Ukraine and It's Conformity in Application with International Standard for Preventing the Spread of Narcotic Drugs

Ucrania y su conformidad en aplicación con la norma internacional para prevenir la propagación de estupefacientes

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Abstract

The purpose of the article is to study and established how the State of Ukraine has been able in combating the use of narcotic drugs in it's territory in conformity with those standard put in place by international law. The following methods were used in the article: dialectical; generalization and analysis; logical and semantic; methods of the results; historical and legal; comparative and legal. Examples of successful experience of some foreign countries in the field of prevention of drug trafficking are analyzed, as well as the possibility of introducing proven forms of one or another successful foreign experience in Ukraine is considered. The degree of negative impact of drug-related processes on the economy of states, on the general level of crime, as well as on the level of well-being of a particular state is analyzed. The conclusions of authoritative scientists are summarized that the quality of the processes, one way or another related to the prevention of the spread of drugs, depends on the success of the combination of various means of combating them. It is also emphasized that the assistance that Ukraine receives from developed western countries will play an important role, at least in the next few years.

Keywords: Drug distribution; effective counteraction; effective prevention; foreign experience; financial assistance.

Resumen

El propósito del artículo es estudiar y establecer cómo el Estado de Ucrania ha podido combatir el uso de estupefacientes en su territorio de conformidad con las normas establecidas por el derecho internacional. En el artículo se utilizaron los siguientes métodos: dialéctico; generalización y análisis; lógico y semántico; métodos de los resultados; histórico y legal; comparativa y legal. Se analizan ejemplos de experiencias exitosas de algunos países extranjeros en el campo de la prevención del tráfico de drogas, así como se considera la posibilidad de introducir formas probadas de una u otra experiencia extranjera exitosa en Ucrania. Se analiza el grado de impacto negativo de los procesos relacionados con las drogas en la economía de los estados, en el nivel general de criminalidad, así como en el nivel de bienestar de un estado en particular. Las conclusiones de científicos autorizados se resumen en que la calidad de los procesos, de una forma u otra relacionados con la prevención de la propagación de drogas, depende del éxito de la combinación de varios medios para combatirlos. También se destaca que la ayuda que Ucrania recibe de los países occidentales desarrollados jugará un papel importante, al menos en los próximos años.

Palabras clave: Asistencia financiera; contraataque eficaz; distribución de fármacos; experiencia extranjera; prevención eficaz.

Introduction

Drugs and it's abuses continues to have huge effects in international relations, and this impact has not been exempted in Ukraine. The problem of combating the use of narcotics is one of the most acute social and legal problems in Ukraine at the beginning of the XXI century. According to criminal statistics, the relative share of drug crimes in the last five years ranges from 13.4 to 15.4% of the total number of crimes. The National Police registered more than 14,000 crimes committed by drug addicts and registered almost 170,000 drug users (Albul, Poliakov & Shchurat, 2018).

Nowadays, the solution of the problems related to the fight against the spread of narcotic drugs is quite important. As one knows, the problem of combating the use of narcotics is acute around the world.

Findings from the Youth Lifestyles Survey suggest that three quarters of serious and/or persistent offenders aged 12-30 had used an illicit drug at some point – more than three times the rate for non-offenders (Goulden & Sondhi, 2001). There is a clear link between acquisitive crime such as theft and burglary and drugs use. 40% of arrested drug users admit to having committed property offences to pay for their drugs (Policing a New Century, 2011).

This problem has become even more relevant in connection with technological progress, because the distribution of drugs through the Internet, i.e. the so-called contactless method of drug distribution (replenishment of the account of the telephone number specified by the seller; payment through electronic payment systems and e-wallets like QIWI, PayPal, etc.) is currently gaining momentum. This, in turn, leads to the next problem – drug addiction. In contrast to "traditional" distribution, where drugs and funds are passed from hand to hand, the sale of drugs via the Internet has its own characteristic features that significantly prevent the identification of a person who distributes narcotic drugs.

Taking into account the relatively low level of effectiveness of national law enforcement agencies in combating the use of narcotics compared to developed countries, Ukraine has suffered from a number of harmful effects throughout the period of its independence that occurred due to the spread of narcotic drugs. Instead, economically developed Western countries have managed at least not to eliminate, but still significantly reduce the volume of drug trafficking. In particular, we can single out the United States of America, Great Britain, Germany, France and Austria as the most successful countries in the world, which have taken significant steps to combat the spread of narcotic drugs. In this regard, we believe that it will be an absolutely rational step for the Ukrainian Government to gradually adopt specific examples and ways to successfully implement the measures of combating drug trafficking.

The traditional narcotic drugs for Ukraine are poppy straw, opium and extractive opium, heroin, marijuana, hashish (cannabis), cocaine. Only those objects that are listed in special regulations relate to narcotic and psychotropic drugs. These regulations namely include: the Single Convention on Narcotic Drugs with the appendix – "List of drugs

under international control" (1961); the Convention on Psychotropic Substances (1971); United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (1988).

The objective of the article is to study and established how the State of Ukraine has been able in combating the use of narcotic drugs in it's territory in conformity with those standard put in place by international law.

Literature review

Given that the essence and content of the topic covered in this article are extremely relevant, we can understand why the issue of solving this problem has been given so much attention. Moreover, we emphasize that mostly foreign experts, in particular, representatives of English-speaking countries have the leadership in the scientific research and substantiation of the processes related to the problems of drug distribution. Although, the authors of the article have also analyzed the works of domestic scholars.

Boichuk (2017, pp. 16-17) has studied specific features of the activities of British law enforcement agencies in combating drug trafficking. In turn, Holovnia (2017, pp. 18-20) has analyzed the control over drug trafficking in the international arena, which allowed the author to conclude that the effectiveness and efficiency of the means and methods of combating illicit trafficking in narcotic drugs and psychotropic substances is achieved by mutual efforts of all states and by increasing the interaction level between them. This method of effectiveness put in place by the author has been an efficient one because it has been of great help to the State of Ukraine in using all the potential methods in combating this drug abuse. The problem here is that, even though with use of methods in fighting drug abuse in the country, this has not in any way eradicate the increase in take of narcotic drugs in the country. There is no way drug abuse can be eradicated notwithstanding of all the methods and strategies put in place to handle issue of drugs, the reduction is what becomes important.

The main directions of the fight against drug addiction in the Federal Republic of Germany were studied by Melnyk (2017, pp. 20-22). The author noted that there is a strong fight against the illicit distribution of drugs and their illegal market in this country. It is combined with the humanization of attitudes towards people suffering from drug addiction. Such Germany's state drug policy is enshrined in the National Program for Comprehensive Drug Control. The program also states that the first step in the implementation of international and national efforts should be a complete ban on the



circulation of heroin, cocaine and hashish. This is a good aspect of implementation which has reduce the rate of consuming narcotic drugs in a country in which the State of Ukraine is not an exception but putting in place strategies banning the importation of these categories of drugs. The question that one needs to be posing is whether with all these measures used by the State of Ukraine in conformity with International standard in banning narcotic drugs has reduce the rate of the drugs in the country? We believe there still exist a problem as far as the consumption of these drugs are concerned. Banning it's circulation has not solved the problem of the drugs in the country, there still exist the rampant increase and intake of this drug.

Studying the experience of France in the fight against drug addiction, Operuk (2017, pp. 22-24) noted that the fight against the spread of drug addiction in this country is considered as one of the main directions of public policy. Nowadays, the main legislative regulatory act that stipulates the liability for the production, transportation, storage and distribution of drugs in France is the Law of 31 December 1970 on Combating Addiction and Punishing the Sale and Illicit Use of Toxic Substances. Herewith, therapeutic treatment is one of the methods of care and control over drug addiction. The treatment is funded by the French social security system. Drug treatment centers provide three types of services: outpatient and inpatient treatment, as well as specialized treatment for the rehabilitation of prisoners.

Analysis of international legislation and practice to combat drug trafficking allowed Pohoretskyi & Chernysh (2012, pp. 195-196) to conclude the following:

- there is a practice of legislative regulation of the main aspects of the fight against drug trafficking in foreign countries;

– given the globalization of the drug business, most states increase their responsibility for illegal acts related to drug trafficking. At the same time, more strict liability is provided for drug production, especially for obtaining profit and in large quantities, as well as illegal trade, especially organized. There is a tendency to severe punishment of the organizers of criminal organizations, hard core criminals and those who involve minors in the drug business;

- the general strategy to combat the spread of drug addiction should provide simultaneous activities in two areas. First of all, it should be developed and implemented simultaneously at two levels: upper (state policy and legislative regulation) and lower (regular propositions for legislation and legislative initiative of agencies, institutions and organizations, primarily law enforcement agencies; planning of specific anti-drug measures, etc.). Secondly, it must accordingly affect all stages of illicit drug trafficking: demand – production – supply side – distribution.

In the article "Counteraction to drug trafficking: international legal aspect" Soroka & Marko (2018) noted that the first laws on the prohibition of opioid and opium poppy cultivation, and the prevention of drug trafficking were adopted in India and China. In 1912, the International Opium Convention was adopted. Subsequently, this activity continued from 1920 under the auspices of the League of Nations, and from 1946 – the UN.

We should separately outline the methodological recommendations for counteracting the non-contact method of distribution of narcotic drugs, psychotropic substances, their analogues and precursors via the Internet, which were developed by Albulom, Poliakov & Shchurat (2018). Those authors studied specific features of the methods of preparation and tactics of conducting certain investigative (search) and secret investigative (search) actions within criminal proceedings on crimes in the field of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors by using non-contact method of distribution through the Internet network.

Method of Research Findings

Research methods are chosen taking into account the specifics of the topic studied in the article. The methodological basis of the study is the system of generally scientific and special (traditionally legal) methods. The generally scientific dialectical method of cognition is the main one in this system, which allows us to study the problems in the unity of their social content and legal form, to carry out systematic analysis of ensuring the counteraction to illicit trafficking in narcotic drugs and psychotropic substances. The logical and semantic method has assisted to determine the general principles for the formation and implementation of measures to combat drug trafficking. The methods of generalization and analysis of the results have been used to establish the essence of counteracting the spread of drugs at the empirical level. The authors of the paper have also used certain methods of cognition: historical and legal was applied during the scientific study of combating crimes in the field of drug trafficking; comparative and legal was useful in studying the experience of some foreign countries in combating drug trafficking.

Results and Discussion

Human drug addiction, as evidenced by a large number of scientific and practical studies, dates back to ancient times. For example, the history of mass drug addiction and distribution of narcotic drugs (more precisely, their historical prototypes) in Central and South America dates back several millennia. The oldest known drug was cannabis in those regions. Its use as a narcotic substance can be traced back to the IV millennium BC. Another relatively old drug is opium.

A similar situation is applied to the European continent, because the narcotic properties of the poppy plant were described in Greece by the famous ancient Greek poet Homer, as well as in treatises from ancient Egypt.

According to Kalachev (2002), a well-known scholar in the field of ethnology of Ukrainian origin Mykola Mykolaiovych Myklukho-Maklai during his research trip to New Guinea, temporarily being among the local aborigines, namely the Papuans, tasted the popular local drug "key" for purely scientific purposes. That drug is widely used in Oceania for religious purposes.

According to foreign researchers, counteraction to the use and distribution of drugs by the state and its agencies also has a long history. The Catholic Church in the Middle Ages, which at the time had an incredibly strong influence on all aspects of European life, condemned the spread of drugs and linked their use to witchcraft.

At the same time, the history of modern counteraction to the spread of narcotic drugs dates back to the late XIX and early XX centuries. For example, the public campaign against the use and distribution of cocaine in the United States, gained so much strength that a few years after the start of that movement, the Coca-Cola Company, which had exclusive rights to a number of well-known soft drinks, was forced in 1903 to stop adding cocaine to its branded beverage (Coca-Cola) and find a replacement for it in the form of caffeine.

Thus, from the above-mentioned historical fact we can draw a logical conclusion that society and its attitude and vector of orientation are key factors in counteracting a negative phenomenon. This statement is also fully applied to counteraction to the spread of narcotic drugs. If any attitude is prevalent in the society of a particular state, then the representatives of the government and political leadership of the state are forced to adjust their own policies, always taking into account the wishes of society.

One of the important aspects of counteracting drug abuse was the adoption of the Single Convention on Narcotic Drugs, 1961. This convention was adopted by

Governments at a special international conference in 1961 and has been in operation since 1964. In accordance with this convention, the International Narcotics Control Board is an independent control body for the implementation of the UN Convention on Drug Control, which carries out tasks in two broad areas: with respect to lawful drug production and lawful drug trafficking. Consequently, the Single Convention of 1961, as amended, is the first international legal act containing the system of norms, which are the legal basis for the fight against narcotization on a global scale. Until 1971, only drugs were controlled. In January-February 1971, under the auspices of the United Nations, the Convention on Psychotropic Substances, which came in to force on August 16, 1976, was adopted. In continuing to work towards the international fight against the spread of drug addiction, in 1988 the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psycho-tropic Substances was adopted, which entered in to force on November 11, 1990. Consequently, in the fight against drug abuse and illicit trafficking, the three existing International Conventions are the legal basis for the control of narcotic drugs and psychotropic substances. This system is developed and supported by the international community (Soroka & Markom, 2018).

International Approaches on combating the spread of narcotic drugs

Each state understands the social danger of the problem of drug trafficking, but the interpretation of responsibility in various countries is different, starting from cardinal harsh methods in the form of the death penalty to the legalization of certain drugs. Thus, drug addiction is prohibited by law in France and Switzerland, and such a prohibition is only stated by law in Italy, but the penalty for violating the law is not provided, and the use of drugs in some countries is not a crime (Drug abuse and Drug, 1999; Holovnia, 2017).

According to scientific definitions of American researchers, there is the following paradox in the field of drug prevention: the wider the volume of illicit drug trafficking, the more perfect the skills of law enforcement agencies in combating this trade (Centers for Disease Control and Prevention, 2020). Instead, the better the opportunities (methods and techniques) of law enforcement officers to effectively counteract the spread of drugs, the more sophisticated and technological are the attempts of illicit drug distribution by criminals and criminal organizations. The US Federal Drug Enforcement Administration



(DEA) is an extremely powerful and successful organization that has been effective in combating drug trafficking for the past 50 years. This agency is extremely well known both in the United States and around the world. From the first years of its existence, it actively (and quite successfully) opposed the spread of drugs and precursors. For example, representatives of this government agency, which is subordinated to the US Department of Justice, have been blocking the distribution of cannabis and marijuana plantations in the United States since the 1970s. Moreover, the peculiarities of the processes of their counteraction to the spread of narcotic substances are quite diverse and have changed under the influence of time and the development of technology. In particular, employees of the US Drug Enforcement Administration initially destroyed cannabis plantations in the United States and in neighboring countries (Washington State Institute for Public Policy, 2017).

In addition, the Drug Enforcement Administration has taken a number of active steps to stop (block) the regular supply of various drugs to the United States from other countries. Most often, those were and remain secret shipments of drugs from Mexico as the largest "supplier" of drugs in the United States by sea or land.

Regarding Ukraine, the advanced emphasis is on counteracting and preventing the spread of narcotic substances oriented on the final stages of distribution. It is applied to attempts made by domestic law enforcement officers to "catch red-handed" offenders at the stage of retail trade of drugs. It especially concerns the cessation of the activities of so-called "kladmen" of drugs (they are also called "seagulls").

Ukrainian law enforcement officers (mostly National Police officers) have made significant progress in detaining drug dealers at the "final" stage. However, very little attention is paid to tracking and further neutralizing the "trafficking" of drugs at the stage when they are only imported into Ukraine in large consignments.

The British Government pays special attention to the creation of specialized law enforcement agencies to combat drug trafficking, legislating for these agencies quite large police powers and thus ensuring a high level of their effective functioning to execute the duties (Boichuk, 2017). As noted in the national program «Policing a New Century: a blueprint for reform»: «There are significant challenges facing the police. Levels of crime are still too high. Street robbery in particular is a matter for concern, and there is a clear link between crime and drug use» (Policing a New Century, 2011, p. 1).

As we can see from the analysis of this document, there are Drug Action Teams in the UK. Also multi-agency groups are in place to tackle Class A drug trafficking and people trafficking to ensure that knowledge and intelligence – for example on routes, methodologies, money laundering techniques and developing trends – are turned into targeted action (Policing a New Century, 2011).

The Scottish Drug Enforcement Agency (SDEA) was established on 1 April 2001, becoming the SCDEA in 2006 and was incorporated into Police Scotland on 1 April 2013. The Police, Public Order and Criminal Justice (Scotland) Act 2006 put the SDEA on a statutory footing and renamed it as the Scottish Crime and Drug Enforcement Agency, funded through the Scottish Police Services Authority (Delargy, 2013).

One of the countries that pursues a successful state policy in the field of drug control is the Federal Republic of Germany. The interest in studying the directions of Germany's work in the field of combating drug addiction is growing in regard to the background of Ukraine's chosen path to European integration. Germany's anti-drug policy is comprehensive, covering prevention, counseling and treatment, harm reduction and supply reduction. Preventive measures are mainly focused on the school environment and are mostly represented by social projects. Innovative drug prevention projects aimed at drug addiction's prevention include online counseling and activities specifically oriented at ethnic minorities. Treatment of drug addicts is within the competence of the federal lands and municipalities and is carried out through the health care system (Melnyk, 2017, pp. 20-22).

The main drug control authorities in France are the Central Office for the Suppression of Drug Trafficking (OCRTIS) and the Interdepartmental Group on Drugs and Drug Addiction (MILDT), established in 1982. MILDT sets the task of organizing and coordinating state measures to combat drugs and drug addiction, in particular in such areas as drug trafficking monitoring, drug research and prevention, treatment, reintegration of drug users and providing training for those involved in drug combating activities. MILDT also funds two large community groups: the French Monitoring Center for Drugs and Drug Addiction (OFDT), which monitors and evaluates drug distribution, and the Interdepartmental Training Center for Drugs (CIFAD), located in Fort de France (Martinique), which allows the use of best practices in combating drug trafficking in the Caribbean countries (Operuk, 2017, pp. 22-24).



The Effective Recognition of Combating Narcotic Drug Abuse in Ukraine

One of the current problems in combating drug crime in Ukraine, which is supported by many scholars, is corruption, the scope of which has covered almost the entire structure of law enforcement agencies. Foreign and domestic drug traffickers, using this problem to their advantage, are able to do it almost unhindered without opposition from the police. That, according to experts, is one of the key problems of low efficiency of domestic counteraction to the spread of drugs. In fact, it would be much easier and more effective to detain large consignments of drugs at the border or even (in close cooperation with foreign law enforcement officers) in a port or warehouse in a foreign country. It is more effective method of counteraction because it allows law enforcement officers to withdraw drugs before they enter the country and then spread in small parts throughout the country. The chances of removing all of them will be much less (European Monitoring Centre for Drugs and Drug Addiction, 2013). Therefore, it is necessary to agree with the statements of researchers who support the provision of priority to this form of combating the spread of drugs. Many years of successful experience of developed foreign countries in this area is a clear confirmation of the correctness of this position.

As one knows, there is no absolute effectiveness in successfully intercepting all drugs at the border, even in countries where the effectiveness of drug trafficking is higher than in others. Of course, a certain part of them still can be found within the state and receives its further distribution, for example, through retail sales on the streets of different cities (Prevention of drug-related crime report, 2015).

Recently, there have been some shifts in counteracting the spread of drugs. Thus, the staff of Kharkiv National University of Internal Affairs created a so-called "StopNarcotics" Chatbot on the social network' platform Telegram in order to more effectively counteract such a phenomenon as the distribution of narcotics. The main function of the "Chatbot" is to detect and further block those resources in the Internet that carry out the sale of drugs prohibited by domestic and international legislation. According to the developers of that Chatbot, the decision to create such a useful tool for law enforcement officers and society in the Telegram network was made because this network is the most attractive for people distributing drugs in Ukraine, as well as in some other countries. According to the heads of the relevant units of the National Police of Ukraine, the usefulness and necessity of the proper functioning of the advanced development of KhNUIA is difficult to overestimate. That service has already helped Ukrainian law enforcement officers find and eliminate dozens of addresses and resources used to sell drugs. That is, now we have the opportunity to define the "Kharkiv" example as an effective form of cooperation between the two government agencies, even within the system of the Ministry of Internal Affairs. It is a vivid illustration of the fact that such activities as combating drug trafficking must be carried out under the condition of close and fruitful joint efforts of several departments or other structural agencies of the state and society.

We should agree with the conclusions of a number of foreign scholars that there is another useful practical element within the reasons for the success of the American model of drug prevention. We are talking about the use of the so-called "task force groups" in this activity by the American government. The essence of the work of such task force groups is that they, being composed of highly qualified specialists in various independent or related fields, direct the whole their potential to the cessation of existence of a criminal organization operating in a particular area. The effectiveness and ultimate efficiency of these operational groups are no longer in doubt, as the success of their operation has been repeatedly confirmed both by experts and by specific successful operations. That has certainly made a significant contribution to reducing the spread of drugs not only in the United States but also in different parts of the world (UNDP, 2015). Such task force groups, taking into account the high efficiency of their work, must be introduced into the internal structure of domestic law enforcement agencies. The most correct step, in our opinion, would be the creation of such groups within the units of the National Police of Ukraine, since it is the leading and main law enforcement agency that counteracts the distribution of drugs.

Elements of high-tech achievements should be involved in the processes of combating the use of narcotics by the state and its accountable agencies. It is due to the fact that criminals who distribute drugs are constantly improving their skills and abilities. That is the reason why domestic law enforcement officers, and first of all employees of structural divisions of the National Police, need to work continuously on significant improvement of own professional opportunities, on quality of interaction with other departments, especially with the public. And the creation and implementation of the "StopNarcotics Chatbot", which finds and blocks Internet websites that distribute drugs, is a positive example of the use of effective technology to combat the spread of drugs.



Of course, close and fruitful cooperation should exist not only between state authorities of one country, but should include international interaction (Yeh, 2015).

Conclusions

Counteraction and prevention to the spread of narcotic drugs should be one of the main tasks of the National Police of Ukraine and other law enforcement agencies. In terms of close and proper cooperation between law enforcement agencies or between internal structural units of the same agency we can achieve significant results in their own professional activities. Interaction with the developed countries of the world through the development of international cooperation and the introduction of joint programs on combating the use of narcotics is very perspective. It is extremely important to ensure the proper interaction between several areas of counteraction in order to achieve success and stable efficiency in this area. In particular, the scientific and technological aspect should be developed, because its progress assists law enforcement officers not to lag behind criminals in terms of skills and manufacturability and therefore not to detect fewer crimes.

Another decisively important component of prevention is the settlement of legislative problems in the field of combating the use of narcotics. The point is that we should implement clear and comprehensible legislation, which would define specific measures of liability for crimes and offenses in the field of drug distribution.

Interest conflict

The authors affirm that they do not present any conflict of interest in this research.

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