

Forum: Legal Committee
Issue: The issue of decriminalization of narcotics
Student Officer: Zoe Tsirakopoulou-Glinou
Position: Co-Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Zoe Tsirakopoulou-Glinou and I am honored to be serving as the Co-Chair of the Legal Committee of this year's PS-MUN Conference. I graduated from Athens College (HAEF) a couple of years ago and I am currently a Law Student in the University of Athens, also pursuing a minor degree in International Business at the American College of Greece (Deree). I must assure you that MUNs have been my greatest passion for the past five years having participated in both university and school MUNs. Therefore, I am looking forward to presiding over the committee sessions, as I am sure the debates will be heated and the presence of all of you will be unforgettable.

The third topic of this Committee's agenda, "the issue of the decriminalization of narcotics", is without doubt a very intriguing topic that certainly requires a deep understanding of all its aspects. This study guide will help you understand the core of the topic and will provide you with the basis of your research, guiding you through your preparation for the Conference. Of course, you should not rest on that, as in order for you to be fully prepared you will need to extend to other resources as well. Last but not least, I want to ensure that each and every one of you makes the most out of this conference and as a result I will be at your disposal in case you need anything during your preparation, but also during the conference itself.

Best Regards,

Zoe Tsirakopoulou-Glinou

INTRODUCING TOPIC

Throughout history, the cultivation, use and trade of drugs has been permanent. As a result, the competent authorities have often restricted drug possession and also trade, for a variety of reasons. As it will be further analyzed, drugs (medical definition) are divided into five categories, depending on their effect; narcotics, stimulants, depressants, hallucinogens and cannabis.

Categories of Illicit Drugs ¹				
Narcotics	Stimulants	Depressants	Hallucinogens	Cannabis
Opium (natural)	cocaine	barbiturates	LSD	Marjuana
Morpheine (natural)				Hashish
Heroin (semisynthetic)				

However, in legal context (legal definition) usually the word «narcotics» is used as a synonym for «drugs» and consequently, there is no further distinction between drugs and narcotics. Therefore, it is debatable whether the words «drugs» and «narcotics» represent the same substances, so their definition falls under the discretion of each country's policy and legislation. At this point, it is important to highlight that the United Nations define drugs as «any of the substances in Schedules I and II (of the Single Convention on Narcotic Drugs), whether natural or synthetic» which means that the legal definition is mostly followed, but also with respect towards the medical one. In this Conference, delegates should bear in mind both the medical and the legal definition of narcotics.

First of all, narcotics are vastly used in medicine mostly as anesthetics when it comes to serious diseases, in which cases we are referring to the legal-in most countries-use of narcotics. For instance, heroin is legally used as a pain reliever, a palliative, or as end of life care by medical professionals, prioritizing this way the soothing of the people that might only have few days of life left, instead of prioritizing its highly addictive nature. On the other hand, this A class drug, when abused might have serious physical, but also legal consequences for those who utilize it illegally. Therefore, following the so-called «War on Drugs», a US led campaign to prohibit drugs in general, the United Nations, viewing to ensure the legal use of narcotics and to prevent from the horrid effects of narcotics abuse, encompassed, in 1961 the Single Convention on Narcotic Drugs, which was supplemented by two additional treaties; The Convention on Psychotropic Substances in 1971 and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in

¹ Figure 1: Division of the Categories of Illicit Drugs and Main Types of them

1988. The aforementioned treaties operate as the basis for systematizing national drug-control laws and interdict the use of narcotics in cases where it is perceived as detrimental for the society.

Nowadays, the legal debate evolves around whether the panacea of this issue is simply the decriminalization of narcotics, in the sense of not dealing with criminal sanctions in cases of low-level drug offences, so as to reduce the numbers of drug abuses. In other words, should this taboo issue break simply by not penalizing acts such as the possession, production and cultivation of narcotics for personal use only? Well, it has been noted that through the liberal drug legislation of some European countries, the incidents of illicit drug uses have been significantly reduced. Precisely, despite common beliefs, it is Portugal-and not the Netherlands- that has been the first European Union country to officially alleviate all penalties for personal possession of drugs, including heroin, and that has resulted to a success story. However, it still remains unknown weather this Portuguese model can be implemented to other countries of different sizes and cultures.

Last but not least, we should bear in mind that the goal should be to reform drug policies, so as to make them more efficient and more humane. We need pragmatic policy changes that will make the narcotic-related issues far more manageable. Let us not forget, that as the precedent United Nations Secretary General, Kofi Annan has highlighted «drugs have destroyed many people, but wrong governmental policies have destroyed many more».

KEY TERMS

Depressants: are drugs that reduce tension and anxiety and include among others barbiturates.

Stimulants: are drugs that relieve mild depression, increase energy and activity, and include among others cocaine, amphetamines and ecstasy.

Medicinal opium: opium which has undergone the processes necessary to adapt it for medicinal use.

Opium poppy: is the source for the natural and semisynthetic narcotics.

Opium: is the brown, gummy exudate of the incised, unripe seedpod of the opium poppy.

Narcotics: are drugs that relieve pain, often induce sleep, and refer to opium, opium derivatives, and synthetic substitutes. Narcotics are divided into natural ones, that include opium, morphine, codeine and hydromorphone and synthetic ones that include meperidine, methadone and others.

Drug abuse: is the use of any licit or illicit chemical substance that results in physical, mental, emotional, or behavioral impairment in an individual.

Drugs: are any chemical substances that effect a physical, mental, emotional, r behavioral change in an individual. There are five categories of illicit drugs; Narcotics, stimulants, depressants (sedatives), hallucinogens, and cannabis.

Hallucinogens: are drugs that affect sensation, thinking, self-awareness, and emotion. Hallucinogens include among others LSD.

Cannabis: is the common hemp plant, which provides hallucinogens with some sedative properties, and include among others marijuana and hashish.

Decriminalize: Cease to treat (something) as illegal or as a criminal offence. In the case of narcotics decriminalization refers to those circumstances when low-level drug offences (such as drug use and/or possession, production and cultivation for personal use) are no longer dealt with criminal sanctions.

HISTORICAL INFORMATION

Narcotics in Ancient Times

Narcotics such as heroin, morphine and other opiates originate from a single plant, called the “opium poppy”. Its cultivation traces back to nearly the beginning of the human civilization, as opium was vastly consumed in ancient Mesopotamia (modern day Iraq and Kuwait). Later on, opium usage and cultivation was spread to Persia, Egypt and Ancient Greece. Particularly, the famous Greek ancient author Homer, referred to opium’s healing powers in “Odyssey”. For centuries opium and its derivatives were used both recreationally and medically, in order to relieve pain or as anesthetic in surgeries. Opium was firstly introduced to China and the Eastern world during the 6th and 7th century through trade along the Silk Road that connected Asia to the Mediterranean.

The Opium Wars

During the 1700^s the British Empire invaded India and conquered a region of major poppy production that decided to smuggle to China. The British used the revenues of this trade to buy and export Chinese goods back to Europe. However, this trade relationship ended up with the havoc rise of Chinese opium addiction. As a result, aiming at suppressing opium use within its borders, China outlawed opium importation and cultivation. The British on the other hand wished to keep the opium

trafficking routes open at any cost, which resulted to two armed conflicts during the mid-19th century, the Opium Wars. In both cases China lost and remained open to opium trading with Europe.

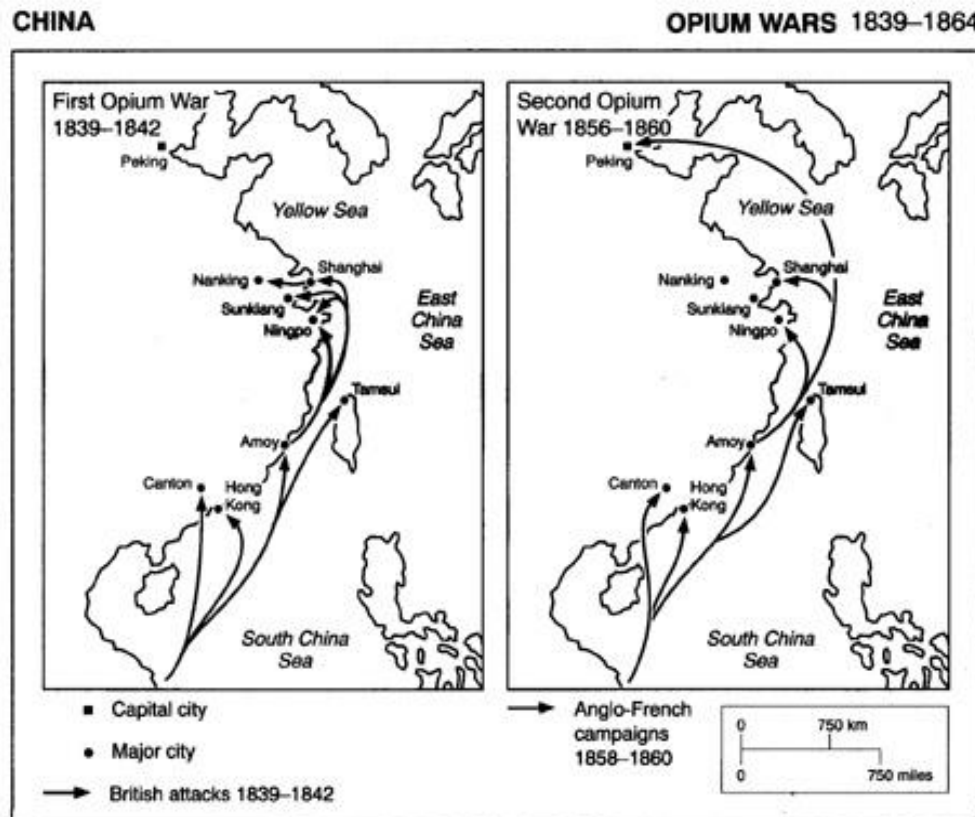


Figure2: A map of the Opium Wars

The Harrison Act and the Beginning of the «War on Drugs»

The habit of opium smoking travelled through the Americas along with the Chinese immigrants that came to work in the Californian gold fields during the 1849 Gold Rush. Soon, the immigrants established opium dens, where they could freely smoke, buy and sell opium, transmitting this habit to Americans as well. By 1875, California was the first city to pass legislation restricting the use of opium. Later on, in 1914, the Harrison Act, the first major piece of US legislation viewing to control drug usage, outlawed the use of opium and cocaine for non-medical purposes. Despite all these efforts though, illicit drugs did not cease to circulate.

During the mid-1900s and the Vietnam War era, drug use was widespread into soldiers, which led to a boost in drug-smuggling towards the United States. Soon, organized groups of drug dealers and smugglers, the so-called “cartels” start to rise throughout the Latin America. Around this period the “War on Drugs” can be placed.

This “War” was a government-led initiative, firstly introduced by the American President Richard Nixon and then supported by Ronald Reagan, which targeted at penalizing drug use, distribution and trade, and that still goes on today, although with less intensity and publicity compared to its early years. It needs to be remarked that concerning the «War on Drugs», American liberals and conservatives are often indistinguishable.



Figure 3: Drug Cartels in Latin America

United Nations Response

Following the traumatic events of World War II, we can identify three phases concerning the narcotics usage and distribution, that are closely linked to related United Nations’ actions. The first phase begins immediately after the second World War, when a collapse in illicit drug supplies was noted, that led to a record low global heroine consumption. More precisely, in 1953 the Opium Protocol was introduced by the United Nations. The Protocol suggested the limitation of agricultural production and the reporting of crop planting, as well as the buying and storage of opium. However, its magnitude was not the desired one; only the British and the Dutch at first ratified the Protocol, whereas the Latin American countries completely ignored

it. Turkey also decided to stay outside of the agreement, since there were discussions about the later established Single Convention, as it promised to supersede all previous treaties. After Turkey, Greece and Yugoslavia followed, and supported the Single Act. Therefore, since Turkey's pivotal position as a major opium producer country to support the Single Act, the idea of the Opium Protocol was abandoned, in favor of the Single Act. It needs to be remarked that it took thirteen years for the United Nations' ECOSOC Committee to produce the final document.

After the United Nations' Single Convention on Narcotic Drugs in 1961, it was believed that the situation concerning drugs will eventually start to be a routine. Again however, a dramatic change was observed, with an irreversible increase in the number of drug consumers, combined with an expansion in availability of different types of narcotics. Until the 1970's India almost monopolized the opium production, as of under the 1953 Opium Protocol it was considered as one of the few official opium producer countries. The Indian opium poppy was called «the black gold of India». However, later on Australia started to produce and export opium, which led to an Indo-Australian opium trade war, further complicating the situation. Moreover, drug trafficking and smuggling started to expand, as even licit drug planting was moved through illicit ways.

The United Nations of course did not remain silent during the course of these events. Major milestones of their action to address the events following the 1961 Convention, were the Convention on Psychotropic Substances in 1971 and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1988. These milestones form the second phase of narcotics use and distribution. In short, the conventions codified all pre-existing treaties on drug controls and aimed at limiting the possession, use, trade in, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes. Moreover, the International Narcotics Control Board was established. Last but not least, drug trafficking limitations were proposed primarily through international co-operation.

Modern Day Policies on Narcotics

Despite these international efforts, during the late 1990's and 2000s, there was anew an increase in use and consumption of controlled drugs; The third phase of narcotic consumption and distribution. During this period, the narcotic manufacturing and production was simplified, which prompted to a rise in drug availability and consequently to a decrease in prices. As a result, various illicit drugs were available, leading to a global spread of drug use. Statistically speaking, according to the UNODC, in 2000 more people were using illicit drugs than at any previous point in history of drug control. The UNODC executive director explained, regarding to these

statistics that «globalization means that lifestyles are shared instantly and internationally, including the culture of drug use».

All in all, drug liberalization policies are usually advocated by supporters of liberalism and libertarianism, presenting the argument of the promotion of individual freedom. On the contrary, drug criminalization is often advocated by more conservative proponents, but also Non-Governmental Organizations, not linked to political parties. These organizations have become members of the international network called “World Federation Against Drugs”, that support the related United Nations conventions.

Lastly, it should be noted that as data evidence has shown, the international drug control system has not reached its mission and the use of addictive and dangerous drugs, has not only sustained, but it has also increased. Despite the vast technological, financial and organizational resources that were dedicated in order to limit the use and distribution of narcotics, there was no significant progress. On the contrary, it seems that wherever the decriminalization of narcotics has taken place, the purpose was solely to secure individual and public’s health and safety. This is additionally proven by the fact that, even in countries where the use of some drugs is legal, such as Uruguay, their promotion or consumption in a public place is forbidden. Therefore, since drug related crimes are characterized by some analysts as “victimless crimes” that can be committed in privacy, enforcing banning legislation should not come against private property.



²Figure 4: Present Illegal Narcotics Trade

COUNTRIES INVOLVED IN THE ISSUE

All countries are more or less involved and affected by the issue of the decriminalization of narcotics. The countries mentioned below are the ones that either have played and still play an important role for the international community regarding to the issue, or that have a more distinctive legislation towards narcotics.

³The Netherlands

Contrary to popular beliefs, the Netherlands have not legalized narcotics. In fact, the



Dutch Drug Policy divides drugs into two categories; the soft ones and the hard ones. What is happening in Holland, and especially in the famous “coffee shops” is that the sale and use of soft drugs is just tolerated by the government, in order to prevent people from coming

into contact with hard drugs. In other words, owning or selling small quantities of such soft drugs in coffee shops is treated as low priority when it comes to investigation and prosecution of criminal offences under the Opium Act, simply because consumption of such substances does not possess an unacceptable health risk. It is without doubt that «hard drugs» are strictly prohibited.

Portugal

Within the borders of the European Union, it is Portugal and not the Netherlands that has the most liberal policy concerning drugs legislation. Addressing one of their major health problems, the Portuguese decided to remove drug possession of small amounts from what they consider as criminal offenses. In this case, jail time was replaced with therapy, in order to provide drug addicts with health service instead. Particularly, those guilty of owning small amounts of drugs are to be sent to a panel of specialists that decide on the appropriate treatment, if needed, instead of prosecution.

The European Union

The European Union encompasses a policy that focuses on the elimination of the damaging effects of narcotics as a matter of public health, through the implementation of provisions of treatment for drug addicts that will be humane and efficient at the same time.

³Figure 5: A Dutch «Coffeeshop»

China

China is one of the main manufacturers of synthetic narcotics, including opioids that have been blamed for public health countries such as the United States and Canada. During the recent years, the domestic consumption of such narcotics has also increased. Moreover, it has been noted that users tend to move away from “common” products of manufactured opium, such as heroin, towards newly emerging drugs.

Iran

Iran has prohibited the opium cultivation and smoking, as early as the 1959, through the Opium Protocol. However, still narcotic related issues continued to occur, as there was smuggling from Turkey and Afghanistan to the country. After the United Nations’ Conventions, the situation did not really progressed, and the issue of narcotics and smuggling in Iran, still remains a complex one, as Iran is considered as a global hub for narcotics. Moreover, despite the fact that according to the United Nations Iran security forces are making three-quarters of the world’s opium seizures and a quarter of global heroin seizures, people are still able to «feed their addiction».

Turkey

Turkey, due to its geographic position remains an important transit country for illicit drug trafficking, as heroin and opium are smuggled through Turkey towards Europe and stimulants are trafficked towards the Middle East and Southeast Asia. The government has committed to complete its international drug control obligations, although the situation remains crucial.

India

India remains seized upon the matter of narcotics, as it is one of the biggest narcotic producer nations. In 1986, the Narcotics Control Bureau was established, as a chief law enforcement and intelligence agency of India, in charge of eliminating drug trafficking and the use of illegal substances. Lastly, production, use, consumption and distribution of narcotics, unless it is under license for medical or scientific purposes, is considered illegal.

⁴Afghanistan

Afghanistan is the world's largest producer of opium. The year 2017 Afghanistan broke the record this year and harvested more than double last year's production in opium. Moreover, the UNODC estimated that opium makes up the 16% of the country's GDP for 2016, including more than half of the agricultural sector. Additionally, according to UNODC reports, this immense drug production fuels terrorism and organized crime, increasing the instability of this area. Despite the fact that the country's opium production had decreased due to its banning by the Taliban-led government in 2001, it rose again, surpassing the pre-banning levels,



after the US invasion in 2001. Nowadays and since the withdrawal of the British and US troops from Helmand, an Afghan province, the local government has lost control of the area, and as a result opium production continues growing uncontrollably.

Colombia

Colombia has been fighting against drug cartels and organized crime and violence for years. The country has implemented various measures to fight drug trade, but despite their efforts and achievements, the areas of illegal drug cultivation continue to expand, along with the flow of drugs exported from the country illegally.

Mexico

Another epicenter of organized crime and violence caused by drug cartels. The cartels operating there collaborate with and even supersede the Colombian drug traffickers towards supplying of illicit drugs to foreign markets.

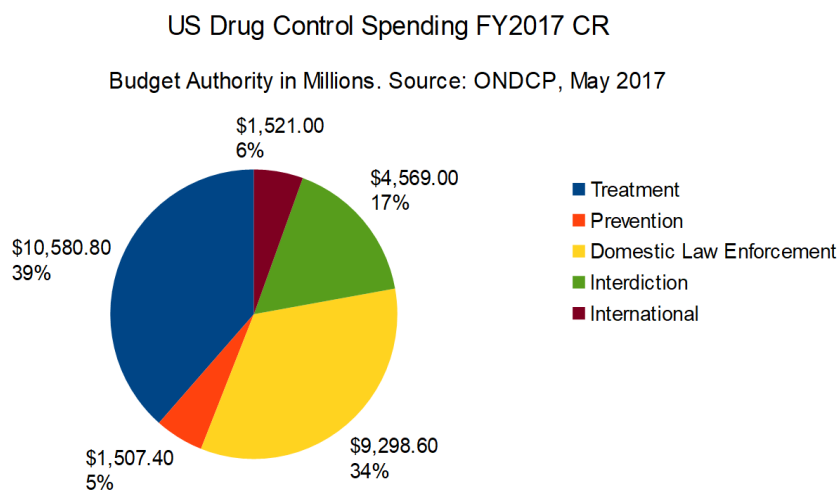
Costa Rica

In Costa Rica, all uses of narcotics, including personal use, is legally forbidden, however, in their Criminal Code there is no penalty for such violations.

⁴Figure 7:Opium production in Afghanistan

United States of America

⁵From the beginning of the 20th century with the Harrison Act that regulated the production, use and distribution of opiates and cocaine, the United States of America have started fighting the “War on Drugs”. Later on, throughout the presidencies of Richard Nixon and Ronald Raegan, the “War” got even more heated, with increased restrictions concerning drugs. Over the years, this “War on Drugs” has had warm supporters, or sworn enemies, claiming that “it has racist and political objectives”. Recently, Marijuana was legalized in many states, which shows that more tolerant political views have started to appear. In August 2017, president Trump stated that “The epidemic of opioids is a national health emergency”, however, over the next period, he did not sign an official declaration of the designation, leaving the issue unsolved.



United Kingdom

The United Kingdom was the first European country to pass a modern law regulating drugs; the Pharmacy Act of 1868. Nowadays, the United Kingdom still maintains a strict policy concerning drug abuse, as drugs that are considered as addictive or dangerous are called “controlled substances” and are regulated by law.

⁵ Figure 8:U.S 2017 budget on drug control

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1700s	British Invasion to India and smuggle of opium to China
December 17 1914	Harrison Act → first US Federal law controlling drug use
3 November 1839 – 29 August 1842	1 st Opium War → <u>Great Britain</u> against China
October 8, 1856 – October 18, 1860	2 nd Opium War → <u>Great Britain & France</u> against China
23 June 1953	United Nations Opium Protocol
30 March 1961	United Nations Single Convention on Narcotic Drugs
21 February 1971	United Nations Convention on Psychotropic Substances
December 20, 1988	United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances
Present Day	Drug abuse continues → war on drugs continues, however there are more drug-tolerant related political views/ increase legalization of narcotics

POSSIBLE SOLUTIONS

Throughout the years, the issue of narcotics has always been a contemporary one, mainly due to its therapeutical and recreational but also addictive effects, and due to the high rates of demand for it. The United Nations have already addressed the issue through United Nations Single Convention on Narcotic Drugs (1961), the United Nations Convention on Psychotropic Substances (1971) United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), that provide the legal foundation for the international prevention of drug abuse. Under the aforementioned conventions, the World Health organization also provides technical expertise, advising and guidance by conducting medical and scientific analysis regarding substances, so as to empower the United Nations Commission on Narcotic Drugs to decide upon their control status. Undoubtedly, although, drug abuse has not ceased to exist; as a result, more efficient measures need to be taken.

First of all, in order to address the issue more consistently, we need to find its root causes. Organized crime and its corruptive and violent impact expands the production and trading of narcotics, therefore a new focus towards it should be established, aiming at long term social and economic development on a national, but also international basis, through achieving stability and transparency. Furthermore, we should bear in mind that drug abuse is a matter of public health that should be treated as such. As a result, public health needs to be prioritized at all costs, which might lead to enhancing the access to controlled medicines. By decriminalizing narcotics, in a sense of not treating as criminal offences personal use and possession of a certain quantity of narcotics, or certain types of drugs, some support that people are prevented from using harder ones, that are even more addictive and that generally the drug market is more easily regulated. Last but not least, let us not forget to address the use of narcotics for medical purposes.

In any case, it is important to highlight that the primary goal of the decriminalization of narcotics is to reduce their consumption, due to the hindrances that it causes to our health. Therefore, no matter if all narcotics or some narcotics are decriminalized or not, the decrease of their usage can be achieved through prevention, that can be accomplished through education and raise of awareness regarding narcotics and their dreadful effects.

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