN bodies other than the CND play in order to mitigate the harms or lessen the usage of illicit substances?
4. What additional educational support systems or pilot programs can be introduced?
5. How can the supply of drugs be controlled, if not minimized?
6. How can youth help each other to improve awareness or even help minimize their addictions?

²⁷ World Drug Report, UNODC.

Topic B: Technology in Drug-related Crime

When thinking of the terms technology and drug-related crime together, one tends to think of the issue on a local level in a Western society. Today however, we know that access to the internet has become a much more common thing across the world. Yet one still tends to think of drug trafficking and technology as a correlation only possessed by teenagers in Western societies. In part, this is true, as teens today have greater access to communications systems and the internet to facilitate drug use.²⁸ Almost 90% of teens have access to the internet in the U.S., and through this, they are free to search up and facilitate any of their drug experimenting needs without any regulation.²⁹ However, the importance of the internet and the ability for anyone to be in contact with their drug dealer or have unregulated access to websites selling illicit drugs is becoming a world phenom. Globally, the number of internet users has increased from around 414 million in 2000 to 3.4 billion in 2016.³⁰ With every additional person gaining access to the internet, the stereotype of your local teenager dealing drugs only becomes more global. This background guide will go into further detail describing the importance of the internet in relation to drug-related crimes and provide insight into the dark web, which for years has fostered drug trafficking internationally.

Drugs and narcotics trafficking has always been a serious issue faced by nations all over the world. However, with the development of the internet, globalization and the rapid development of technology in the past century, drug-related crimes have become an overwhelmingly international issue. No longer is drug use a personal and discreet deviance in society; through globalization and new technologies it has resulted in international drug crisis ranging from opioids to cocaine, affecting nations across the world.³¹ As 90% of the world's goods are transported by ships, it has become increasingly difficult for organisations such as the CND to inspect ever-increasing world trade for potential narcotics smuggling.³²

In order to combat the elusiveness and expansion of drug trafficking and drug-related crimes, many nations have invested into narcotics detection equipment to scan cargo ships, while other nations such as Mexico and the Philippines have had a history of using more direct and forceful technology to arrest and kill drug cartels and 'rebels'. The impacts of globalization and the current security and justice systems are discussed separately in greater detail in this background guide.

28 "Teens, Technology, and Drugs: An Inside Look on MedicineNet.com," MedicineNet, MedicineNet, July 19, 2006, <https://www.medicinenet.com/script/main/art.asp?articlekey=62992>.

29 "Drugs and Technology," World Health Organization, World Health Organization, December 7, 2010, <https://www.who.int/healthsystems/topics/technology/en/>.

30 WHO, 2010.

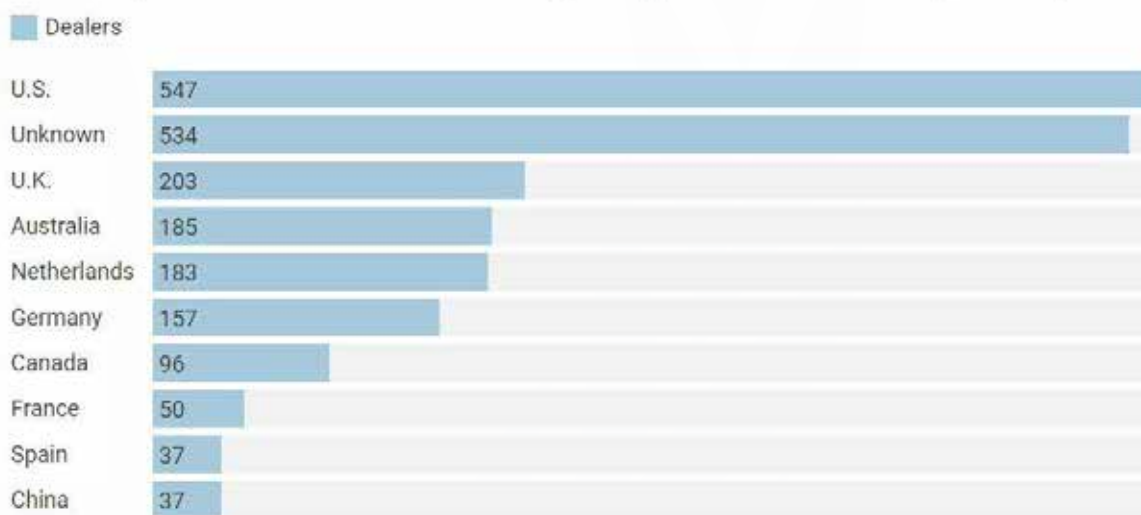
31 "EFFECTS OF GLOBALIZATION, MARKET LIBERALIZATION, POVERTY ON WORLD DRUG PROBLEM AMONG ISSUES RAISED AT ASSEMBLY SPECIAL SESSION | Meetings Coverage and Press Releases," United Nations, United Nations, Accessed November 6, 2019, <https://www.un.org/press/en/1998/19980609.ga9416.html>.

32 Eduardo Porter, "Globalization and the Narcotics Trade," The New York Times. The New York Times, August 2, 2007, <https://www.nytimes.com/2007/08/02/opinion/02iht-edporter.1.6957148.html>.

The Dark Web

The dangers of the dark web can be summarized in one idea: the dark web is the Amazon of drugs. In the past before the invention of the internet, searching for your preferred drug on an online search engine simply was not possible. The dark web and its association with drugs all began with the creation of the Silk Road, one of the first massive dark web drug markets in 2011.³³ These sites and the dark web became highly popular because of their anonymity and natural ability to mask the IP address of the user. This provided an instant advantage over 'street-level' drug trafficking, which was completely public and exposed to the watchful eye of the government.³⁴ Since then, millions across the world have flocked to websites such as the Silk Road to fulfil their daily drug needs. One may simply ask why doesn't the government just shut it down? However, one must realise that these websites are severely underregulated by governments and have been created by computer experts who have masterfully encrypted all data flowing in and out of their websites.³⁵

Self-reported countries of origin by vendors on 'AlphaBay'.



Source: Meropi Tzanetakis *

Today, police spend countless hours of counter surveillance, "trolling" dark web users with the intent of pursuing drug dealers. Investigators instigate in-person deals in the hopes of arresting these drug dealers and thus gaining greater access into their 'ring of the dark web'.³⁶ Law enforcement agencies in the U.S. such as the national crime agency (NCA)

33 Reid Southwick, "Inside the Dark Web Drug Trade with a Calgary Teenager," CBCnews, CBC/Radio Canada. Accessed November 6, 2019, <https://newsinteractives.cbc.ca/longform/the-new-frontier-of-the-drug-trade>.

34 Southwick, 2019.

35 Southwick, 2019.

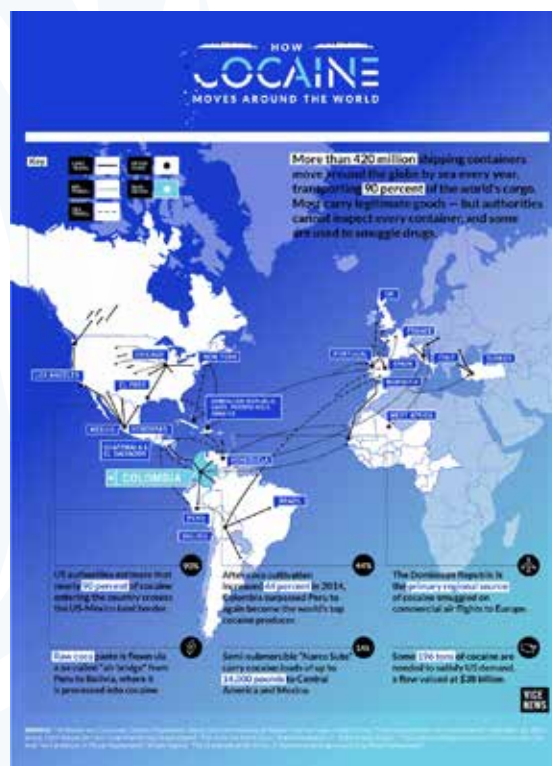
36 Andy Greenberg, "Feds Dismantled the Dark-Web Drug Trade-but It's Already Rebuilding," Wired. Conde Nast, May 9, 2019, <https://www.wired.com/story/dark-web-drug-takedowns-deepdotweb-rebound/>.

and FBI have collaborated in order to infiltrate the dark net.³⁷ Law enforcement relied on the gathering of data in order to identify users. Despite strong counter-surveillance and a multitude of high-status busts by law enforcement, sales across the dark web are expected to rise and the platform continues to remain mostly unregulated by authorities.³⁸ Police officers in the UK who have reported the highest number of amphetamine sales on the dark web have recently been equipped with cybercrime units funded by 9 million British pound dollars.³⁹ Despite this, the efforts of law enforcement have not proven to be enough and much greater and more innovative solutions are needed.

Effect of Globalization

Globalization is a term we all have become familiar with at some point, but its definition is highly complex and ever-changing. Globalization has liberated the flow of goods, capital and services across the world and spurred on technological revolution, which has made transnational trade and communication fast and reliable.⁴⁰ Globalization has resulted in many positive impacts on our lives today, such as the exportation of jobs, technology and resources to areas that we would never have had access to without globalization. However, the expansion of markets and greater reliance on open trade that defines the global economy today has also expanded and worsened drug-related crime.⁴¹ Globalization not only exports goods and services swiftly, it also exports illegal drugs and narcotics illegally across the world. Heroin grown in Afghanistan now has easy access to markets across the world in the U.S.⁴² In fact, the rapid level globalization reached in this short period of time has left a large window of opportunity for drug-related cartels to become transnational drug companies.⁴³

It is important to note that while globalization has provided resources to many



37 Greenberg, 2019.

38 Jennifer Hale, "Dark Web Explained – from Drugs and Guns to the Chloe Ayling Kidnapping, a Look inside the Encrypted Network," The Sun, The Sun, August 2, 2019, <https://www.thesun.co.uk/tech/2054243/dark-web-kidnap-chloe-ayling-encrypted-network-black-death/>.

39 Southwick, 2019.

40 UN. "The globalization of crime: a transnational organized crime threat assessment", UNODC, (2010).

41 UNODC, 2010.

42 UNODC, 2010.

43 Porter, 2007.

developing nations, the ultimate benefactors of global trade have been Western nations.⁴⁴ This, in combination with the rise of drug-related crime all across the world, means that developing nations such as Afghanistan and Peru are suffering the most. What is even more horrendous to consider is that the UN has claimed that “developing nations simply do not have the resources to combat the influx of drug trafficking.”⁴⁵ In addition, the current illegal drug revenue globally is 10 times greater than the aid granted to developing nations by the Official Development Assistance (ODA).⁴⁶ Nations such as Columbia, Peru and Bolivia are responsible for almost all of the world’s supply of cocaine, yet face drug cartels within their own nations that have grown immensely powerful from their international drug trade of cocaine. Similarly, the highly-addictive drug of heroin is now being sold illegally by terrorist organisations such as the Taliban in Afghanistan, in order to finance and support their agenda of terror.⁴⁷

As stated by the UNODC, “advances in technology, transport, and travel have added to the fluid efficiency and speed of the global economy”, but at the same time, has led the transformation of local drug gangs into multinational corporations.⁴⁸ Nearly 420 million shipping containers cross the seas every year and transport over 90% of the world’s goods, but nations simply have not been able to tackle the globalization of the drug trade.⁴⁹ Recent resolutions include the “outcome document” adopted during the UN General Assembly’s special session (UNGASS), which calls for countries to “prevent and counter” drug-related crime by stopping the cultivation, creation and distribution of illicit drugs such as heroin and cocaine.⁵⁰ These resolutions and other declarations of ‘the war on drugs’ by member nations of the UN have been looked unfavourably upon by the UNODC.⁵¹ Despite millions being invested into the prevention and destruction of cocaine and heroin crops at their source, 1/20 people aged between 15 and 64 had used an illicit drug in 2013—an increase of one million from the previous year.⁵²

Despite this, the consequences of transnational drug crime has also spurred on the development and advancement of companies such as the Campbell Security Equipment Company (CSECO), who have designed equipment designed to better track narcotics aboard cargo ships.⁵³ The development and utilisation of narcotics detection equipment as well as other technologies are of greatest importance when discussing this topic. Devices

44 Porter, 2007.

45 UN, “EFFECTS OF GLOBALIZATION”, 2019.

46 Porter, 2007.

47 Porter, 2007.

48 UNODC, 2010.

49 Greenberg, 2019.

50 UNODC, 2010.

51 UNODC, 2010.

52 Porter, 2007.

53 “Narcotics Detection – Using Technology in the War on Drugs,” CSECO. Accessed November 6, 2019, <https://www.cseco.com/NarcoticsDetectionUsingTechintheWaronDrugs>.

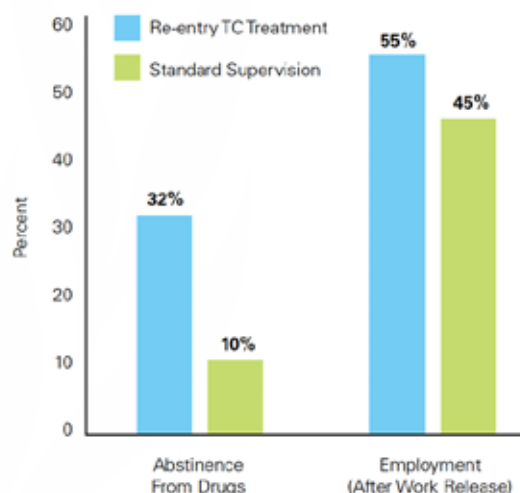
such as the CSECO 'Buster' can be sued by customs agents to detect and identify any illegal contraband.⁵⁴ For nations who have resorted to an increasingly aggressive 'war on drugs', the implementation of said equipment and technology could be very impactful.⁵⁵ Past UN general assemblies and UNODC resolutions have notably neglected mentioning the use and development of such equipment to combat the global drug trade.⁵⁶ Many nations have chosen to neglect the use of technology in combating global drug cartel operations, instead choosing to focus on establishing justice and security agreements and systems.

Justice and Security Systems

Justice and security systems across the world have undergone dramatic changes over time. In the past, most nations tended to rely on military and police forces to arrest and incarcerate people committing drug-related crimes as soon as possible. However today, justice systems have come to realise that punishment alone is not enough to challenge the drug epidemic many nations face and thus, systemic change in the justice department has been prioritised over greater border security to stop the flow of illegal drug trafficking.⁵⁷ The matter of the fact remains that drug-related crimes have more than doubled since the 1980s and thus, drastic change must be undertaken in world justice and security systems.⁵⁸

Today, we have garnered an influx of research that has proven that drug addiction is a treatable disease of the brain. But despite this knowledge, many individuals addicted to drugs simply do not receive treatment. Treating drug-involved people has been the preferred solution to limiting the spread of drug-related crime in many Western nations. For example, almost 50% of all prisoners abuse or are addicted to drugs in U.S. prisons.⁵⁹ Recently, prisons have been granted both voluntary

SUBSTANCE USE OUTCOMES 5 Years After Prison Release



⁵⁴ CSECO, 2019.

⁵⁵ CSECO, 2019.

⁵⁶ UN, "EFFECTS OF GLOBALIZATION", 2019.

⁵⁷ Emily Dufton, "The War on Drugs: Should It Be Your Right to Use Narcotics?," The Atlantic, Atlantic Media Company, March 26, 2012, <https://www.theatlantic.com/health/archive/2012/03/the-war-on-drugs-should-it-be-your-right-to-use-narcotics/254317/>.

⁵⁸ Dufton, 2012.

⁵⁹ National Institute on Drug Abuse, "What Role Can the Criminal Justice System Play in Addressing Drug Addiction?," NIDA, January 2018, <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/frequently-asked-questions/what-role-can-criminal-justice-system-play>.

and forced treatment and rehabilitation programs as part of their sentence.⁶⁰ In addition, the UNODC has emphasised the importance of education within penitentiary systems as vital in reducing recidivism amongst repeating drug-related crime offenders. It is important to understand in many developed nations that drug offenders who have been imprisoned simply have never received the formal education that plays a key role in signifying the risks of substance abuse. The UNODC has even stated that the “excessive use of imprisonment for drug-related offences of a minor nature is indeed ineffective in reducing recidivism” and continued to argue that many studies show that decriminalisation of certain drug-related crimes has had a positive impact on crime rates in developing communities.⁶¹

The prevention of drug-related crime has been one of the UNODC’s top priorities for the past decade. After years of established literature, the UNODC has claimed effective practices such as community policing, community crime data collection, and the reduction of firearms and weapons as effective methods of reducing drug-related crimes in developing nations. As mentioned in the section on globalization, the use of technology amongst security forces could prove to be vital in reducing and hindering the current massive international drug trade. Once again, developing nations must rely on the support and investment of nations such as the U.S. to fully implement the use of narcotics detecting equipment across their borders.⁶²

In recent years, we have witnessed a deeper of militarisation of security systems by nations across the world. One example is the American President Donald Trump’s insistence of heavily militarized border agents to scare off innocent refugees and dangerous Mexican drug smugglers alike. Other examples that have attracted controversial global reactions include the President of the Philippines Rodrigo Duterte’s inhumane and relentless persecution of any persons caught committing drug-related crimes.⁶³ Recent reports by the UNODC show that they have been highly alarmed by these militaristic-type measures, as such acts have resulted in major human rights violations and garnered very little positive results.

Civil conflicts have proven to be highly profitable for terrorist insurgent groups like the Taliban, who despite constantly being in conflict with governments, have been able to raise US\$150 dollars in 2016 from the opiate trade. Columbia, a nation that has experienced waging war against drug rebels, signed a historic peace agreement in 2016 which halted the conflict, and emphasized the need to universalise education in the impoverished areas of Columbia that were most affected by the turmoil. Countries in similar situations should strive for comparable measures to bolster justice and security systems and tackle drug-related

60 NIDA, 2018.

61 UNODC, 2010.

62 Porter, 2007.

63 William Mansell, “Oklahoma Releases Hundred of Prisoners as Part of the State’s Criminal Justice Reform,” ABC News, ABC News Network, November 4, 2019, <https://abcnews.go.com/US/oklahoma-releases-hundred-prisoners-part-states-criminal-justice/story?id=66739580>.

crime.⁶⁴

Infrastructure Development

Most nations across the globe have had prior experience in dealing with drug-related crimes and have devoted entire institutions to this cause. However, we must also identify the current international structures that deal with drugs and narcotics. To begin with, one of the most well-known of these organisations is the UNODC. Recently, the UNODC launched a program in Kazakhstan to counter the terrorist groups in the area that were facilitating a massive drug trade. This initiative has been supported by the European Union and UN Office of Counter-Terrorism, demonstrating the need for developed states and organisations to always be supporting developing nations. The program seeks to develop criminal policy frameworks that prioritise the establishment of recommend prosecution, rehabilitation and reintegration procedures of terroirs convicted of drug related crimes.⁶⁵

The U.S. Transportation Security Administration (TSA) has similarly taken a note out of suggestions made by the UNODC by updating their medical marijuana policy. The TSA has decriminalised the transportation of medical marijuana and individuals are now legally able to carry it in luggage.⁶⁶ Similarly, the U.S. Drug Enforcement Administration (DEA) in 2018, proposed significant regulatory changes.⁶⁷ These changes legalised the production of hem as an agricultural activity in Colorado.⁶⁸ The changes in regulations in the U.S. could prove to be a large normative change globally, as more nations follow in the footsteps of the U.S. in decriminalising ‘petty’ drug related crimes and instead, focusing on the UNODC’s guidelines for treatment and rehabilitation.⁶⁹ However, while the world is promoting new initiatives and systems that follow UNODC guidelines in many aspects, the U.S. still directly challenges the UNODC’s recommendations in other ways.

The U.S. and Mexico are part of a joint coalition to “wage war on the drug cartels and wipe them off the face of the earth”, as stated by President Donald Trump. Mexico and the U.S. have had a long history of cooperation in battling drug-related crime since the Merida Initiative, with the task of tackling drug violence and border security. However, since this coalition, 300,000 drug-related homicides have taken place, and Trump is still demanding

64 Nicholas Casey, “Colombia’s Peace Deal Promised a New Era. So Why Are These Rebels Rearming?,” The New York Times, The New York Times, May 17, 2019, <https://www.nytimes.com/2019/05/17/world/americas/colombia-farc-peace-deal.html>.

65 Zhanna Shayakhmetova, “UNODC Launches Programme to Support Management of Violent Extremist Prisoners in Kazakhstan,” The Astana Times, November 4, 2019, <https://astanatimes.com/2019/11/unodc-launches-programme-to-support-management-of-violent-extremist-prisoners-in-kazakhstan/>.

66 Michael Bartiromo, “TSA Updates ‘Medical Marijuana’ Regulations to Reflect FDA-Approved Drug Containing Cannabidiol,” Fox News, FOX News Network, May 28, 2019, <https://www.foxnews.com/travel/tsa-updates-medical-marijuana-regulations-fda-approved-drug>.

67 “DEA to Propose Significant Regulatory Changes in the Coming Year,” Lexology, October 23, 2018, <https://www.lexology.com/library/detail.aspx?g=140d08c9-797b-4a48-9a86-32de2c6a1ad2>.

68 DEA, 2018.

69 Thomas, Mitchell, “Colorado’s Hemp Program Must Change to Fit USDA Rules,” Westword. 4, November 1, 2019. <https://www.westword.com/marijuana/colorados-hemp-program-must-change-to-fit-usda-rules-11537858>.

for increasingly aggressive measures. In addition, this type of system tasked with stopping cartels at the border has also granted America the hidden advantage of capturing and incarcerating any illegal immigrant crossing the border.⁷⁰

Tying it all Together

In conclusion, our ever-changing world and environment has clearly translated into a complexifying international drug crisis. Technology is no longer something solely enjoyed by Western nations. Thanks to globalization, its rapid introduction in developing nations has many made many aspects of drug-related crime an international issue. No longer are local drug cartels bound by their nation state, their businesses now transcend borders, as illegal drug groups monopolise the production and distribution of drugs such as cocaine and heroin. With their increasing power, many governments now have no choice but to enter into bloody civil war against drug cartels, while other nations have attempted more peaceful means of solving the conflict. Nations with long histories of combating drug-related crime also have a large number of detainees in prisons for drug-related issues. Recent studies and policies around the world have shown the unquestionable benefit of treatment and education as part of the justice system in order to reduce recidivism and ultimately reduce drug-related crime. While physical police raids and drug cartel wars dominate the news headlines, it is important to note that increasing access to the internet in developing nations also proposes the risk of emphatically expanding the dark web market.

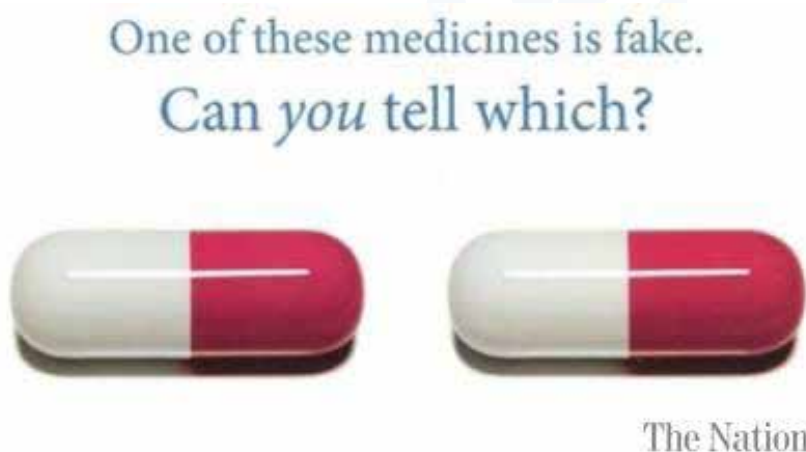
Questions to Consider

1. If globalization and free trade has dramatically increased international drug trafficking, should globalization and open borders be limited to reduce drug trafficking?
2. Should governments consider greater censorship on the internet and promote greater governmental interference on the internet to combat the massive drug market on the dark web? If not, then how else can governments, control and monitor the dark web?
3. Should the international community halt the 'war on drugs' and instead focus on treating and rehabilitating victims of substance use and abuse?
4. What other organisations currently exist that produce and distribute equipment designed for border agents? If so how effective and widespread is their use?

⁷⁰ Suzanne Gamboa, "The U.S. and Mexico Have Waged War on Drug Cartels for Decades. They've Fallen Short," NBCNews.com. NBCUniversal News Group, November 5, 2019, <https://www.nbcnews.com/news/latino/u-s-mexico-have-waged-war-drug-cartels-decades-they-n1076781>.

Topic C: Trafficking in Counterfeit Medical Products

Counterfeit goods are defined as fake replicas of both quality and non-quality goods that are advertised and sold illegally without permission from the owner of the original brand. Contrary to genuine products, counterfeit goods trigger serious environmental, societal, and public health hazards, as they tend to be poorly manufactured and regulated.⁷¹ These products have taken on many different forms, including pharmaceutical medicine, toys for children, designer clothing and accessories, cosmetic products, cigarettes, and alcoholic beverages, among many other goods which are highly demanded throughout the international community. The European Union Agency for Law Enforcement Cooperation estimates that counterfeiting takes up about 2.5% of the world trade, or approximately \$461 billion.⁷² When compared to other forms of criminal activity, counterfeiting is commonly misinterpreted as a “lesser” crime, as many are unaware of its potential risks.⁷³ As a result, criminals involved in the trafficking of counterfeit goods often face very low penalties. Counterfeiting also creates a threat to the formal economy as it fuels capital flow within the black market, leading to a significant loss of revenue for both industries and governments.⁷⁴ This has hindered innovation and diminished the availability of jobs within many countries, especially in the developing world.⁷⁵ Although the production and trafficking of counterfeit goods is a global concern, developing states have experienced a stronger threat than developed states due to their poor law enforcement and weak trade systems, which have been exploited by transnational organized crime groups.⁷⁶ Of particular concern for the Commission on Narcotic Drugs (CND) are counterfeit drugs, which are one of the most common forms of counterfeit products.⁷⁷



71 UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

72 Europol, *Counterfeit Goods*, 2017.

73 UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

74 OECD, *Illicit Trade: Converging Criminal Networks*, 2016.

75 UNIFAB, *Counterfeiting & Terrorism*, 2016, p. 2.

76 Bate, *The Deadly World of Fake Drugs*, *Foreign Policy*, 2009.

77 INCB, *Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances through the Internet*, 2009, p. 2.

Counterfeit drugs pose a serious threat to international public health, yet they remain in high demand, specifically in areas where access to quality medicine is a burden for the majority of the population.⁷⁸ In Africa, for instance, the World Health Organization (WHO) has reported that approximately 100,000 deaths per year result from counterfeit drug consumption. CND has approached this issue by focusing its work on dismantling transnational organized crime groups and addressing drug crime in general.⁷⁹ However, the majority of current global drug policies have placed an emphasis on the broad issue of illicit drugs, without incorporating the problem of counterfeit drugs. With the issue of counterfeit drug trafficking on the rise within the international arena, enhancing the existing framework on drugs is a critical step to be taken by the global community.⁸⁰ Due to the increasing complexity of the issue, global authorities have faced much difficulty when attempting to obtain an accurate amount of data on counterfeiting.⁸¹ Consequently, this limited amount of information has been one of the biggest obstacles for the international community when implementing effective policies to address the trafficking of counterfeit drugs.⁸²

International and Regional Framework

Counterfeit drugs have not received much attention within foundational global drug control treaties, which focus primarily on the production and trafficking of illicit drugs.⁸³ The Hague International Opium Convention (1912), for instance, set forth limitations on the production and international trade of certain substances, particularly opiates, cannabis, as well as cocaine.⁸⁴ The Single Convention on Narcotic Drugs (1961) later introduced a much more diversified list of illegal drugs which would be subject to regulation, but did not address the issue of counterfeit replicas of legal drugs.⁸⁵ As drug crime grew into a more complex issue within the global community, member states established the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) to expand already existing measures set forth within previous drug control policies and raise global awareness on the threat of transnational organized crime groups affiliated with drug trafficking.⁸⁶ This treaty furthermore recognized the necessity to dismantle these groups in order to protect global communities from the dangers of their criminal activities, but it did not explain their role in the production and trafficking of counterfeit drugs.⁸⁷

In 2008, CND adopted resolution 51/13, requesting that Member States coordinate an

78 Sambira, Counterfeit Drugs Raise Africa's Temperature, *UN Africa Renewal*, 2013.

79 UNODC, *CND*, 2017.

80 Sanofi Aventis, *Sanofi-Aventis Takes Action Against Drug Counterfeiting*, 2008.

81 OECD, *The Economic Impact of Counterfeiting and Piracy*, 2007, p. 22.

82 Ibid

83 Transnational Institute, *The UN Drug Control Conventions*, 2015

84 Council on Foreign Relations, *The Global Regime for Transnational Crime*, 2013.

85 Transnational Institute, *The UN Drug Control Conventions*, 2015.

86 Council on Foreign Relations, *The Global Regime for Transnational Crime*, 2013.

87 UNODC, *The International Drug Control Conventions*, 2013, p. 123.

effective response plan to protect global public health.⁸⁸ The following year, CND established the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem (2009), which was adopted by General Assembly resolution 64/182. The Plan of Action requested strengthened member state cooperation against illicit drug trafficking by focusing on cocaine, cannabis, and other narcotic drugs in general, but did not mention the issue of counterfeit drugs. This strategic planning continued during the United Nations General Assembly Special Session on the World Drug Problem (UNGASS 2016), at which member states produced an outcome document called “Our joint commitment to effectively addressing and countering the world drug problem”.⁸⁹ Although counterfeit drugs were not a primary topic of discussion during UNGASS, the session highlighted the importance of implementing new strategies, such as improved data collection and research mechanisms, to counter drug-related crimes. Additionally, UNGASS 2016 reflected the Sustainable Development Goals (SDGs) established in 2015 by General Assembly resolution 70/1, Transforming our World: The 2030 Agenda for Sustainable Development.⁹⁰ SDG number 3, regarding good health and well-being, is closely tied to the issue of counterfeit drugs, as achieving the goal requires equitable access to legitimate medications.⁹¹ Furthermore in 2016, the Human Rights Council adopted resolution 32/15 to address the general issue of access to quality medicine within developing states, but did not specifically mention counterfeit drugs, which are a threat to quality medicine.⁹² CND also recently adopted resolution 60/2 of 2017, which emphasizes the global necessity to help developing states due to the rise of illicit drug trafficking caused by the growing presence of transnational organized crime groups.⁹³

Aside from the global health threat which stems from counterfeit drug trafficking, this crime also imposes a critical problem in terms of intellectual property rights.⁹⁴ In 1994, member states formally recognized the *World Trade Organization Agreement on Trade Related Aspects of Intellectual Property* (TRIPS), which sought to globally standardize the implementation of intellectual property rights law.⁹⁵ Although it did not particularly address the issue of counterfeit drugs, the TRIPS agreement obliged member states to enhance patent protection on all forms of technological advancements, including pharmaceuticals, which caused a significant increase in drug prices within developing states. Member states later adopted the *Doha Declaration* (2001) to improve access to pharmaceutical drugs in developing

88 CND, *Resolution 51/13: Responding to the threat posed by the distribution of international controlled drugs on the unregulated market*, 2008, p. 1.

89 UN General Assembly, *Our joint commitment to effectively addressing and countering the world drug problem (A/RES/S-30/1)*, 2016.

90 UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

91 Ibid

92 UN HRC, *Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/RES/32/15)*, 2016, p. 1.

93 CND, *Resolution 60/2: Strengthening international cooperation to assist the States most affected by the illicit transit of drugs, especially developing countries, based on the principles of common and shared responsibility*, 2017.

94 WIPO, *The Enforcement of Intellectual Property Rights: A Case Book*, 2012.

95 OECD, *The Economic Impact of Counterfeiting and Piracy*, 2007.

regions.⁹⁶ The declaration did not specifically mention the issue of counterfeit drugs, but focused on clarifying the importance of public health when implementing the provisions set forth by TRIPS. ⁹⁷During a 2007 World Intellectual Property Organization (WIPO) General Assembly meeting, member states created the *WIPO Development Agenda*, which focused on strengthening international development through enhanced enforcement of intellectual property rights.⁹⁸ To effectively monitor global progress in order to achieve these goals, the *WIPO Development Agenda* resulted in the creation of the Committee on Development and Intellectual Property, which delivers annual reports to the General Assembly.⁹⁹ In 2009, the WIPO Advisory Committee on Enforcement met to discuss the impact of counterfeiting and piracy to the *WIPO Development Agenda*, highlighting that counterfeiting violates intellectual property rights since it acquires profits from stolen ideas and investments, which destabilizes the global economy altogether.¹⁰⁰ In 2011, Member States adopted the *Anti-Counterfeiting Trade Agreement* (ACTA) to combat counterfeiting and piracy by implementing an enhanced international framework on global trade.¹⁰¹ Similar to previous frameworks, ACTA examines the general issue of counterfeiting as a threat to intellectual property rights rather than a threat to consumers, and does not focus on specific types of goods.¹⁰²

The Market for Counterfeit Drugs

The trafficking of counterfeit goods represents one of the most common forms of transnational organized crime, providing criminals with annual profits of up to \$460 billion.¹⁰³ Compared to other forms of criminal activity, counterfeiting receives a higher amount of social tolerance, as many are not aware of its dangerous consequences. ¹⁰⁴As a result, counterfeit goods are constantly in high demand, which creates an easy and reliable method for transnational organized crime groups to maximize their capital.¹⁰⁵ Despite current intellectual property rights and trade laws, criminals involved in the trafficking of counterfeit goods often face very low penalties as a result of weak legal enforcement.¹⁰⁶ This is a common issue for developing states who lack the capacity to apply these measures, and the relatively low penalties are also an incentive for criminals to target consumers in the developed world.¹⁰⁷ In the United States, criminals involved in counterfeiting drugs face only a maximum fine of \$10,000 and/or three years in prison under the Federal Food, Drug

⁹⁶ WHO, *The Doha Declaration on the TRIPS Agreement and Public Health*, 2017.

⁹⁷ Ibid

⁹⁸ WIPO, *WIPO General Assembly Thirty-Fourth (18th Ordinary) Session (WO/GA/34/16)*, 2007.

⁹⁹ WIPO, *Committee on Development and Intellectual Property (CDIP)*, 2017.

¹⁰⁰ WIPO, *Advisory Committee on Enforcement: Fifth Session (WIPO/ACE/5/4 Rev)*, 2009, p. 2.

¹⁰¹ USTR, *Anti-Counterfeiting Trade Agreement*, 2017.

¹⁰² European Commission, *Anti-Counterfeiting Trade Agreement*, 2010.

¹⁰³ Klara, *Counterfeit Goods are a \$460 Billion Industry, and Most Are Bought and Sold Online*, *Adweek*, 2017.

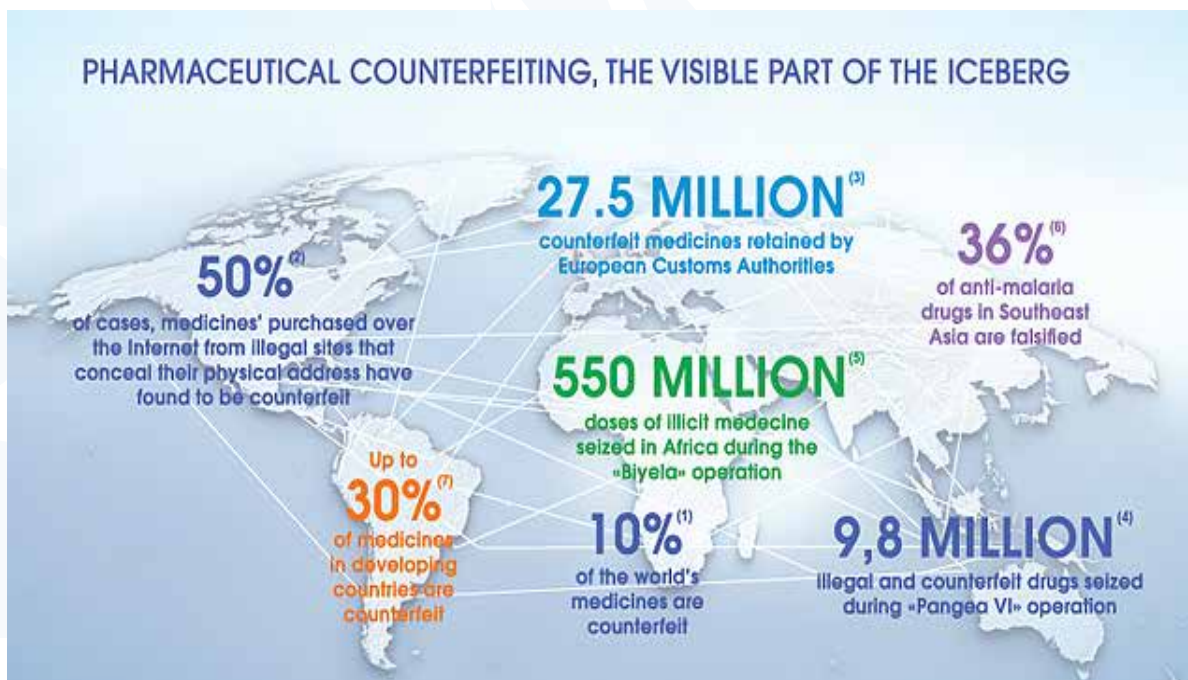
¹⁰⁴ UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

¹⁰⁵ Ibid

¹⁰⁶ Lewis, *The Fake and the Fatal: The Consequences of Counterfeits*, 2009.

¹⁰⁷ Ibid

and Cosmetic Act, which has not been modified by the national government since 1938.¹⁰⁸ This low risk combined with high profits makes counterfeit drugs an attractive option for transnational criminals.¹⁰⁹



Counterfeit drugs are one of the most demanded counterfeit goods.¹¹⁰ Counterfeit drugs are advertised to treat a wide variety of different health conditions, including diabetes, schizophrenia, depression, high blood pressure and cholesterol; there are also fraudulent forms of lifestyle medications which consumers purchase for weight loss or sexual dysfunction.¹¹¹ Their availability is a growing threat to public health as they are easily obtainable through a variety of different platforms, including illegal online pharmacies and unregulated markets.¹¹² Consumers, who are often deceived into thinking that they are purchasing quality medical products, are drawn by the cheap prices of fraudulent drugs and the convenience of buying them without a prescription.¹¹³ However, these perceived benefits are accompanied by serious health risks, which could include liver damage, irreversible health issues, or even death.¹¹⁴ Counterfeit drugs which are sold to treat life-threatening diseases, such as malaria and tuberculosis, are prominent in sub-Saharan Africa and have

¹⁰⁸ Blackstone, et al., *The Health and Economic Effects of Counterfeit Drugs*, 2014.

¹⁰⁹ Ibid.; IRACM, *Organised Crime*, 2013.

¹¹⁰ Behner et al., *Fighting counterfeit pharmaceuticals: New defenses for an underestimated – and growing – menace, Strategy&*, 2017.

¹¹¹ UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

¹¹² Ibid

¹¹³ UNICRI, *Counterfeit Medicines and Organised Crime*, 2012, p. 60.

¹¹⁴ Europol, *Counterfeit Products: Why Buying Fakes Can Be Bad For Your Health (And More)*, 2017.

caused avoidable deaths of patients.¹¹⁵ Furthermore, counterfeit drugs affect the world disproportionately; approximately 30% of pharmaceutical products available in developing countries have been identified as fraudulent compared to only one percent in developed countries.¹¹⁶ A medical study conducted in 2012 determined that the pervasiveness of counterfeit drugs within developing regions is triggered by a lack of global consensus on the general definition of counterfeit and poor quality medicine, in addition to the fact that existing international drug frameworks have not implemented specific policies which focus on drug sampling and testing mechanisms.¹¹⁷ Weak drug regulatory systems, which are exploited by transnational criminals, is also a common issue that affects approximately one third of all countries within the international community.¹¹⁸

Counterfeit Drugs in Nigeria

The recurring issue of instability and political corruption in many West African countries has contributed to the region's poor systems of drug control, allowing transnational criminals to easily smuggle counterfeit pharmaceuticals across borders.¹¹⁹ In 1989, 150 children in Nigeria died after consuming counterfeit paracetamol syrup.¹²⁰ Surrounding countries, including Ghana and Sierra Leone, responded to this by officially prohibiting the sale all medication produced in Nigeria.¹²¹ As a result, Nigeria created its National Agency for Food and Drug Administration and Control (NAFDAC) in 1993, which works under the Nigerian Ministry of Health to monitor the production, importation, exportation, marketing, and distribution of goods, which include food, drugs, cosmetics, medical tools, and chemicals.¹²² Although NAFDAC's work has contributed to improved surveillance of Nigerian seaports over the years, the trafficking of counterfeit goods continues to be a serious issue within the country's borders; counterfeit drugs are still available for consumers to purchase at stores and open air markets.¹²³ Moreover, as the majority of Nigerian consumers cannot afford the expensive prices of authentic medicines sold at pharmacies, many have been inclined to purchase counterfeit drugs from unlicensed drug vendors.¹²⁴

115 Global Initiative Against Transnational Organized Crime, *Illicit Trade: Undermining Development*, 2015; UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

116 UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

117 Global Initiative Against Transnational Organized Crime, *Illicit Trade: Undermining Development*, 2015, p. 14.

118 Behner et al., *Fighting counterfeit pharmaceuticals: New defenses for an underestimated – and growing – menace*, *Strategy&*, 2017.

119 UNODC, *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment*, 2009, p. 6.

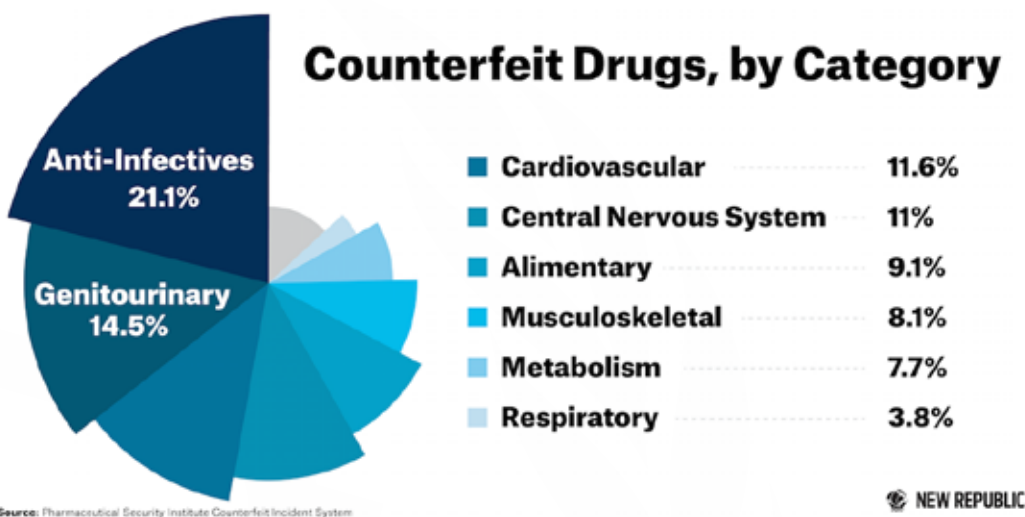
120 Amadi & Amadi, *Sustainable Drug Consumption, Regulatory Dynamics and Fake Drug Repositioning in Nigeria: A Case of NAFDAC 1999-2007*, 2014, p. 415.

121 Ibid

122 Chinwendu, *The fight against fake drugs by NAFDAC in Nigeria*, 2008, pp. 3-6.

123 Sambira, *Counterfeit Drugs Raise Africa's Temperature*, *UN Africa Renewal*, 2013.

124 Ibid



NAFDAC has made several attempts to address this problem by seizing the inventories of these unlicensed vendors, but organized crime groups began to use violent tactics to protect their business by burning NAFDAC's labs and sending threats to the agency's former director. Since then, NAFDAC has found that educating the public on the dangers of counterfeit drugs serves as a much more effective approach to the issue than targeting fraudulent sellers.¹²⁵ The agency has launched various public awareness campaigns throughout Nigeria to warn potential buyers of fraudulent medicines of the health risks associated with these products. NAFDAC has also focused on creating new strategies to improve the surveillance of drug manufacturing in producing countries prior to their export to Nigeria. These efforts have ultimately contributed to an estimated 90% decrease in the reported incidence of counterfeit drugs in Nigeria since 2001.¹²⁶

Role of International System

The global effort to mitigate the issue of counterfeit goods has been led by various international organizations, as well as UN committees and agencies, including CND, the United Nations Office on Drugs and Crime (UNODC), WHO, and the International Criminal Police Organization (INTERPOL).¹²⁷ Member states that have been severely affected by the rise of counterfeiting and piracy have also partnered with WIPO, INTERPOL, and the World Customs Organization to strengthen the enforcement of the policies set forth by TRIPS.¹²⁸ As a governing body of UNODC, CND has approached the general issue of counterfeiting by focusing on transnational organized crime groups who are the principal actors behind the trafficking of illicit goods.¹²⁹ In 2014, UNODC launched an anti-counterfeiting campaign

¹²⁵ Akunyili, *Lessons from Nigeria: The Fight Against Counterfeit Drugs in Africa*, 2006, p. 43.

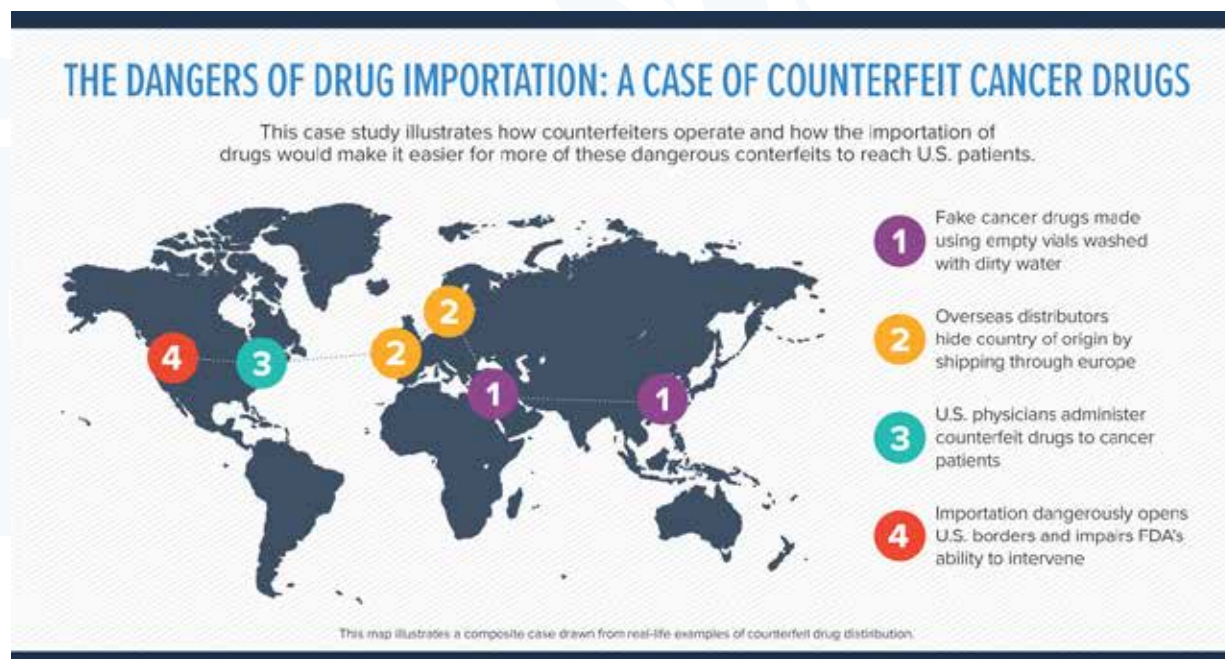
¹²⁶ Ibid

¹²⁷ Mackey, *Global Governance and Diplomacy Solutions for Counterfeit Medicines*, 2013.

¹²⁸ OECD, *The Economic Impact of Counterfeiting and Piracy*, 2007, p. 8

¹²⁹ UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013; UNODC, CND, 2017.

entitled “Counterfeit: Don’t Buy Into Organized Crime” to spread international awareness on the dangers associated with counterfeit goods.¹³⁰ In addition to identifying the role of transnational organized crime, the campaign provides information to educate the public on the negative health effects that result from consuming counterfeit drugs.¹³¹ The campaign’s public service announcement was successful in reaching a large audience worldwide after having been frequently broadcasted within various national television channels.¹³²



INTERPOL leads numerous large-scale operations to help protect communities from counterfeit goods.¹³³ Of the six current INTERPOL projects which specifically target counterfeit drugs, the organization’s flagship operations, Operation Storm, Operation Mamba, and Operation Pangea, are concentrated within Western, Eastern, and Southern Africa; Southeast Asia; as well as within illegal online platforms. In particular, Operation Pangea focuses on disrupting the online sales of counterfeit drugs by identifying the Internet Service Providers hosting the platforms and the payment and delivery methods used by transnational criminals. An operation in June 2015 shut down 2,410 illegal online pharmacies and seized 20.7 million fake medicines, diverting \$81 million from the illicit sellers.

In addition to its connection with transnational organized crime and the illicit drug trade, the issue of counterfeit drugs has serious health implications for persons who use

130 UNODC, *New UNODC campaign raises consumer awareness of links between organized crime and \$250 billion a year counterfeit business*, 2014.

131 UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

132 UNODC, *UNODC campaign recognized for raising awareness among consumers about organized crime and counterfeiting*, 2014.

133 INTERPOL, *Operations*, 2017.

false medicines.¹³⁴ The creation of the International Medical Products Anti-Counterfeiting Taskforce (IMPACT) was an attempt to mitigate the threat of counterfeit drugs to international public health.¹³⁵ The project was initially introduced within the *Declaration of Rome* (2006), which sought to implement an effective global strategy against counterfeit drugs.¹³⁶ The declaration addressed the principal objectives of the IMPACT initiative, which included the possibility of creating a future international convention to enhance the existing framework against counterfeit drug trafficking. However, IMPACT received widespread criticism for not having much of an influence on the global community, largely due to conflicts of interests of Member States.¹³⁷ As a result, the World Health Assembly (WHA) replaced IMPACT with the Member State Mechanism (MSM) in 2012.¹³⁸ MSM aims to unify member states by prioritizing the importance of public health throughout all of its operations rather than intellectual property, which had been a major cause of disagreement during IMPACT negotiations.¹³⁹

MSM holds meetings once per year, prioritizing its work in the protection of global public health by implementing ways to enhance global surveillance mechanisms and coordinating response plans to tackle the issue of counterfeit drugs.¹⁴⁰ At the 70th WHA meeting held in May 2017, member states agreed to commence using the term “Substandard and Falsified medical products” when referencing counterfeit pharmaceutical products within all future MSM projects, keeping its work focused on public health concerns rather than intellectual property rights.¹⁴¹ MSM has benefited from the data collected by its regional working groups, which monitor the progress of MSM activities within affected areas and provide new recommendations for implementing global strategies against counterfeit drugs.¹⁴² WHO recently published a detailed review of MSM’s work to assess the quality of its projects and examine its challenges.¹⁴³ In the review, WHO found that the MSM remains heavily under-resourced as its work has not been prioritized within the international agenda, despite its success in providing an effective global platform for member states to collaborate against counterfeit drugs.¹⁴⁴ Furthermore, WHO also identified that this particular challenge causes a significant delay in the majority of projects coordinated by the MSM.

134 WHO, *Review of the Member State mechanism on substandard/spurious/falsely-labelled/falsified/counterfeit medical products*, 2017, p. 3.

135 Mackey, *Global Governance and Diplomacy Solutions for Counterfeit Medicines*, 2013; WHO, *International Medical Products Anti-Counterfeiting Taskforce*, 2011, p. 9.

136 International Conference on Combatting Counterfeit Medicines, *Declaration of Rome*, 2006.

137 Mackey, *Global Governance and Diplomacy Solutions for Counterfeit Medicines*, 2013.

138 Ibid

139 WHO, *WHO Member State Mechanism*, 2017.

140 Ibid

141 WHO, *Definitions of Substandard and Falsified (SF) Medical Products*, 2017.

142 PAHO, *Introduction for SSFFC medical products*, 2013; WHO, *WHO Member State Mechanism*, 2017.

143 WHO, *Review of the Member State mechanism on substandard/spurious/falsely-labelled/falsified/counterfeit medical products*, 2017, p. 3.

144 Ibid

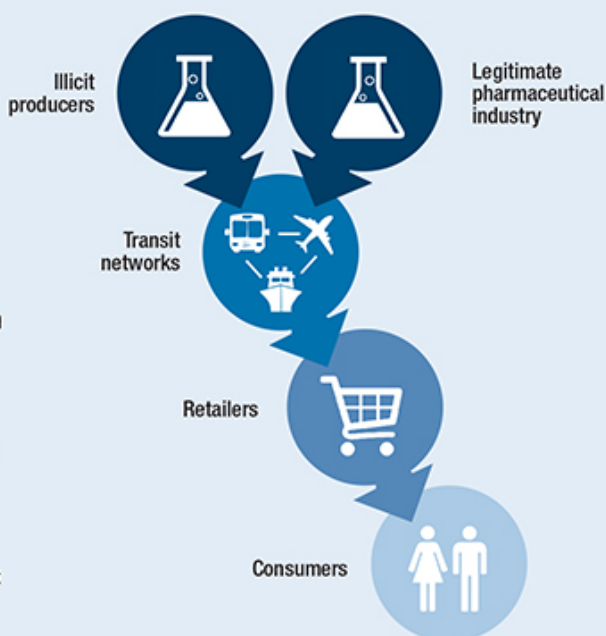
The Counterfeit Pharmaceutical Supply Chain

Many counterfeit and substandard drugs are produced overseas, often in Southeast Asia, China, India, Nigeria, Russia, Mexico, Brazil and Latin America. Growing anecdotal evidence suggests that many substandard and “gray” pharmaceuticals are being produced in Western industrialized countries.

Both licit and illicit products are funneled into the legitimate supply chain through freight forwarders, shipping companies, importers, diverters, tertiary and secondary wholesalers, and individual and online purchasers.

Products may end up on the shelves of local pharmacies and legitimate online retailers, or may be marketed directly to consumers via phony internet pharmacies or through personal black markets.

Patients may either unknowingly purchase counterfeit drugs from a legitimate retailer, or knowingly purchase illicit products at cut rate prices through the black market.



Source: The Stimson Center, “Counterfeit Drugs and National Security”

Tying it Together

Counterfeit drugs are one of the most common and highly demanded forms of counterfeit goods and are a serious threat to international public health.¹⁴⁵ Despite the amount of current policies in place which have addressed the general issue of trafficking of illicit drugs, a variety of factors have contributed to the growing issue of counterfeit drug trafficking within the global community. Many global drug policies do not focus on the issue of counterfeit drugs, as crime involving the trafficking of illicit drugs is usually perceived as a higher priority by many member states.¹⁴⁶ As a result, many countries have set very low criminal penalties against those involved in counterfeit drug trafficking. In addition, the controversial debate on the global definition of counterfeit drugs has prevented the international community from establishing a solid framework against the issue.¹⁴⁷ This has sparked a conflicts of interest between member states and fueled debates that have focused on counterfeit drugs as a violation of intellectual property rights rather than as a global public health hazard.¹⁴⁸ According to the INCB, effective international cooperation is necessary in order for nations to implement stronger policies against the threat of counterfeit drugs.¹⁴⁹

¹⁴⁵ UNODC, *Focus On The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, 2013.

¹⁴⁶ IRACM, *Reinforcing the Criminalisation of Fake Medicine Trafficking: A Legislative Priority Worldwide*, 2017.

¹⁴⁷ WHO, *Combatting Counterfeit Drugs: A Concept Paper for Effective International Collaboration*, 2005, p. 2.

¹⁴⁸ Ibid

¹⁴⁹ NCB, *Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances through the Internet*, 2009, p. 12.

Questions to Consider

1. What steps can CND take in order to mitigate the issue of counterfeit drugs?
2. What can be done to spread awareness of the security and public health risks associated with counterfeit drugs?
3. How can member states incorporate new policies which explicitly address trafficking and production of counterfeit goods, specifically counterfeit drugs?
4. What are some specific actions that can be taken by the international community to address illegal online pharmacies?

Advice for Research and Preparation

As previously mentioned, this background guide should be used as a starting point to establish a basic understanding of the issues being debated and the direction in which this committee's discussions will proceed. Delegates are highly encouraged to conduct more immersive research into their respective countries and take into account the differing stakeholders' points of view.

The best thing you can do to prepare for this conference is familiarize yourself with the UTMUN procedures. Even if you have been a delegate at the conference before, it is always safe to go over the procedures since they might have changed from past years. Plus, being familiar with the procedure makes your first time at UTMUN much less stressful. In addition to familiarizing yourself with the basic guidelines and procedure of the conference, you should research both your country and the topics a bit more, so when you are at the conference, you have a lot to offer to your fellow delegates.

In terms of researching your country, first acquaint yourself with your country's government and global allies. This will make it much easier to draft resolutions as well as think on your feet during caucus. Ideally, you should have a brief overview of your country at hand, with general indicators of your country's position on the issues presented in this committee. This will be very helpful—trust me. Otherwise, look into your country's affiliation with any global and national drug-related decisions or treaties, research the current international and national drug problem and make a note of the relevant facts which could be useful in building both your arguments and resolutions.

As for the topics, please refer to the sources provided to you in this background guide, and you are always welcome to go beyond the sources provided here. These will be helpful for you once you have done some research on your country, since they are going to help frame your country in the context of development. If you are a last minute preparee, do not fret. Perhaps you had a million things due at the last second and a tournament all weekend—that's ok! I do not encourage this, since if all of you do it, the committee will be quite dry and stagnant, and nobody wants that. But I will offer a word of advice to the last-minute scramblers: Wikipedia is alright, but only if you are using the sources it provides you with, not the actual text. The sources at the end of each section should give you a basic understanding of whatever you are researching. But please use this information wisely! For your convenience, we have included some useful links below sorted by topic. You are strongly encouraged to conduct your own independent research on your own nation as well, as it will be vital to understanding your foreign policy. Additionally, please make use of the bibliography of this document should you wish to delve deeper into the general topic matter. If you are interested, the UN website has a variety of past resolutions which are a good source of information for your own possible resolutions or general background information.

Delegates, if you have any questions or concerns at any time, please feel free to contact the Director, Aadam Dadhiwala, at aadam.dadhiwala@mail.utoronto.ca. We as the staff are here to make your experience at UTMUN as pleasant as possible. Moreover, we

would be more than happy to guide you at any stage of your research. We hope to see you soon!

Topic A Key Resources

Ritchie, Hannah, and Max Roser. "Drug Use." Our World in Data, March 16, 2018. <https://ourworldindata.org/drug-use>.

This academic work is a great place to start understanding the usage of drugs in our world today, as well as begin to recognize any helpful patterns. It breaks down several definitions and types of substance abuse amongst different age groups.

"Global Drug Survey." GDS Survey launching. Global Survey, 2019. <https://www.globaldrugsurvey.com/>.

This resource includes both informative articles and short video clips that sum up drug usage in various different countries, with material exclusively on youth drug disorders.

YouTube. YouTube, April 1, 2019. <https://www.youtube.com/watch?v=CLOq85Abzcw>.

Monitoring the Future (MTF) is an annual survey of 8th, 10th, and 12th graders conducted by researchers at the University of Michigan. This video is a concise, yet extremely insightful infographic that will give you the necessary background information to become familiar with the topic.

Topic B Key Resource

Porter, Eduardo. "Globalization and the Narcotics Trade." The New York Times. The New York Times, August 2, 2007. <https://www.nytimes.com/2007/08/02/opinion/02iht-edporter.1.6957148.html>.

The above article by the New York Times goes into great detail highlighting the effects of globalization on drug trafficking and drug-related crimes all across the world. This article covers a wide range of places across the world and how many nations, such as Columbia and Afghanistan, have been changed by the effects of globalization.

YouTube. May 24, 2019. <https://www.youtube.com/watch?v=wLYbCKqRD0Q>.

This video explains recent legislation in Singapore which promotes the use of technology for both drugs and narcotics detection, as well as the use of applications designed for educational purposes. This application developed and supported by the government demonstrates how states can design applications that have multidimensional uses in serving police officers as tools or educating children in schools.

Greenberg, Andy. "Feds Dismantled the Dark-Web Drug Trade-but It's Already

Rebuilding.” Wired. Conde Nast, May 9, 2019. <https://www.wired.com/story/dark-web-drug-takedowns-deepdotweb-rebound/>.

This article is a great read for those having difficulty understanding why law enforcement has had very little success in tackling drug trade on the dark web.

National Institute on Drug Abuse. “What Role Can the Criminal Justice System Play in Addressing Drug Addiction?” NIDA, January 2018. <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/frequently-asked-questions/what-role-can-criminal-justice-system-play>.

This concise report argues for a change in judicial systems all across the world. It emphasizes that judicial systems must focus on treatment and rehabilitation as part of their sentencing for people convicted for drug-related crimes, as it ultimately reduces recidivism.

Topic C Key Resources

Akunyili, D. (2006). Lessons from Nigeria: the fight against counterfeit drugs in Africa. *Diabetes Voice*, 5(3): 41- 43. Retrieved 18 August 2017 from: <http://apps.who.int/medicinedocs/documents/s18404en/s18404en.pdf>

The above article by the former Director of NAFDAC provides a detailed overview on the issue of counterfeit drugs in Nigeria. This source provides a clear picture of the progress and various strategies that Nigeria has made in addressing the issue over the years following the creation of NAFDAC. Moreover, this will help broaden delegates’ overall understanding on how the issue of counterfeit goods has been addressed at a domestic level.

International Narcotics Control Board. (2009). *Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances Through the Internet*. Retrieved 1 August 2017 from: https://www.incb.org/documents/Narcotic-Drugs/Guidelines/internet/NAR_guide_Internet_guidelines_English.pdf

This report invites states to take necessary preventative measures against the sale of counterfeit pharmaceuticals via online e-pharmacies. The information provided in this report will assist delegates as it includes references to previous international treaties which focus on drug control. By analyzing these treaties, delegates can identify ways in which current drug policies can be enhanced to mitigate the threat of counterfeit drugs.

International Criminal Police Organization. (2017). *Millions of medicines seized in largest INTERPOL operation against illicit online pharmacies*. Retrieved 31 October 2017 from: <https://www.interpol.int/News-and-media/News/2017/N2017-119>

This article provides an overview of the most recent operation launched by INTERPOL against the online trafficking of counterfeit drugs. Aside from providing the statistics that were acquired as a result of the operation, the article includes a list of the participating

countries that collaborated with INTERPOL and contributed to the seizure of millions of counterfeit drugs. This source will be useful in considering the role of INTERPOL and its current operations against counterfeit drugs.

Sambira, J. (2013, May). Counterfeit Drugs Raise Africa's Temperature [News Article]. Retrieved 1 August 2017 from: <http://www.un.org/africarenewal/magazine/may-2013/counterfeit-drugs-raise-africa%E2%80%99s-temperature>

This article summarizes the impact of counterfeit drugs within various countries in West Africa. This document will be useful as it focuses on the impact of counterfeit drug trafficking in a regional perspective.

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