United Nations Office On Drugs and Crime (UNODC)

Study Guide
# Table of Contents

Welcome Letters ........................................................................................................................................ 1

Introduction to the UNODC ...................................................................................................................... 2

Topic A: Solving the issue of opiate trade and trafficking ........................................................................ 3

Introduction .................................................................................................................................................. 3

History of the Issue .................................................................................................................................... 3
  Southeast Asia .............................................................................................................................................. 7
  South America ........................................................................................................................................... 7
  Trafficking Routes ..................................................................................................................................... 8

Combating institutional flaws .................................................................................................................... 10

International cooperation .......................................................................................................................... 11

Eradication .................................................................................................................................................. 11

Legalisation .................................................................................................................................................. 12

References ................................................................................................................................................... 13

Bibliography ................................................................................................................................................. 16

Topic B: Transnational Operations of Human Trafficking with Focus on Sexual
Exploitation in South and East Asia ......................................................................................................... 19

Introduction ................................................................................................................................................ 19

History of the Issue ................................................................................................................................... 19
  Cambodia .................................................................................................................................................. 20
  Thailand .................................................................................................................................................... 21
  Indonesia .................................................................................................................................................. 21
  Other Involved Countries ......................................................................................................................... 21

Current Situation ........................................................................................................................................ 22
  Regional Cooperation .............................................................................................................................. 22
  The Local Level of the Problem .............................................................................................................. 23
  Increasing Complexity of the Problem .................................................................................................... 23

Executive Summary of the Protocol to Prevent, Suppress and Punish Trafficking in
Persons, Especially Women and Children, Supplementing the United Nations Convention
against Transnational Organized Crime .................................................................................................... 24

Measures Taken to Combat Trafficking by the United Nations ............................................................... 26
  UNIAP and COMMIT .............................................................................................................................. 26
  United Nations Global Plan of Action to Combat Trafficking in Persons ............................................. 27

References ..................................................................................................................................................... 28

Bibliography ................................................................................................................................................ 30
Welcome Letters

DIRECTOR – NICHOLAS WONG Hello, delegates! I'm Nicholas and I'll be your Director for the weekend! I'm a third-year Malaysian law student at the University of Nottingham, and this will be my third LIMUN - but my first as a chair. The UNODC's an exciting pick for me because it's about tackling all the messy details of crime - not just what happens, but why and how it happens and what to do about it. We've got some pretty challenging and interesting topics for you, so sink your teeth in and don't hesitate to ask for some pointers if you need any - happy MUNning everyone!

CO-DIRECTOR – DAVID COLLOMB Dear Delegates, my name is David Collomb and I am excited to be one of the Vice Directors for UNODC at the London International Model United Nations 2015. I will be in my second year of studying Physics at the University of Nottingham. Despite being a Physics student I nevertheless have a keen interest in politics since scientific research can be very dependent on what goes on in politics. I started MUN at the beginning of my first year and I have strongly enjoyed it which lead me onto to becoming the USG Finance of NottsMUN's. I will venture to make LIMUN one of the best conferences you have been to, inside and outside of the debate room!

CO-DIRECTOR - SOŇA FAITHOVÁ Dear delegates, it is my utmost pleasure to welcome you all to LIMUN 2015. My name is Soňa Faithová and it is my distinct pleasure to be co-chairing the UNODC. A little about myself perhaps. I hail from the lovely capital of Slovakia, Bratislava, but currently am doing a law degree at City University London. I have been engaging in MUNs since high school and participated both as a delegate and as a chairperson in various conferences and committees. Hence, I can easily step into your shoes, while using all my experience to do the best for you to make the debates fruitful and unforgettable. I hope you will enjoy the conference and I am looking forward to meeting you all!
Introduction to the UNODC

The then-Office for Drug Control and Crime Prevention was set up in 1997, merging the UN Drug Control Programme and the Centre for International Crime Prevention. In 2002 the organization was renamed the UN Office on Drugs and Crime (UNODC). The UNODC operates via field offices in various states, and 90% of its budget is dependent on voluntary state contributions.

The UNODC’s mandate is to ‘assist Member States in their struggle against illicit drugs, crime and terrorism’ – a fairly wide remit. The organisation reflects today’s modern recognition of the interconnectivity between crime, drugs, terrorism and the international dimension. Its work also operates on ‘three pillars’:

- ‘Field-based technical cooperation projects to enhance the capacity of Member States to counteract illicit drugs, crime and terrorism’
- ‘Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence base for policy and operational decisions’
- ‘Normative work to assist States in the ratification and implementation of the relevant international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies’

In short, the UNODC serves as a liaison between all states in the fight against transnational organised crime and the drug trade – it is also the main body assisting states in the ratification and implementation of international agreements and treaties. The UNODC therefore does not mandate action in and of itself, operating in more of an advisory capacity to states in helping them resolve pertinent issues.

Perhaps the most significant public output of the organisation are its reports; the UNODC produces an annual World Drug report, as well as a variety reports on the other issues it covers – including, for instance, crop monitoring surveys for countries and regions.
Topic A: Solving the issue of opiate trade and trafficking

Introduction
The opiate trade has been a longstanding and persistent one in the context of the global economy and history. Seemingly year after year, opium cultivation hits another record high, despite the concerted efforts of states and the sinking of billions of dollars into the effort over the years.

Opium – and derivatives like heroin – pose a significant health threat to people across the world. The trade itself has also proven to be a sometimes-crippling influence on local government, stability and security; the various cartels and organised crime syndicates behind production and processing keep economies stunted and citizens dependant on poppy cultivation as a major, tough-to-match source of income.

With implications for the economies of many states, as well as issues of transnational crime and security, the issue of opiate trade and trafficking is today a truly modern problem that requires no shortage of innovation and cooperation if any headway is to be made in combating the problem.

History of the Issue
Opiods.com\(^1\) sketches out a fairly comprehensive, long-term timeline for opium:

The use of opium dates back as far as 3400BC; the Sumerians in lower Mesopotamia cultivated the opium poppy, and knowledge of its use spread on from there to Assyria, Babylon and later Egypt. Over the millennia the trade expands through various channels – expansionist military efforts, scholarly studies and writings, etc.

By the mid-18\(^{th}\) century, the British East India Company was running a roaring trade – shipping a massive two thousand chests of opium to China annually. By the end of the 1700s they had effectively monopolised the market on opium.

Opium’s reception varied, historically – at points it was valued for its supposed medicinal qualities, while in other instances it was banned (as China did in 1799). It also gave rise to disputes; the
opium trade was one of several factors behind the First Opium War and Second Opium War (China lost both).

In 1874, what would later come to be known as heroin is first synthesised by Englishman C.R. Wright. It would not be long before the British (and the Americans) clamp down on opium use and consumption – in 1878 the British passed the Opium Act, while in 1890 the US levied a tax on opium and morphine. By 1895, however, the work of Heinrich Dreser and The Bayer Company in Germany resulted in the beginnings of heroin production.

By the turn of the 20th century, heroin addiction had reached worrying rates; shortly thereafter the US banned opium and later enacted the Pure Food and Drug Act. After this perhaps the first true international effort against opium convened; the International Opium Commission met in Shanghai in 1909.

Opium continued to play an important part in trade, politics and conflict. Trade routes were blocked during World War II. Organised crime in America dealt in opium, among other things. The US’ anti-communist campaign in Asia involved cutting deals with locals to aid production and sales.

Post-World War II southeast Asian heroin eventually takes centre stage, but after the Fall of Saigon, Mexican produce takes over. In 1978, the American and Mexican governments embarked on a herbicidal offensive against Mexican opium, spraying Agent Orange across poppy fields in Mexico and denting ‘Mexican Mud’ availability in the US market. The decline of Mexico in turn gave rise to Afghanistan, Iran and Pakistan as the heart of the heroin trade. Opium production also develops once again in Southeast Asia.

By 1994, it was apparent that efforts to eliminate opium from the world market were inadequate. President Clinton signalled a major policy shift; the US would work on strengthening ties with foreign states and aid the development of strong foreign governments in the hopes that this would promote ‘law-abiding behaviour and … legitimate economic opportunity’. The year after, Southeast Asia’s ‘Golden Triangle’ took the lead in opium production – churning out 2,500 tons of it annually.

In 1997 the UN Office on Drugs and Crime (UNODC) was established.
Not long after, however, Afghanistan would take its place at the head of the pack of opium-producing countries again – by 2002 the UN dubbed Afghanistan the biggest opium producer in the world, setting the stage for the situation today.

Production in Afghanistan continued to expand, hitting an estimated 6,100 metric tons in 2006 – a record-breaking figure encompassing over 90% of the world’s supply. The death of Burmese warlord and ‘Opium King’ KhunSa in 2007 signals the relative decline of the Golden Triangle’s prominence in the market.

**Current Situation**

The crux of the situation today is that despite persistent international efforts and constant expenditure by states, opium production and cultivation remains a major presence in the world economy. The US State and Defense departments spent a reported 7.5 billion USD from 2002 – only to find that production is currently higher than it has ever been. In addition, the Special Inspector General for Afghanistan Reconstruction report found that drug use in Afghanistan has also increased.

2014 saw a 7% uptick in opium poppy cultivation in Afghanistan – 224,000 hectares in all, with most of it taking place in southern and western Afghanistan. The report puts the farm-gate value of opium production at 0.85 billion USD last year –4% of Afghanistan’s estimated GDP.

A 2011 threat assessment by the UNODC sums up the opium trade today fairly well:

> Heroin is the most dangerous drug worldwide. This report presents data on the distribution of trafficking flows for Afghan opiates and their health impact throughout the world. Trafficking in Afghan opiates is also very lucrative, generating some US$ 61 billion in illicit funds in 2009 (out of US$68 billion for the global illicit opiate trade, including other production sources). Most of this money went into the pockets of traffickers all along the transnational heroin distribution routes, and some went to insurgents.

It also noted a ‘worrying development’ the rising use of Africa as a ‘way station’ for heroin trafficking to other parts of the world, pointing out that this was also feeding the heroin use in
the African region (to potentially devastating effects). Given the relatively underdeveloped infrastructure in the region for drug treatment and the prevalence of less stable, corruption-prone administrations, an increase in heroin consumption there certainly warrants attention.

Shipping by air and sea is another trend to contend with; now local authorities as well as the international community must adapt to respond to the expansion of trafficking beyond just land routes.

More than ever, basic measures like fortifying border security, especially at vulnerable and less-secure areas, are important in clamping down on the bulk of illicit product flow – be it opium, heroin itself or any precursor chemicals (like acetic anhydride) necessary for its synthesis. The use of air and sea transportation also necessitates greater checks at seaports and airports; efficiency here also demands a greater intelligence-sharing relationship across states, local authorities and regional enforcement agencies.

At the same time, there has to be a continued recognition for the substantial demand for opiates – the report estimates that as many as 16.5 million people consume illicit opiates yearly. Without a strategy for counteracting the demand for opium and its associated products the market will persist in providing supply.

**Afghanistan**

Afghanistan today is undoubtedly the focal point of the trade. Local farmers, traffickers and governing forces are strongly tied to the trade, with the Taliban there pulling in an estimated 155 million USD in 2009, according to the UNODC. Drug traffickers earned 2.2 billion USD, while farmers took home a combined 440 million USD.

In fact, production in Afghanistan has even surpassed demand – creating huge stocks of opium and morphine. The 2011 threat assessment pegs these stocks at 10,000-12,000 tons over the 2005-2009 period. There are also numerous heroin labs in the country – 300-500, according to the UNODC. They collectively put out up to 400 tons of heroin annually, and operate in less-policed regions of the state.
The European market for Afghan produce is the largest; an estimated 150 tons of Afghan heroin were consumed in Europe in 2009. The East Asian and Southeast Asian markets are also becoming more prominent consumers of Afghan heroin, especially given the decline of local opium production there. The rise of the African region as a trafficking route is also making the area a greater destination.

**Southeast Asia**

While Afghanistan is indisputably the major region of concern in the opiate trade, the ‘Golden Triangle’ of Southeast Asia (broadly, at the convergence of the borders of Myanmar, Laos and Thailand) remains a significant factor in the market. Today, the bulk of opium production in the region comes from Myanmar (specifically, Shan state) and Laos; combined, they amounted to an estimated 63,800 hectares of cultivation area and produced about 762 tons of opium in 2014.6

It is not entirely clear whether demand drives supply in the region, or if production is encouraging demand, but the produce of the region primarily feeds the Asian market. The largest single one is China, where an estimated 70% of heroin users in Asia reside.7 Heroin is the ‘primary drug of concern’ in various parts of the region, including Malaysia, Myanmar, Singapore and Vietnam, according to the UNODC, as well as a significant problem in other states like Indonesia and Australia.8

Production was declining through the late 90s to the mid-00s, but since then cultivation has seen a resurgence.9 Cultivation in the region as a whole has tripled since 2006, according to the UNODC; Myanmar saw an increase from 21,600 hectares to 57,600, while Laos saw an increase from 1,500 to 6,200.

**South America**

Also worthy of note is South American cultivation; most of the illicit consumption in North America comes from Colombia and Mexico. Collectively, they account for over 90 percent of supply to the United States, most of it entering via Mexican traffickers and smugglers.
Mexican production has now overtaken Colombian operations, with the infamous Sinaloa drug cartel in Mexico the single largest provider to the states – controlling ‘as much as half of the North American market’, according to the *Washington Post*.\(^\text{10}\)

All of this comes on the heels of rocketing heroin consumption in America; the article notes that federal data pegs the increase at around 79 percent between 2007 to 2012.

**Trafficking Routes**

Perhaps the main route for Afghan heroin – about 150 metric tons’ worth – goes through the so-called ‘Southern Route’: from Afghanistan, to Pakistan, and then on to Southeast Asia. The European market is serviced by the ‘Balkan Route’ – through Iran, Turkey and Southeast Europe – and the ‘Northern Route’, which runs through Central Asia and Russia. Outflow from the Andean region, on the other hand, has two destinations: the United States, and to a lesser extent, Europe.\(^\text{11}\) Shipments through the Balkan route also go to Iran and states and states in Africa, rather than just Europe. Given the increasing flow through Africa, this particular route is seeing some decline.

In Southeast Asia, according to the UNODC, the most substantial heroin flow goes from Shan State to China through the Yunnan province, although small flows go via Laos and Thailand. However,
despite the recent resurgence in production in Southeast Asia, recent findings suggest that Afghan heroin is reaching a greater part of the market in the region, as well as Oceania.\textsuperscript{12} It is crucial that these routes be scrutinised and examined in detail; states and transnational efforts must keep track of particular distribution hubs within regions of interest, as well as common entry points for the illicit cargo in the relevant states.

**Relevant International Treaties**

There are three\textsuperscript{13} relevant drug-related international treaties of interest:

- The Single Convention on Narcotic Drugs 1961
- The Convention on Psychotropic Substances 1971
- The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988

**The Single Convention 1961**

The convention functioned to consolidate and collate previous treaties and agreements, which had only covered substances like opium, coca and its derivatives. It allowed the Commission on Narcotic Drugs and the World Health Organisation to edit the schedules (lists) of controlled substances as necessary, while the International Narcotics Board was authorised to deal with controls on drug production, international trade and dispensation. The UNODC would act in a monitoring capacity within each state and coordinate efforts with domestic authorities in carrying out the aims and stipulations of the Convention.\textsuperscript{14}

**The Convention on Psychotropic Substances 1971**

This agreement placed greater focus on psychotropic and psychoactive substances, as the name implies: amphetamines, barbiturates, psychedelics, etc. The older Single Convention did not cover most of these substances. The 1971 Convention therefore vastly expanded the scope of controlled substances that the international community was tasked to deal with.\textsuperscript{15}

**The 1988 UN Convention**

As the OSCE notes in its summary, this convention ‘represents an escalation in the War on Drugs.’ Many more elements in this agreement are dedicated to dealing with the organised crime aspect of the international drug trade, with provisions in place for transnational cooperation in tracking and
seizing controlled substances. Article 5, for instance, mandates that parties confiscate proceeds from drug-related offences. Article 6 fills in gaps for states without extradition treaties by laying out a scheme for drug-related cases. Article 12 sets up categories of precursor substances\textsuperscript{16}, crucial elements in the synthesis and processing of drugs.\textsuperscript{17}

**Measures And Possible Solutions**

Today’s primary strategy has been simple, if not straightforward: enable transnational cooperation in tracing, tracking and blocking the flow of illicit opiates. Poppy field eradication has also been a mainstay strategy.

Worldwide seizures of heroin and morphine decreased 12\% in 2012, according to the UNODC’s 2014 World Drug Report. The decrease was mainly attributed to lower seizures in South-West Asia and Western and Central Europe; in Southern and Eastern Europe, however, there was a significant *increase* in reported heroin seizures – apparently due to more seizures in Turkey. The upward trend also occurred in Australia and New Zealand.\textsuperscript{18}

Whether these numbers indicate a satisfying effort against the opiate trade is a matter of debate. The UNODC’s 2011 threat assessment note that ‘[b]etween 2002 and 2009 heroin seizures increased by almost 70 per cent, yet this was still less than 1 per cent of the total estimated amount manufactured in Afghanistan during this period.’ Arguably, international efforts have thus far not been enough to truly cut into the global opium supply.

A 2006 paper\textsuperscript{19} by the Institute for National Strategic Studies neatly outlines the various avenues that states and parties have taken or considered in dealing with the opium problem.

**Combating institutional flaws**

Often, it is the failure of weak institutions and lack of rule of law in states that give rise to conditions conducive to illicit opium cultivation, processing and trafficking. To expect states to efficiently combat the organised criminal enterprises behind much of the trade without a working government, judiciary, police and prison system is a hard task.

Dealing with corruption within these systems is paramount, but this can prove difficult – for instance, in Afghanistan drug traffickers have a presence at various levels of government. In this sort of scenario, it becomes difficult to successfully prosecute and put away key players in
the drug trade, making the job of eradicating and dismantling the criminal system running the trade complicated.

**International cooperation**

Transnational cooperation is, of course, paramount to any successful effort against the opiate trade (and the illicit drug trade in general). It is also instrumental in advancing the other mentioned measures that states and parties might take. The Paris Pact, for example, brings together over 70 states and organisations in a framework specifically designed to combat opiate production in Afghanistan. It involves a ‘Consultative Mechanism’ that involves consultations on policy and strategy between party states and organisations, and an ‘Automated Donor Assistance Mechanism’, a tool giving parties access to counter-narcotics information and assistance. The 2006 Afghanistan Compact is another such example, with parties pledging further cooperation in the counter-narcotic campaign, including ‘improved interdiction, law enforcement, and judicial capacity building...’ Then of course there are intergovernmental organisations like the UNODC, the Commission on Narcotic Drugs and the WHO, meant to facilitate cooperation and information-sharing as well as providing states and parties with pertinent information and developments on the issue and work on implementing the various treaties within states.

**Eradication**

While the eradication of poppy plantations have been a significant strategy in the past, many parties seem to be moving away from this as an effective tactic in recent years. The Afghan government embarked on an eradication programme in 2005, to limited success; only a minor decline in production was recorded. Also, given that poppies are replanted after each harvest anyway, eradication does not seem to be a viable long-term solitary solution. Eradication *can* prove effective if it provides a credible and ongoing threat to farmers, who will reduce cultivation out of apprehension; however, any inconsistency in fully implementing such a policy will see no lasting benefits.

**Alternative Livelihood Development**
The integration of opium production in the economies of some states makes it a particularly tricky economic problem as well. Many farmers turn to cultivation out of a combination of economic incentive and financial necessity. Alternative livelihood development, then, is a strategy that takes into account the financial and economic needs of farmers and how this may be satisfied in lieu of poppy cultivation; rather than eradicating cultivations, which do nothing to solve the problems of needy farmers, this tactic attempts to deal with the fundamental economic problems giving rise to the issue instead.

In practice, however, this has proven a very difficult task. The 2006 paper notes that ‘from a purely economic standpoint, there is no true alternative crop to poppy for the farmer’ – the authors rule out truffles as a crop unsuited to the Afghan climate (despite rivalling poppy in value), while eliminating wheat as an alternative for its much lower value.

**Legalisation**

A controversial measure, some parties have suggested legalising opium production – as well as the production of other drugs – as a way to undercut the illicit market, rather than attempt futilely to eliminate the market entirely. Apart from the moral and ethical objections some parties may have, however, there may be practical difficulties to this as well – if local governments do not have the infrastructure nor organisation to actually regulate and run licit production, the market will take recourse to illegal means anyway.
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Topic B: Transnational Operations of Human Trafficking with Focus on Sexual Exploitation in South and East Asia

Introduction

Human trafficking, as defined by UNODC, is “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”¹ With the global economic growth, demand in labour has been increasing, with the sex industry not being an exception. Trafficking is arguably the most rapidly growing criminal industry, the second being drug trafficking. In 2004, globally, it has been estimated that total revenue for human trafficking was between USD $5 billion and $9 billion².

In 2000, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was adopted by the United Nations. This international legal agreement is attached to the UN’s Convention against Transnational Organized Crime, yet trafficking still remains to be a global problem³.

Trafficking in Southeast Asia is a relatively new problem. Prior to 1991, there were no reports on trafficking in the region. Until recently, the issue was mainly ignored, as the topic of human trafficking for prostitution is rather a taboo among the Muslim countries. However, some estimates are available and will be further debated through the study guide⁴.

History of the Issue

The regions concerned the most with sex trade in Southeast Asia are Cambodia, Thailand, and Indonesia, but also many others. We shall examine the history of trafficking in these regions more closely to draw parallels between what caused the rise of the problem.
Cambodia

As mentioned, before 1991, there were no reports on trafficking. This was due to very strict anti-prostitution policies introduced by Khmer Rouge, the leading political party from 1975-1979. Even after they collapsed, as they were associated with the Cambodian genocides, the government maintained these, until 1989, when trafficking started in the region.

After the heavy bombing from 1969 to 1973 Cambodia suffered during the US Vietnam War, the Khmer Rouge brutal communist regime took over. Their goal was to make a utopian peasant society based on agriculture, which they done by moving people from cities to countryside, halting all business. During these times, human trafficking was almost impossible in the region, as trafficking is done for two main purposes: prostitution and arranged marriages. After the removal of the radical party, the Vietnamese were mostly in charge of the region, until 1989. The country was facing both political and economic instability. Only after 1989 did the country started developing, their market opened to international trade, yet the GDP still remains very low.5

On the 23rd of October, 1991, United Nations Transnational Authority in Cambodia (UNTAC) was created, as a result of a conference in Paris. A document was created, known as the Agreements on the Comprehensive Political Settlement of the Cambodian Conflict, and the UNTAC was created to implement it. This document included:

“aspects relating to human rights, the organization and conduct of elections, military arrangements, civil administration, maintenance of law and order, repatriation and resettlement of refugees and displaced persons and rehabilitation of Cambodian infrastructure.”6

It was this mission, as 20 000 troops and personnel came into the region that stirred prostitution. When UNTAC left Cambodia a year later, the demand for prostitution largely decreased. However, the business with prostitution, brothel ownership, trafficking and sexual exploitation was already on the rise. In January 1997, a law was passed, introducing fines up to $12 000 and prison sentences up to 20 years for trafficking. As of April 2007, 200 organizations and ministries were created for the purpose of dealing with this issue.7
Thailand

Prostitution in Thailand might officially be illegal, but their red light districts in Bangkok, Chiang Mai or Phuket attract a lot tourists and foreign capital.

History of trafficking in Thailand dates back to much earlier than in Cambodia, to the 1900s. At this time, slavery abolished. Many females found themselves homeless and poor and begun to use their body for profit. The wars broke out, and as it is usual, with the presence of foreign soldiers, the sex industry was on the rise, as well as demand for these services.

Indonesia

Sex trade in Indonesia has even deeper roots than Cambodia and Thailand. Evidence suggests that these practices in Indonesia are three centuries old. Under the Dutch and British colonial governments, Indonesian women and girls were trafficked to Malaysia. Since it was official business at the time, there was a „receipt” for all transactions. All of these contained the date of the transactions, names of buyers, sellers and the trafficked women, their ethnicity, price and include stamp duty, which in other words means, that these transactions were legal. Once they were sold, they had to do what the buyer desired, which was often commercial sex. Throughout the next few centuries, many instruments were introduced to fight human trafficking, yet their implementation remains a problem.

Other Involved Countries

The short histories of Cambodia, Thailand and Indonesia illustrated the reasons why and when trafficking occurs, but there are many other countries involved with trafficking and the problem is much more widespread than one might think. Some of the other countries that are dealing with human trafficking and sex trade are Burma, China, Japan, India, Philippines, Pakistan, South Korea, Macau, Myanmar, Laos and many other neighbouring countries. Most are transported to capitals of the abovementioned countries, mainly though to Thailand or China, and many of the victims are “order brides”.

Prostitution existed ever since the ancient Greek times, so it is of no surprise women enter the business when in utmost need, such as after finding themselves homeless after the abolition of slavery. Before the abolition of slavery, during the colonization times, trafficking was viewed as legal, as it was just another form of slavery. Further on, it is also very common in post war
regions, in military or non-military regions, or even during missions to help stabilize the region. Such happenings, which occurred in Cambodia since the 1990s can be easily compared to trafficking scandals in the past decade or two in Bosnia and Herzegovina. United Nations Mission in Bosnia and Herzegovina (UNMIBH) was created to stabilize the region after the end of the war in the region in 1995, during which there were huge trafficking scandals. Not only were the services demanded by the troops sent to Bosnia, but some of the personnel was mixed up in the actual trafficking.

However, there are many problems with providing the statistics of the victims trafficked and with the history of the issue in some regions. Some of the trafficked women, men and children do not understand they are considered victims, as they might have entered the business willingly. Further on, these people are often “the hidden part of the society”. They are children, immigrants, tribal women, or even men, who do not have a legal status in a country and whose existence is unrecorded and hence, it is almost impossible to say how widespread the problem was, and is.

**Current Situation**

At the present day, one of the greatest barriers to deal with this problems is the government’s failure to understand the problem and work collaboratively among themselves.

In 2012, the UNODC, in their report on human trafficking, recorded over ten thousand cases of trafficking in Southeast Asia and Pacific between 2007-2010. It is unknown what is the exact situation today, which is one of the greatest problems- the governments, the public and even the international and regional organisations working in this area do not understand the extent of the problem. Arguably, some people do not believe we have a clear and uniform definition for trafficking and know how to identify a victim, how to separate prostitution from trafficking.

**Regional Cooperation**

Cooperation of the ASEAN (Association of Southeast Asian Nations) states produced memorandums of understanding (MoUs), which should "should facilitate the exchanging of information and evidence between governments." Although these agreements are created, the lack of cooperation causes problems in their implementation. Part of this lack of cooperation
are regional tensions between countries, who had a history of conflicts, such as Cambodia and Thailand, or Cambodia and Vietnam.

Further on, law enforcement agencies in the regions are still developing. Prosecuting criminals who dealt with human trafficking is extremely difficult and requires an efficient intelligence-led policing, which is almost non-existent in the region. Also, not all countries had strong national legislation in place, further complicating the process. As of 2013, 2 out of the 10 ASEAN members have not passed anti-trafficking legislation: Laos and Singapore.

**The Local Level of the Problem**

First and foremost, a country itself must be prepared and willing to battle the problem, yet in some, combating trafficking isn’t of the utmost priority. For instance, in Indonesia, it is said that the local law enforcement officials do not put effort into dealing with trafficking. This is partially from the economic benefits trafficking creates for those who live in the area. For locals, the area is ideal for the sale of goods, as more economic activity is taking place there, than in the poorer part of the cities. For law enforcement officers, who are usually not paid nearly enough, it creates an opportunity to trade their protection for money of the owners.

In Indonesia, there are 497 districts. Only 88 of these have anti-trafficking task forces. The local implementation is a great problem, as the local economies often build themselves around this business, and any governmental efforts are making the police unsatisfied. It would also not be rare for identified victims, who returned home, to be re-trafficked. Financial help is offered to saved victims, but starting their business in poor regions might be problematic, so for the money, they often return to their previous way of living.

Lack of funds is another problem. Law enforcement officials often end up using their own money to take care of the victims during the process, even for the most vital things, such as proper nutrition for the victims in the police custody. This makes it hard for the willing individuals among the police to help.

**Increasing Complexity of the Problem**

There are several aspects that are problematic for tackling trafficking. Firstly, it is becoming very hard to distinguish trafficking for sex trade and labour migration. Internal trafficking is
another problem. When the victims are trafficked across borders to another country, they need to pass through several governmental agencies, while if they remain in the same country, it’s harder to detect the victims.13


The Preamble clauses state that international approach of the involved countries is necessary, points out the absence of a universal instrument to address all aspects of trafficking, resulting in the lack of protection for victims, recalls the establishment of an ad hoc committee in 1998 for battling transnational organized crime and states conviction that “supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons” will be useful.

Article 1 states the protocol supplements United Nations Convention against Transnational Organized Crime and that they should be interpreted together.

Article 2 states the purpose- to prevent trafficking, protect and assist the victims and promote cooperation.

Article 3 provides the explanation of the use of terms in the protocol, such as what consists as trafficking in persons and when is consent irrelevant.

Article 4 shows the scope of application, where transnational offences, involving an organized criminal group, and the protection of witnesses of these crimes fall under article 5 of the document.

Article 5 states that each state shall adopt legislative to be able to combat offences defined in Article 3 and in Article 1, whether it is committing the offence, acting as an accomplice or organizing other persons to commit the offence.

Article 6 states privacy of victims shall be protected, information and help in court and administrative proceedings, “each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant
organizations and other elements of civil society, and, in particular, the provision of appropriate housing, counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand, medical, psychological and material assistance, and employment, educational and training opportunities." Age, gender and special needs of the victims shall be taken into consideration and physical safety shall be provided for them.

**Article 7** states that states should permit victims remain in their territory.

**Article 8** states that if the victim does not wish otherwise, their return to their home country shall be provided without delay, verify their nationality if requested, and travel documents shall be provided.

**Article 9** states that policies for prevention of trafficking shall be created by all states. Measures, such as “research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons” should be undertaken, with the possible help of NGOs. “States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity."

**Article 10** states that law enforcement shall cooperate and exchange information, such as what means (travel documents, etc.) did the traffickers use to get the victims across borders. A training shall be provided for relevant officials.

**Article 11** states that border controls shall be strengthened and explains the means to do so.

**Article 12** states that countries shall take measures to ensure legitimacy of travel document.

**Article 13** states that if requested, verification of these documents shall be provided.

**Article 14** states that all States shall adopt the protocol.

**Article 15** states disputes between states shall be settled through negotiations. If that is impossible, it shall be submitted to arbitration and if they fail to organize it in 6 months, it will fall under the jurisdiction of ICJ. “At the time signature, ratification, acceptance or approval of or accession to this Protocol, a State may declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.” Any such reservation might be withdrawn by notification of the Secretary General.
Article 16 describes the means by which the document may be signed, ratified, accepted, approved and accessed.

Article 17 states when it enters into force.

Article 18 states that amending the document shall be possible after 5 years, and if a consensus cannot be reached, two-thirds majority is necessary for its adoption into the document. It also states the way to proceed and when it enters into force.

Article 19 states a State may denounce the protocol by notifying the Secretary General and a regional economic integration organization can denounce it when all of its member States have denounced it.

Article 20 proclaims the Secretary General as the depositary of the Protocol and that the original is in all UN languages equally authentic.

Other past resolutions that might be of interest are United Nations Convention against Transnational Organized Crime, the Forced Labour Convention, the Worst Forms of Child Labour Convention, of the International Labour Organization, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Convention on the Rights of the Child and the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and the Convention on the Elimination of All Forms of Discrimination against Women.

**Measures Taken to Combat Trafficking by the United Nations**

**UNIAP and COMMIT**

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) is perhaps one of the most successful organisations combating human trafficking in the Greater Mekong Sub-region (GMS). This organisation was created in 2004, when the six governments of GMS (Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam) signed a Memorandum of Understanding against Trafficking in Persons. This accentuated the need for multilateral and bilateral cooperation, as well as cooperation with NGOs.

United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) acts as Secretariat for COMMIT. UNIAP provides technical, financial, monitoring,
reporting and logistical support activities for COMMIT. UNIAP has offices in all of the members of COMMIT and these offices cooperate with the governments of COMMIT, the UN and NGOs to battle trafficking.\textsuperscript{15, 16}

**United Nations Global Plan of Action to Combat Trafficking in Persons**

The preambles of this resolution by the General Assembly give an excellent overview of all the conventions, resolutions and documents concerned with trafficking and afterwards, urge Member States to ratify these documents.

One of the results of this resolution is the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children and requests the Secretary General to take charge of this fund. The document also aims to elaborate on the definition of trafficking, and discusses the practices in the sex industry, which would be considered as trafficking. The document also stresses the importance of working with the Human Rights Council, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children’s Fund, the International Labour Organization, the International Organization for Migration and Special Rapporteurs to combat trafficking.

The document supports research and education on the matter, being one of the key problems. Public education, awareness-raising campaigns, use of mass media and NGOs is stressed. Capacity building is necessary in law enforcement, border control officers, labour inspectors, consular or embassy officials, judges, prosecutors, peacekeepers, and was also supported in UNODC.

The document also wishes for health care provisions for victims, care and support services for HIV and AIDS and other blood-borne and communicable diseases, rehabilitation and reintegration.
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