

Comments on the State of the World 2005: Redefining Global Security

by

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It is a pleasure to have the chance to comment on the State of the World. The picture it presents is rather gloomy, as negative tendencies seem to get stronger with time, and the facts we see in the report are sometimes bigger than words can describe.

As you would expect from one of the main inhabitants, I would like to say something on the issue of *Peacemaking for a more secure world*. Also I would like to draw your attention to the theme of transnational crime and in that connection I have something to say about an issue that is only marginally touched upon in the report, *the production and trafficking of narcotic drugs*.

Peacemaking

I have read the chapter on peacemaking through environmental cooperation with great interest. What has struck me there is that in one given case – the sometimes hostile situation between Peru and Ecuador concerning the protection of nature on their border - peace had been brought about by the intervention of a third party, a group of countries consisting of Brazil, Argentina, Chile and the US. The result was the creation of an peace park, a zone of environmental protection which stretches on two sides of the border and which is managed by the national protection agencies but on a bilateral basis. The interesting part for me is this intervention by or probably pressure from a group of third states. This seems to be a very effective method, but I do not think that we would see such a form of conflict-resolution easily in this part of the world.

Let us go back for a minute to the difficult question of the pollution of the river Rhine by the upstream states France and Germany. That problem has been a real embarrassment for many in the Netherlands, and fortunately one can say that over the years it has been resolved by diplomatic means. But it would have been rather astonishing to see a third state – say Sweden or the UK, or even a group of third states – to help bring about a solution. And yet, it is often an independent third party that can break a deadlock, and push the parties to a mediated settlement.

So I think that the use of states as honest brokers can be a potentially fruitful avenue in order to bring an environmental dispute to an end. Especially the issues of shared natural resources, or the cross border pollution, can be loaded with national feelings which will make any concessions almost impossible. Just imagine the transboundary risks of nuclear installations which sometimes happen to be located rather close to the border of a neighbouring state. A dispute can easily break out over the planning of those facilities.

The use of the word mediation brings me to the possible role of the Peace Palace. We always tend to think about the Peace Palace as the home of international dispute settlement with judicial means. And that is true. The International Court of Justice has a separate chamber for matters pertaining to the environment, but so far no use has been made of that facility. And the Permanent Court of Arbitration also has developed special rules for environmental arbitrations in the field of natural resources and the environment, and the PCA is involved in an environmental arbitration involving Ireland and the UK. The Peace Palace could however also be used just as the setting for an important international negotiation, or quiet mediation with the help of this third-party- formula. It would not be necessary to go for the involvement of the involvement of such a third party, as mediation and conciliation are in the mandate of the PCA. The essential remark I would like to make in this connection is that a government often needs a little push to come to a meeting table, as governments have a natural ability to stay clear from the risk of loosing a case. That is why relatively little litigation takes place before the judicial bodies of the world.

Transnational crime and narcotic drugs

The report has a small portion which is devoted to transnational crime. The figures in that small portion are, however staggering. On page 20 of the book, it says that " in 2003, the transnational crime syndicates may have grossed up to \$ 2 trillion – more than all national economies, except the US, Japan, and Germany. The bulk of crime syndicates revenue comes from drug trafficking."

There is of course much international action to combat this form of crime. There is a new treaty of the UN against transnational organized crime, which was signed by many countries in the world during the signing ceremony in Palermo, Italy in December 2000, and which has entered into force. One of the essential provisions is the rule concerning money laundering. Not only should money laundering be a crime under national law, but also all financial institutions have to apply a system of notification of suspicious transactions. Within the EU this is strictly regulated. The better all countries in the world cooperate in this banking area, the more difficult it is for crime syndicates to store money and to flash it around the world. The problem is some tax havens find it difficult to subscribe to these principles.

The efforts in the world to get to grips with the production, trafficking and consumption of narcotic drugs can be described as fixing the leak in the bath while the tap runs freely. It is an accepted expression of policy that both demand for drugs should be reduced, and the supply, the production has to be curbed. Law enforcement to control the world ban on drugs is as important as the right approach to users and prospective users of these illegal substances. Usually this is described as the balanced approach: not an exclusive emphasis on supply reduction, but also a policy whereby the user or the drug addict is seen more as a patient than as a criminal. At the last ministerial meeting of the UN Committee on Narcotic Drugs (CND) in 2003, ministers however stressed the importance of enforcing the rules , and spoke against any initiative of legalizing the now illegal substances.

It is – I would say – beyond discussion that the world wide problem of drug trafficking is an important element of the debate about the state of the world. So much money is made by so many people by producing and selling illegal substances that terrorism must benefit grossly by it. It is generally considered as is said in the State of the World 2005 itself that the guerrilla movement in Colombia is driven by the proceeds of the coca plantations next to the proceeds of extortion and hostage taking. If world terrorism is centred in Afghanistan, the production of heroin will no doubt be responsible for the financing of many of the activities. Not too long ago the UN narcotics chief, Mr Costa from UNODC said that nearly all production of opium comes from Afghanistan, and that crop levels reached record levels in 2004. The opium economy contributes for 52 % to the Gross Domestic Product. of Afghanistan. He called for stricter measures to make engagement in drug production more unattractive, and he called for assistance to farmers in order to switch to legal production. This will be no doubt a very long shot, as the alternatives for farmers are not so clear.

So it is a matter of fact that the international prohibition of drug production has led to a criminal industry, which produces the income for illegal movements. Illegal drugs pay for illegal terrorism. Illegal drugs disrupt societies, not only the societies where the drugs are consumed, but also the societies where the drugs are produced, or where they are transported.

The key question I have asked myself how the world can free itself from this impasse.

The general point of my comment is that it would seem an essential step to start a review of the international treaties which ban the non medical use of the narcotics. In other words to evaluate the benefits and disadvantages of the system we have created at world level. I have come to the conclusion that it is practically impossible to change a regime once it has been adopted. This is to my feeling particularly true for the conventions on which all drug policy is based: the Single Convention of 1960, the Convention on psychotropic substances of 1971 and the Convention against illegal drugs and psychotropic substances of 1988. So a general rethink of the basis of those conventions against the background of the criminal consequences, an opportunity to ask ourselves if we are on the right track.

I am not advocating a legalisation of the drugs at this point in time. But would it not be a good idea if a group of high level experts, juts like the Brundlandt Commission for the environment, would study the international drug policy as it has developed over the years and give an assessment of the problems which are related to the drugs issue. What I hope such a wise commission would do is to verify the

current knowledge of the dangers of drugs, that is to say the various types of drugs both hard drugs such as heroin, and soft drugs such as cannabis, the practice of the use of drugs, the negative effects it has on people and on society. On the other hand the Commission would look at the results obtainable by law enforcement, assess the potential of alternative crop development – is there really an alternative which pays farmers better than producing opium, coca and cannabis – and would try to answer the question if the burden for the national systems of police and judiciary caused by drugs are acceptable. The most difficult issue would be to make a comparison of the costs of the prohibition of drugs, and the benefits for society which stem from curbing the use of drugs.

The point is that I cannot step away from the feeling that a situation which is undesirable, namely to expose one's population to the dangers of intoxicating substances, codified into law, has led to another situation which is deeply undesirable, namely the enforcement of those laws at a cost which maybe has become too high for our societies and the creation of a form of international crime which is difficult to combat.

Only a century ago – if I am not mistaken - there was a war in China, about the wish of the British traders to import opium into China. The substance was then widely used in China. And as I have been told by a colleague in the Ministry of Health, cannabis was only included in the world ban on narcotic substances – the Single Convention - at the last minute. So if the views were inclined to the total ban, would this still be the same if all the countries in the world had a free choice now. The Netherlands considers cannabis to be a soft drug, which can be made available in small quantities to adults. Coca Cola has derived its name from the real thing, until it was banned by the American authorities. Some cities in the Netherlands are strongly in favour of giving heroin to the heroin addicts: it is the only way to keep the criminality linked to drug addiction within boundaries, and it helps to stabilise the addicts into socially more or less acceptable persons. From the same perspective, Dutch health authorities accept that users can use user rooms – sometimes called shooting galleries – in order to keep an eye on drug use, and to have medical treatment at hand. We have come in a carousel and we do not know if it is turning forward or backwards.

The report the State of the World makes it plain how much money is involved in the transnational crime linked to drugs: many times the value of some national economies. No wonder that terrorist movements can find money to spend. But if coca was a commodity just like coffee or tobacco, world market would dictate the prices. Crime would have to move to other areas. The central question would be how the consumption of the liberated product would develop. Would it be at a higher level, much higher or just the same level? Did America drink substantially more after the ban on alcohol had been lifted in the thirties? - matters to be studied and verified.

My final comment is that international crime has to be fought with drastic means. But states have other means to combat international crime than only chasing the criminals, and to try and detect loads of banned substances of which they find never more than 20 %. I do not venture to go into the answers, but it does seem an appropriate step to consider a rethink of the foundations and the perceptions on which the drug treaties have been built.

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