

FUNDAMENTAL TADQIQOTLAR JURNALI

ЖУРНАЛ ФУНДАМЕНТАЛЬНЫХ ИССЛЕДОВАНИЙ | JOURNAL OF FUNDAMENTAL STUDIES

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REGIONAL ORGANIZATIONS WORKING TO PREVENT DRUG TRAFFICKING IN LATIN AMERICA

ANNOTATION

This scientific article is devoted to the peculiarities of the integration processes of Latin American countries in combating illegal drug trafficking, as well as in the territories of those countries that are, to one degree or another, participants in the mechanisms of drug trafficking in the Latin American region.

The article used scientific and educational literature, official documents in English and Spanish, journal articles from leading domestic and foreign publications in the field of international relations, research papers by foreign authors on the issue of drug trafficking, publications by renowned international scholars in the field of regional integration policy, as well as Internet resources of Latin American countries dedicated to anti-drug programs and projects of states to combat the spread of illegal substances.

Key words: narcotic drugs, illegal trafficking, General Assembly, UN, INCB, Interpol, OAS, OECS, ECOSOC, Latin America, Interpol, World Customs Organization.

LOTIN AMERIKASIDA GIYOHVANDLIK VOSITALARNING NOQONUNIY MUOMILASINING OLDINI OLIHDA FAOLIYAT YURITUVCHI MINTAQAVIY TASHKILOTLAR

ANNOTATSIYA

Ushbu ilmiy maqola Lotin Amerikasi mamlakatlari, shuningdek, u yoki bu darajada Lotin Amerikasi mintaqasida giyohvandlik vositalarni noqonuniy savdosi mexanizmlarining ishtirokchisi bo'lgan mamlakatlar hududlarida giyohvandlik vositalarning noqonuniy muomilasiga qarshi kurashda integratsiya jarayonlarining o'ziga xos xususiyatlariga bag'ishlangan.

Maqolada ilmiy va o'quv adabiyotlari, ingliz va ispan tillaridagi rasmiy hujjatlar, xalqaro munosabatlar sohasidagi yetakchi mahalliy va xorijiy nashrlarning jurnal maqolalari, giyohvand moddalarning noqonuniy aylanishi muammosiga bag'ishlangan xorijiy mualliflarning ilmiy maqolalari, mintaqaviy integratsiya siyosati sohasidagi taniqli xalqaro olimlarning nashrlari, shuningdek Lotin Amerikasi davlatlarining internet-resurslari giyohvandlikka qarshi dasturlar va davlatlarning giyohvandlik vositalarning noqonuniy tarqalishiga qarshi kurashish loyihalariga bag'ishlangan.

Kalit so'zlar: giyohvandlik vositalari, noqonuniy savdo, Bosh Assambleya, BMT, INCB, Interpol, ADT, NMNQXK, EKOSOS, Lotin Amerikasi, Interpol, Jahon bojxona tashkiloti.

РЕГИОНАЛЬНЫЕ ОРГАНИЗАЦИИ, РАБОТАЮЩИЕ ПО ПРЕДОТВРАЩЕНИЮ НЕЗАКОННОГО ОБОРОТА НАРКОТИКОВ В ЛАТИНСКОЙ АМЕРИКИ

АННОТАЦИЯ

Данная научная статья посвящена особенностям интеграционных процессов стран Латинской Америки по противодействию незаконному обороту наркотиков, а также на территориях тех стран, которые являются в той или иной степени участниками механизмов наркоторговли в латиноамериканском регионе.

В статье использовались научная и учебная литература, официальные документы на английском и испанском языках, журнальные статьи ведущих отечественных, а также зарубежных изданий в области международных отношений, исследовательские работы иностранных авторов по проблематике наркотрафика, публикации известных учёных международных экспертов в области интеграционной политики региона, а также Интернет-ресурсы стран Латинской Америки, посвященные антинаркотическим программам и проектам государств по борьбе с распространением незаконных веществ.

Ключевые слова: наркотические средства, незаконный оборот, Генеральная ассамблея, ООН, МККН, Интерпол, ОАГ, ОБКГ, ЭКОСОС, Латинская Америка, Интерпол, Всемирная таможенная организация.

International coordination and cooperation are critical to combating the threat posed by drug trafficking. Since the last decades of the 20th century, cooperation between states in the fight against illicit drug trafficking has been carried out with the decisive role of UN bodies.

The UN Economic and Social Council (ECOSOC) Commission on Narcotic Drugs is the main intergovernmental body developing policy and coordinating activities in the field of drug control [1].

As noted by E.V. Baturin, a doctoral student at the Department of National and Federal Relations at RANEPA: “One of the main areas of the Commission’s activities in accordance with UN General Assembly Resolution 46/152 of December 18, 1991, is the coordination of efforts by states in the fight against illegal drug trafficking” [2].

The International Narcotics Control Board (INCB) is an independent and quasi-judicial body that monitors implementation of the drug control treaties. The Board was established by the Single Convention of 1954 and began functioning in 1968.

Technically, the structure is independent from governments as well as from the United Nations. The Committee has the authority to assess legitimate scientific and medical needs for controlled substances based on an initial assessment by Member States and then allocates quotas among Parties to prevent the diversion of drugs from licit sources into illicit networks.

It also monitors compliance with the provisions of the drug control conventions. Issues requiring resolution can be brought up for discussion at various levels, from individual states to the UN General Assembly [3].

INCB itself has no mandate to enforce these conventions. In recent years, the Committee has taken a more active role, publishing reports on trends in drug trafficking and use, monitoring precursor chemicals under the 1988 Convention, and commenting publicly on developments in Member States.

The United Nations Office on Drugs and Crime (UNODC) is the leader in the fight against drugs and international crime and is responsible for implementing the United Nations counter-terrorism programme.

According to the organization's special report: "Founded in 1997 through the merger of the United Nations International Drug Control Programme and the Centre for International Crime Prevention, UNODC now has approximately 500 staff worldwide" [4].

According to E.V. Baturin: “In the new conditions, the main attention is paid to those regions of the world where organized transnational crime represents a serious problem, since its structure and dynamics have undergone significant changes in recent years” [5].

“The Department noted that one of these regions is Latin America: along with the high level of drug trafficking, the number of crimes related to illegal drug trafficking has increased,” the author emphasizes the problem.

According to the candidate of economic sciences, V.V. Komarov: “UNODC provides assistance to law enforcement agencies in intercepting illegal drug trafficking and prosecuting it within the framework of cooperation with Interpol and the World Customs Organization, exchanging information on global trends in the field of illegal drug trafficking and methods of smuggling” [6].

Thus, the UN experience over the past decade shows that the multifaceted nature of the problem requires a comprehensive, multidisciplinary approach that will include targeted law enforcement efforts to eliminate organized crime, strengthen health systems and sustainable development, based on the drug control conventions, laws, principles and standards of the states of the world in the field of human rights.

Let us recall that the health and well-being of all humanity are the fundamental elements of the three international drug control conventions.

The Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC), Alicia Bárcena Ibarra, said at one of the many conferences devoted to the challenges of Latin America: “Security is one of the main concerns of our authorities and citizens, and it is inextricably linked to the production, transportation and sale of drugs” [7].

According to Ms. Barcena, the lack of security in the region, influenced by drug trafficking, has led to the destruction of the social structure, segregation and isolation.

She also believes that just as drug trafficking, violence and crime are both a cause and a consequence of poverty, insecurity and underdevelopment, crime and violence limit democracy and freedom and reduce the quality of life of citizens.

Security cooperation in Latin America is carried out and implemented through a complex set of institutional mechanisms, ranging from regional and subregional bodies, bilateral agreements, defense cooperation agreements, regional intelligence committees, various summits, agreements with law enforcement agencies, and ending with conventions on mutual legal assistance.

For this reason, from the wide variety of foreign policy institutions currently existing in Latin America, both universal in nature and those specializing in specific areas of cooperation, the choice fell on those that, in our opinion, best meet the modern requirements of efficiency and effectiveness in the region.

Historically, anti-drug policies have been dictated to countries in the region by the United States, especially the Andean Triangle countries and Mexico. Criminalization of producers, crop destruction, and increased enforcement are the main negative consequences of US financial assistance.

However, in recent times, Latin American countries have begun to undertake independent attempts at control at the national and regional levels, experimenting with new solutions to the problem of INH and using multilateral institutions as mechanisms of influence [8].

The Organization of American States (OAS), the dominant hemispheric institution, plays a central role in guiding regional security cooperation. In 1984, the General Assembly adopted a resolution convening the Inter-American Special Conference on Drug Trafficking.

In response to a series of meetings and committee recommendations, the General Assembly approved a Programme of Action calling for the creation of an Inter-American Drug Abuse Control Commission (Spanish: La Comisión Interamericana para el Control del Abuso de Drogas, CICAD).

Beginning as a technical agency, the OAS established a Commission with the primary objective of harnessing the collective energy of its member states to reduce drug production, trafficking and consumption in Latin America.

Most of the mechanisms created to put into practice the goals of the OAS, such as the Inter-American Defense Council (IDC), the Inter-American Drug Abuse Control Commission (CICAD), are not always positively assessed by Latin American countries.

The latter, for example, has been criticized for supporting the US strategy of total drug prohibition rather than drug prevention.

Nevertheless, in 2010, CICAD successfully adopted the Hemispheric Strategy on Drugs, where “...comprehensive cooperation, strengthening of state institutions, reduction of supply and demand” [9] – as Bibnev A.A. correctly notes – are the main principles of the document.

The OAS has attempted to rethink its approach to security cooperation by placing greater emphasis on human rights and creating an OAS Secretariat for Multidimensional Security and Ministerial Meetings on Regional Security.

Despite these relatively new institutional structures, the OAS has failed to ensure their adequate functioning. In light of its many failures, Professor Carolyn Shaw, Department of Political Studies at Wichita State University (USA), argues, that the OAS has failed to live up to expectations, despite previously having been involved in resolving interstate conflicts between Venezuela and Guyana in 1997, Honduras and Nicaragua in 2001, Belize and Guatemala in 2003, and Colombia and Ecuador in 2003 [10].

At the same time, it is obvious that the OAS, with all its Cold War baggage, rightfully remains an authoritative structure at the regional level in the 21st century. The Andean Community of Nations is an organization whose main task is the sustainable and equitable development of human potential [11].

One of the basic objectives of the organization is to promote international cooperation in the fight against illicit drugs while simultaneously creating opportunities for access to markets for alternative development products in the context of the integrated development strategy of the Andean Community.

The forces of the United States of America in the region are balanced and in some cases limited by the creation of subregional and regional organizations, such as the Bolivarian Alliance (ALBA), the Alliance of South American Nations (UNASUR) and the Community of Latin American and Caribbean States (CELAC), which deal with regional security processes.

These organizations were created with the aim of countering US power in the region, strengthening formal mechanisms for South-South cooperation, and competing with the OAS.

Attempts to create a single regional security institution also occupy a special place in the joint anti-drug policy of Latin American countries. Here it is worth noting Venezuela under Hugo Chavez, which proposed the idea of creating the South Atlantic Treaty Organization (Spanish: la Organización del Tratado del Atlántico Sur, OTAS).

Chavez proposed to create an organization that would act as a prototype of NATO, but only at the regional level. The idea was initially warmly received by Latin American countries. However, positions were soon radically revised due to the countries' reluctance to move to a strategy of open confrontation with external players, and the desire to focus on the internal security of the region [12].

Ultimately, this structure was never created, but in 2009 the South American Defense Council (SADC) was established within UNASUR, responsible for issues of regional stability.

The Latin American Parliament (Spanish: El Parlamento Latinoamericano y Caribeño, Parlatino) is a regional intergovernmental body composed of 23 member countries from Latin America and the Caribbean, which has existed since 1964.

According to one of the points of the Lima Declaration, it is “a democratic institution of a permanent nature that embodies all the political tendencies existing in our legislative bodies and is responsible for promoting the principles of effective regional cooperation in political, trade, economic, defense, cultural, educational and other areas of common interest” [13].

In addition to the organization's 13 committees: on civil security, on combating illegal activities, terrorism and organized crime, etc., which operate on a permanent basis, the “Latin American Parliament” also has jurisdiction over regional policies concerning aspects of the production, trade and consumption of illegal drugs [14].

CARICOM, an organization that seeks to improve the region's economic situation, also plays a role in combating the effects of drug trafficking. Convinced that money laundering is the solution to IDU and other serious crimes, CARICOM members collaborate in developing and implementing projects to investigate drug trafficking cases.

Moreover, as a regional leading institution that promotes political cooperation to ensure sustainable economic development among its member states, the main CARICOM body responsible for issues related to IPC is the Implementation Agency for Crime and Security (IMPACS) [15].

The Caribbean Community Crime and Affairs Executive Agency operates the Joint Regional Communications Centre (JRCC) and the Regional Intelligence Fusion Centre (RIFC), which perform pre-screening functions for passengers from aircraft and sea vessels and provide intelligence support to identify, deter and monitor drug trafficking and related crimes in the region [16].

The Caribbean Financial Action Task Force (CFATF) cooperates with the Financial Action Task Force on Money Laundering (FATF) to prevent and combat money laundering.

The FATF has also developed the FATF Recommendations, which provide coordinated measures to prevent organised crime, drug trafficking, corruption and terrorism [17].

The purpose of the Recommendations is: "...to assist authorities in finding criminals involved in illegal drug trafficking, human trafficking, money laundering and other crimes" [18].

Among other things, such a structure as the Association of Caribbean States (ACS) has approved the Declaration on the Drug Problem since 1996. The member states of the Association indicated in the document that the threat of drugs and related crimes, such as arms trafficking, illegal movement of goods and money laundering, threaten the sovereignty and security of any state.

Therefore, the ACS Member States and Associate Members have committed to redoubling their efforts to combat this threat. The Declaration states: "We believe that it is necessary to strengthen multilateral measures that require reducing illicit trafficking and taking urgent measures to counter this threat in all its aspects" [19].

Argentina, Brazil, Paraguay and Uruguay signed the Treaty of Asunción in 1994 to establish the Mercosur common market (Spanish: Mercado Común del Sur), creating one of the largest trading blocs in Latin America.

At the same time, MERCOSUR also plays a role in the adoption of protectionist measures in the region aimed at combating terrorism, drug trafficking, money laundering, state corruption and illegal arms trafficking [20].

Progress towards a comprehensive integration process took on new momentum with the creation of the Union of South American Nations (UNASUR). On May 23, 2008, the presidents of twelve Latin American states signed the Founding Treaty of the Union of South American Nations, formally recognizing UNASUR as an international entity [21].

The following objectives are set out in the Founding Treaty:

- Coordination between the specialized bodies of the Member States, taking into account international norms, in order to strengthen the fight against corruption, the global drug problem, human trafficking, small arms and light weapons;
- Active counteraction to terrorism;
- Combating transnational criminal organizations, crime and other types of threats, as well as promoting disarmament regimes, non-proliferation of nuclear weapons and weapons of mass destruction.

Cooperation in the fight against drugs and drug trafficking is actively supported by the member countries of the Community of Latin American and Caribbean States (CELAC).

States have therefore undertaken international obligations that include, among other things, mutual assistance, cooperation, agreement on policies and adherence to a strict international system of substance control.

In this context, the member countries of CELAC and the European Union (EU) have created a special programme dedicated to this issue called "COPOLAD" (Cooperation Programme between Latin America, the Caribbean and the European Union on Drugs Policies) [22].

COPOLAD is a cooperation programme funded by the European Commission. It is strongly focused on the development of drug policies that are supported by objective monitoring tools and based on reliable and effective strategies of two international actors in international relations.

In addition, the objectives of the COPOLAD Action Plan are to reduce the demand for and supply of drugs and thus also reduce the social and health risks and harm caused by drug use [23].

These objectives are achieved through a comprehensive, balanced and evidence-based approach, providing the basis and political framework for EU external cooperation in this area.

Finally, the mission of the Organization of Eastern Caribbean States (OECS) focuses on integration among member states that pursue common interests in regional politics and the global economy, as well as on regional security issues: “The OECS recognizes that the Caribbean States are located at the intersection of major drug trafficking routes exploited by organized crime. Based on this, the fight against drug trafficking, as well as corruption and human trafficking, is part of the OECS’s political agenda.” [24].

Thus, both successful and unsuccessful attempts by countries to combat IDU demonstrate the fairly active operation of the system of international and regional cooperation in Latin America, as well as the effectiveness of individual regional structures.

In conclusion, I would like to note that global and regional integration initiatives in the field of combating illegal armed conflicts with the participation of Latin American countries in the regional space, in essence, do not have practically justified results from the point of view of the functioning of a unified system for combating this problem.

REFERENCES. IQTIBOSLAR. СНОСКИ.

1. Baturin E.V. Political instruments of counteraction to international drug business // Problems of economics and legal practice. 2011. No. 4. P. 184-188.
2. Baturin E.V. Counteraction to international drug business // Social and political sciences. 2012. No. 1. P. 188-191.
3. "International Drug Policy Consortium" // <https://idpc.net/ru/policy-advocacy/global-advocacy/global-system-drug-control/mezhdunarodnyj-komitet-po-kontrolyu-nad-narkotikami>.
4. UNODC Report: A Century of International Drug Control, 2008. // <https://www.unodc.org/unodc/index.html>.
5. Baturin E.V. Political instruments of counteraction to international drug business // Problems of economics and legal practice. 2011. No. 4. P. 184-188. // <https://cyberleninka.ru/article/n/politicheskie-instrumenty-protivodeystviya-mezhdunarodnomu-narkobiznesu>.
6. Komarov V.V. Student society is closed for drugs // Law and education. 2013. P. 34-38.
7. OAS Highlighted Effect of Drugs Problem on the Pillars of Development. 3 July 2013, Press Release. // <https://www.cepal.org/en/pressreleases/oas-highlighted-effect-drugs-problem-pillars-development>.
8. Campbell Yonique. Security Cooperation in Latin America and the Caribbean. Fiddian Qasmiyeh, E and Daley, P. eds., Routledge Handbook of South-South Relations. London: Routledge, 2018. pp. 7-10.
9. Bibnev A.A. Evolution of Regional Institutions in Latin America and the Caribbean (late 1980s – mid-2010s): dissertation for the degree of Candidate of Historical Sciences: 07.00.03 / A. A. Bibnev. Ekaterinburg, 2019. - 292 p.
10. Shaw Carolyn. Cooperation, Conflict, and Consensus in the Organization of American States.// New York: Palgrave Macmillan. 2004. P. 45.
11. Normativa Andina: Gaceta Oficial del Acuerdo de Cartagena. Comunidad Andina.
12. Bibnev A. A. Evolution of regional institutions in Latin America and the Caribbean (late 1980s – mid-2010s): dissertation for the degree of candidate of historical sciences: 07.00.03 / A. A. Bibnev. Ekaterinburg, 2019. - 292 p.
13. Tratado de Institucionalización del Parlamento Latinoamericano. // parlatino.org/pdf/documentos/tratado-institucionalizacion-parlatino.pdf
14. Lloyd Marshall B. Transnational Crimes in the Americas: Law, Policy and Institutions. New York, NY: Anthem Press, 2018. pp. 1-4.
15. CARICOM implementing Agency for Crime and Security, (IMPACS).
16. The Caribbean Community (CARICOM) Implementation Agency for Crime and Security (IMPACS). About Us.
17. FATF (2012-2019), International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, FATF. Paris, France.
18. FATF: Counterdrug Operations, Joint Publication 3-07.4. 2019.
19. AEC Declaration on the Drug Problem, Havana, 1996. // www.acs-aec.org/sites/default/files/23.96_-_declaration_on_drug_problem_sp.pdf
20. Rykhtik M.I., Podguskov V.N. Mercosur in the System of the Union of South American Nations (UNASUR): Features, Problems and Prospects // Bulletin of UNN. 2010. No. 5-1. P. 310-315
21. Founding Agreement of the Union of South American Nations // Review of Laws and Business Review of the Americas. 2009. No. 15. P. 465.
22. COPOLAD Program. What is COPOLAD? // copolad.eu/en/pagina/que-es-copolad.
23. COPOLAD: What Are The Objectives? // copolad.eu/en/paginas/cuales-son-los-objetivos.
24. Organization of Eastern Caribbean States: About the OECS. // www.oecs.org/en/who-we-are/about-us