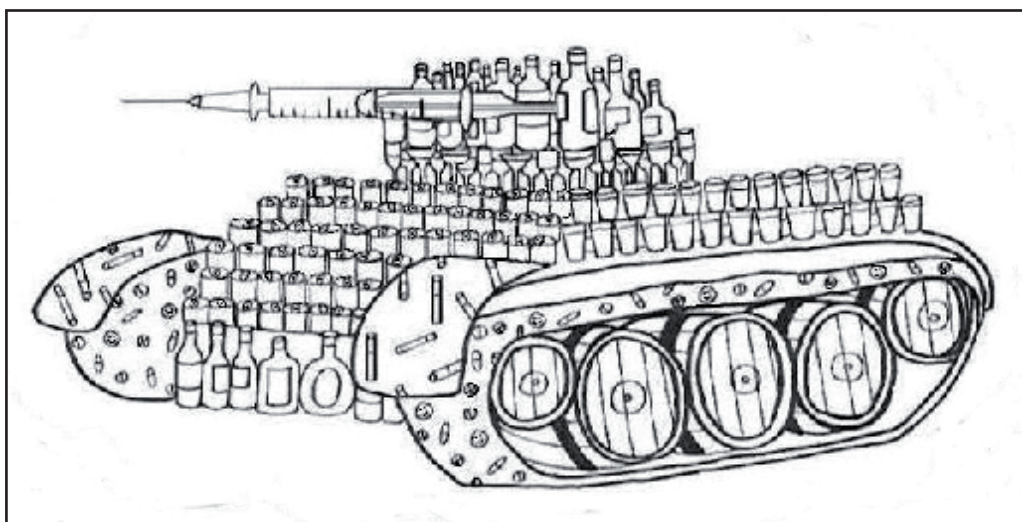


MEETIS

‘War on Drugs’ Special



An **ippr@Warwick** Publication

**Think
Tank**

Foreword by Lisa Harker, Co-Director of the Institute for Public Policy Research

ippr@Warwick

ippr@Warwick is the leading university think tank, set up in partnership with the Institute for Public Policy Research (ippr). Established in 1988, ippr's research and policy ideas have helped shape the progressive thinking that is now the political centre ground. Its work is driven by a belief in the importance of fairness, democracy and sustainability. ippr@Warwick continues this tradition by bringing the think tank environment to the university campus. Students have the chance to meet and discuss their policy initiatives with researchers at ippr while at the same time having the opportunity to reach wider audiences. ippr and ippr@Warwick take pride in being the first association of its kind, allowing students the chance to contribute their ideas to the policymaking world.

ippr@Warwick
University of Warwick Student Union
SUHQ
Gibbet Hill
CV4 7AL

www.ippr.org/warwick
su599@sunion.warwick.ac.uk

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METIS

An ippr@Warwick 'War On Drugs' Special

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METIS

'WAR ON DRUGS' SPECIAL

MAY 2010

***Sponsored by Ali's Golden Cuisine,
Leamington Spa***

A Foreword from **Lisa Harker,** **Co-Director of ippr**

This year the Institute for Public Policy Research (ippr) has sought to encourage dialogue and debate beyond its usual reach by establishing ippr@Warwick - the first university think tank to be set up in partnership with ippr.

Through ippr@Warwick we hope to give students at the University of Warwick a chance to share and explore their ideas with our policy researchers and beyond. Earlier this year I attended the launch of ippr@Warwick at The Think-Tank Talk, an open discussion on immigration and European integration organised and led by the students at the University of Warwick. Building on the success of that initial meeting, I am pleased to introduce the first edition of METIS, the official journal of ippr@Warwick.

METIS aims to provide students and academics alike with the opportunity to share policy and political ideas with a wider audience. While ippr@Warwick will be launching METIS, it is our goal in future editions to incorporate think-tank societies from other universities as links between ippr and other universities develop.

This first edition of METIS focuses on the controversial topic of 'the war on drugs'. The journal emphasises the international dilemma related to drug control. Particular attention is paid to Afghanistan where articles by Justin Waite and Shahnaz Akhter and Alex Di Mascio concentrate on the role of 'the war on terror' and the growing issue of the poppy trade. John Jackson-Houlston discusses the options of using a multinational force in addition to economic incentives to prevent drug trafficking in Colombia. Thomas Parr brings the issue closer to home

investigating if the non-custodial sentencing of problem drug users may be a way to mend the prison system. The journal also includes the human rights aspect of the war on drugs, investigating access to essential medicine in a piece from special guest writers Dr Maria Stutaford and Dr James Harrison.

The final two articles move away from the theme on drugs: Jolanta Cyrankowska presents the benefits and concerns surrounding the multicultural experiences of Erasmus students and John Kwan makes the argument for the UK to consider adopting a written constitution.

I would like to thank the students at the University of Warwick for all their hard work. It is their enthusiastic desire to introduce policy ideas beyond the periphery of their university that has made ippr@Warwick and METIS possible.

Lisa Harker, Co-director, ippr

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A Word from the President

This publication brings together a range of policy recommendations developed and written by a number of students from Universities all around the world. Whilst articles written for this journal are varied and focus upon a range of topics, special attention has been given to the issue of 'Drugs'.

From pharmaceutical toxicology to the heroin economy of Afghanistan, narcotics have a role to play in most people's lives. The recommendations published in this journal seek to remedy the deficiencies of current legislation and establish a new system of law that is both fair and efficient.

Thomas Parr,
President, ippr@Warwick



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The Curious Case of Drugs, Afghanistan and the War on Terror

Justin Waite, MA candidate in International Relations, Warwick PAIS
Shahnaz Akhter, PhD candidate, Warwick PAIS and Operations
Director of the Open Minds Policy Forum (OMPF) Think Tank.

The War on Terror is an ambiguous subject, renamed and invoked by politicians when convenient, and has now earned its place within scholarly study. Comprised of many facets, with legal, political and sociological connotations, debate has arisen over whether this 'war' even exists and, if so, whether it is being won.

Created by the Bush administration for the conflicts that have followed 9/11, the War on Terror is eerily reminiscent of another 'war' that was first invoked by the Nixon administration in 1969 – the 'War on Drugs'. Both wars have been fought out for longer than originally envisioned, and both wars have opened battlefronts that have stagnated into the equivalent of trench warfare. Yet this does not mean that the immediate moral campaigns that encapsulate both wars should be abandoned, and as the war in Afghanistan switches from open warfare to one of ideological and financial attrition, it would appear that both still have relevance today, if not for the reasons originally envisaged.

With military budgets swelling disproportionately as the War on Terror continues, this article postulates that these funds could be better spent promoting peace, instead of conflict. Through a deeper involvement by the Department for International Development (DFID) and its international partners, a major battlefront in the War on Terror and the War on Drugs could be closed far sooner than expected, and a semblance of peace and prosperity could finally be returned to the country of Afghanistan.

The 21st Century - Drugs and War

The relationship between drugs and war is one that has slowly been highlighted in both international and national media on many occasions. It has been particularly highlighted in the sale of opium poppies by struggling Afghan farmers who can expect a ready, if meagre, profit from Taliban warlords seeking to swell their own coffers and keep Afghanistan a fragile state. Indeed, it is now estimated that the Taliban raises up to US \$300 million a year from this drug trade, funding their continued fight against NATO coalition troops and providing them with a source of access to areas seemingly under our control.

This fragile state view has been reiterated by the American administration since the invasion in 2001, with officials directly linking profits from the Afghan drug trade to the attacks on America. Dennis Hastert, former Republican Speaker of the House, declared that 'by going after the illegal drug trade, we reduce the ability of terrorists to launch attacks against the United States.' This relationship between the War on Terror and the War on Drugs is further highlighted in the total profits from the sale of opium from Afghan heroin poppies, which is said to be in the realm of US \$200 billion a year. Although GlobalSecurity.org believes this figure to be inflated, the consequences of the vast profits made from the sale of opium cannot be ignored.

Yet it is also important to note that, paradoxically, opium poppy cultivation in Afghanistan has actually increased following the 2001 invasion, creating a possible link between instability and the needs of the Afghan people to continue their economic survival, despite tenets in the Quran prohibiting the use of intoxicating substances.

With this in mind, it is important that the cultivation of opium poppies must be drastically reduced, through the increased interaction and support of international development agencies that seek to promote better practice at both the local and the government levels in Afghanistan.

Post-Conflict Improvements?

The internal situation within Afghanistan has been in steady decline since the 1979 Soviet invasion, where irrigation systems, farmland and economic capacity for development were destroyed through warfare, corrupt bureaucracy, and lack of education and direct investment. Consequently, when the overthrow of the Taliban government was de-

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clared, and a 'post-conflict' regime put in its place, the rebuilding of a new Afghanistan appeared to be heralding a new era in post-conflict nation building, with a new constitution and a democratically elected government; making promises of investment and change.

Yet economic development has moved at a slow pace. As tragic victim of the War on Terror, half of Afghanistan's economy is still based on the opium trade. Although private contractor firms have attempted to destroy opium crops and decrease yields, this has created resentment amongst the farmers who depend upon these crops for profits. Coupled with an ineffectual regime consisting of hand-tied officials, former warlords, and the use of profits from this trade being used to bribe officials, the situation looks as bleak for the Afghan people as it does for the international forces in the country. This is an outlook confirmed by a Joint Coordinating and Monitoring Board 2006 report that concluded:

'Without major reforms and invigorated development, there is a real risk of losing the momentum created by the international compact and...the lack of security may not only undermine efforts to stabilize Afghanistan itself, but also have much broader international implications.'

The Future

Yet hope remains. With the narcotics trade not only providing funds for the Taliban but also destabilising the hopes of a truly democratic Afghanistan, the United States and United Kingdom have both turned their attention towards effectively confronting and reducing problems that have led to the rise of the Afghan opium trade.

Crop substitution programmes and targeted investment of development aid have been met with various degrees of success. The latest of these schemes, supported by DFID and the US government, has focused upon crop substitution which subsidised farmers to buy high quality wheat and fertiliser. Figures released by DFID in 2009 state that this policy has helped 32,000 farmers grow wheat instead of poppies, creating an opportunity for inward investment by Afghans and substantially increasing the chances of improving the Afghan community. The British and US government have so far donated US \$12 million to this programme, yet combined the US and British spending on the War on Terror is estimated to be over US \$1.9 trillion. Hence, such devel-

opment aid programmes represent only a drop in the ocean.

If the War on Terror in Afghanistan is to be successfully accomplished, these ratios must change. Instead of increasing spending on bombs and bullets, development workers and their Afghan beneficiaries must be armed with the necessary tools required to benefit the country. Recent reports by the Overseas Development Institute (ODI) and DFID have reflected this view, but it is the countries that fund these operations that must step up if Afghanistan is to wean itself economically, socially and politically from the opium trade and have a fighting chance at stability.

The Poppy: Its role within Afghanistan and what it could become

Alex Di Mascio, *Undegraduate in Politics and International Studies,
University of Warwick*

History displays a cruel irony in Afghanistan. The poppy, the traditional symbol of remembrance for fallen soldiers in the UK and in many other parts of the world, now fuels a vicious cycle of violence between the international forces within Afghanistan and those who produce the heroin and their co-opted help. The twin threats of the drug trade with the instability it causes and terrorism are not like Scylla and Charybdis; the international community cannot pick one to face; both must be given their due as the critical factors in winning success in Afghanistan.

Although the issue of heroin has been closely linked with the history of Afghanistan, international policy towards combating the drugs trade has been subservient to the demands of counter terrorist operations and more recently those of nation building. This is a false dichotomy. The revenues from the heroin trade help fuel the insurgency and empower the very groups that tie down the international presence in Afghanistan. Many of the counter-narcotics strategies in Afghanistan are just as damaging to the credibility of the operation and to the government in Kabul. Heavy handed eradication efforts have been largely ineffective, as have these groups in achieving any meaningful reduction in the volume of heroin produced. Without providing a valid and sustainable alternative for Afghanistan's farmers, any effort is doomed in the long run.

However, the Poppies for Peace Scheme as advocated by Peter van Ham and Jorrit Kamminga, offers the potential for a rethink of the role of poppy production in Afghan life and society. It could allow, in the long term, for Afghanistan to secure a valuable place for its self in the international community as a supplier of medical opiates.

The Situation at Present

US operations in Afghanistan share many parallels with US operations in Colombia. Since the 1970s the US has spent US\$150 billion on antidrug efforts in Colombia without much success. Production rose from 1,000 tonnes a year to 6,000 between 1990 and 1995. In Afghanistan the picture is much the same. Despite an investment of \$150 million into destroying the poppy fields, the efforts have been largely in vain. While 13,500 hectares of poppy fields were destroyed in 2006, a bumper harvest brought the total area of cultivation up to 165,000 hectares, an increase of 59% from 2001. Afghanistan now produces 92% of the world's heroin in a trade which is worth \$2.8 billion, half of Afghanistan's GDP. Three million Afghans are dependent on the trade for their livelihoods.

An over reliance on kinetic operations consistently puts too much emphasis on the crops themselves rather than on the socio-economic factors which drive the cultivation of crops. When large scale efforts are made to destroy a large amount of the product prices rise, enticing more farmers into the business. Thankfully, more extreme methods such as aerial spraying have been ignored so far. The UK minister with responsibility for Afghanistan Kim Howell warned against such overt methods stating the risk of famine that comes with it.

The violence damages the already strained relationship between the farmers and the central government. In response to this, the farmers have turned to local warlords and the Taliban to provide some form of stability and protection for their livelihoods. Jonathan Goodhand, a Senior Lecturer in the Department of Development Studies at the School of Oriental and African Studies, observes that the drug mafias do require some form of stability to carry out their business, hence their initial support of the Taliban.

Goodhand says 'Peacebuilding involves complex bargaining processes between rulers and peripheral elites over power and resources and when successful leads to stable interdependencies. At the moment therefore the regional power brokers are receiving little impetus to take the government's side in this issue if they are still able to profit from protecting the illicit trade.' The Poppies for Peace (PFP) scheme highlighted could become this.

The Poppies for Peace Scheme

If traditional methods to eradicate the poppy crops have failed then the PFP scheme would attempt to divert the flow of opiates into legitimate objectives, such as using the crops to create medical opiates. In setting up a pilot scheme to explore the feasibility of this as a policy, the first step should be to rethink the current policies to counter the heroin trade. The opiates could be marketed and sold in developing nations who desperately need these medical products as well as serving the Afghan market. This would increase the tax base of the government whilst at the same time reducing funding for the Taliban and other groups that cause instability. Crucially it would decriminalise a major part of the economy and assist in lifting many farmers out of poverty by giving them a constant and legal revenue stream to rely on. Six nations in the developed world consume 79% of the world's opiate-based medicines for HIV/AIDS purposes. Utilising the Afghan poppies would help the developing nations acquire access to these vital drugs and assist their healthcare issues.

The strength of the PFP scheme is that it has the potential to appeal to certain key demographics within Afghan society. It would draw local warlords into the system and give them a stake in governance which would be more permanent than the shifting nature of Afghan politics often offers. The farmers benefit as they would not have to take out dangerous loans to help set up their poppy fields or pay bribes to corrupt local officials. It is estimated that 100,000 Afghan civil servants benefit in some way from the drug trade and this will help to go some way in combating this.

Turkey's response to its domestic opium producers can provide some form of example to the Afghan situation. In the 1960s, Turkey was one of the largest suppliers of opium in the world but it moved away from the unlicensed production for illicit purposes to the production of medical opiates under government licence. A crucial parallel for the Afghan example is the importance of the farmers within the political systems of both countries. Neither government could afford to ignore their interests and this helped boost the domestic impetus for reform. To assist the government the UN and the US helped set up the practice by implementing licensing preferential trade deals with the US. While Afghanistan is not Turkey this model shows that with inventive policy making solutions can be found.

Conclusions

The PFP scheme provides an opportunity to set out an alternative to the current strategies and to provide the Afghan farmers with a possible alternative to the drugs trade. By bringing them and their regional allies in to a system which provides a source of legitimate and reliable income, this scheme could go some way in helping to counter the effects of the heroin trade both inside Afghanistan and internationally. Dealing with the poppy farmers could play a part in the wider reconciliation effort within Afghanistan and hopefully provide a model for how to strike deals with regional elites within Afghanistan. By providing an alternative to the traditional counter narcotics programmes, the scheme will prevent international troops having to undertake dangerous and ultimately counterproductive missions. Hopefully this pilot scheme will be able to provide some answers in the complicated balance between the counter terrorism, counter narcotics and state building that all compete for attention in Afghanistan.

The War on Drugs in Mexico

Grace Massey, Undergraduate in French and English Literature,
University of Warwick

The “War on Drugs” in Mexico refers to a violent conflict between the state and the drugs cartels. The war is complicated by the infighting between the cartels, which are all fighting to achieve local hegemony. The “War” has been implemented by President of Mexico, Felipe Calderon, who has been leading the right-wing government since 2006. His strategy has focused heavily on militarisation and the use of the army to combat the many cartels in Mexico. He has deployed 45,000 troops and 5,000 federal police in eighteen states to fight the cartels. This has led to some critics accusing him of using the ‘narco war’ to gain legitimacy for his government, which won heavily disputed elections in 2006. Furthermore, the army has been open to allegations of human rights abuses. Mexico’s Human Rights Commission has received more than 3,400 complaints of alleged violations, including torture and unlawful detention by military personnel. Since Calderon’s offensive began, 16,000 people have been killed in drug-related incidents in Mexico. Although 85% of these deaths are directly related to the drug trade, targets increasingly include those in ordinary society such as clergy, journalists, farmers and teachers.

There is a long precedent for drug-related violence in Mexico. By the end of the 1980s, the country acted as a conduit for narcotics cultivated in Colombia. Formerly a ‘Pax Mafiosa’ existed between the state and the cartels. However the Institutional Revolutionary Party which ruled for seven decades and collaborated with the cartels was voted out of power in 2001. Cartel violence also began to escalate after the 1989 arrest of Miguel Angel Felix Gallardo, the ‘Godfather’ of the Guadalajara cartel, which then split into cartels run by his nephews and former lieutenants. The drug trade in Mexico has escalated since the 1990s, when Colombia and the Escobar cartel controlled the drugs trade. However Mexican drug mules have since moved into the power vacuum that emerged after the successful campaign against the Medellin and Cali cartels in Colombia.

Mexico now supplies 90% of cocaine consumed in the United States and is the top supplier of marijuana, methamphetamine and heroin to the US. The past year has seen a vast increase in violence, especially at the borders, where drug traffickers operate. This level of corruption stretches throughout Mexican society affecting, among other groups, the police, judiciary and politicians. Several cartels have formed a powerful alliance known as 'the Federation', thereby exacerbating the difficulty of stamping out drug-related violence. The instability caused by the drug crisis (there are on average twenty murders a day in Mexico) is such to render Mexico at risk of a 'narco insurgency.' United States President Obama has been warned that Mexico's drug-lords pose as much of a threat to US national security as Islamic insurgents. Furthermore, cartel violence has now spread into other areas of crime such as the domestic drugs market, arms dealing, kidnapping and people smuggling.

The most powerful cartel in Mexico is estimated to be that of the Sinaloa, which is controlled by the drug-lord Joaquin 'El Chapo' Guzman Loera, known as 'The Boss'. Guzman has been listed as one of Forbes magazine's most powerful people in the world, it was estimated that in 2009 his operation was worth 20% of the 28 billion dollars laundered by Colombian and Mexican drug traffickers. Forbes has ranked Guzman ahead of Medvedev, Sarkozy and Chavez in terms of power. The drug-lord's 'shoot to kill' instructions have been extended to include the Mexican authorities, cartel rivals and now even US law enforcement officials. Indeed, the extent to which Mexican authorities are intimidated by Guzman was demonstrated when, in 2007, at his wedding to his 18 year old bride was so heavily guarded that the Mexican military did not attempt to apprehend him.

A split in the Sinaloa cartel has fuelled much of the violence in recent years. It has also been responsible for a bitter turf war in the violent border city of Ciudad Juarez, as a result of trying to eliminate a rival gang. Guzman controls routes of supply from Colombia, by both sea and air. The Sinaloa cartel has bases of distribution in Texas, Chicago, California, Arizona and New York and is believed to co-operate with prison and street gangs in the US to facilitate distribution of narcotics. It is estimated that Guzman has 1000 foot soldiers under his command. He has evaded capture since his escape from prison in 2001, which involved 78 people. Despite hiding out in the Sierra Madre mountains, Guzman has not relinquished control over his vast narcotics empire.

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The war on drugs in Mexico has not been without successes. One of Calderon's greatest victories to date is the assassination of the drug-lord Arturo Beltran Levya, the 'El Jefe de Jefes' or the 'Boss of Bosses.' Formerly the leader of the Beltran Levya cartel, which is now allied with Los Zetas, Levya had been responsible for the assassination of many underworld rivals. Police also arrested a man dubbed the 'King of Heroin', Jose Antonio Medina, also known as Don Pepe, on the 26th March 2010. Don Pepe had been responsible for delivering 220 kilos of heroin to the US per month. Further to these successes, an important member of the Sinaloa cartel, Jose Vasquez Villagrana was arrested in February. He had been in charge of moving the drugs from Nicaragua to Colombia and then to the United States.

Aside from these victories, border violence remains a major problem, with cartels engaging in increasingly brutal and vicious acts to retain hegemony. Ciudad Juarez, just across the border from El Paso in Texas, has become the city at the forefront of the war on drugs, where Calderon is focusing his campaign. It has a growing daily body count and is now one of the most violent cities in the world. Problems with law enforcement there include the routine acceptance of bribery and widespread corruption of both the municipal and federal police force, which also extends to the legal system. El Chapo has been responsible for much of the increase in violence as his cartel is attempting to commandeer territory traditionally controlled by the Juarez cartel. An example of narco-related violence in Ciudad Juarez was the brutal gangland execution of seventeen patients at a drugs rehabilitation centre, El Aliviane, in August 2009. In a bloody attack that lasted ten minutes, hooded gunmen fired 100 bullets. It was believed to be a reprisal for the arrest of one of the cartel La Familia's top operatives. Ciudad Juarez is also infamous for a spate of brutal murders and unexplained disappearances of hundreds of young women in the past decade.

The drugs cartels in Mexico are aligned along two main factions; the Juarez and Tijuana cartels allied with Los Zetas, against the Gulf cartel, Sinaloa cartel and La Familia cartel. Los Zetas, a criminal organisation comprised of a group of corrupt ex-federal and police agents is the most effective and violent paramilitary force in Mexico. It has gone independent of the Gulf Cartel as of February 2010. Formerly a private mercenary army for the Gulf Cartel, they are now battling for control of Ciudad Juarez. The internecine fighting in the Gulf Cartel has provoked an explosion of violence in recent months.

There are vast problems with the policing of the drug trade in Mexico. It is a huge industry, with 500,000 peasants and farmers employed in the service of the cartels. The narco-trade permeates all levels of Mexican society, from the grassroots to the elite and has become so entrenched that it controls major industries including tourism and construction. There are also undeniable links to the Catholic Church and the government. Furthermore, the cartels can rival and exceed the military force deployed by the government, with vast financial resources and ammunition at their disposal.

Perhaps most importantly, the decentralisation and corruption of the police force inhibits efficient crime prevention; there are 2094 different branches of the police in Mexico. In 2008, Noé Ramirez Mandujano, the former drug tsar and head of the agency Specialized Investigation of Organized Crime (SEIDO in Spanish) was arrested for providing drug cartel members with information in exchange for \$450,000 a month in bribes. Also central to the problem is the spending power of the cartels, which easily supersedes that of the Mexican government. The US, which has supported Calderon's military strategy, has been accused of indifference to the number of drug-related deaths in Mexico, concerned only that the violence remains South of the border. It has turned a blind eye to the numerous human rights violations committed by the Mexican Army and has done little in the way of reducing the huge domestic demand for narcotics, which fuels Mexico's drugs trade. The lax laws on gun control in the US, facilitate arms smuggling to Mexico, thereby enabling the drugs cartels and smugglers to arm themselves. A possible solution is the legalisation of drugs in Mexico, but this could never materialise without the co-operation of the US, which is very unlikely to happen.

The atmosphere of fear and intimidation makes reporting on the conflict difficult. In 2009, 121 journalists were murdered in Mexico for speaking out against the drug trade. It is now the second most dangerous country for journalists. In Reynosa, the city at the centre of the Gulf cartel infighting, eight journalists have been kidnapped in recent weeks, among whom five are still missing and one was found tortured to death. Brutality and intimidation are commonplace. Cartels leave the severed heads in public places as powerful warnings to their enemies and anyone who dares to cross them. The invasion of narco-culture into everyday life is demonstrated by the popularity of narcocorridos, banned ballads recounting the exploits of bandits and drug traffickers.

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It seems that the violence shows no sign of abating. In March 2010, gunmen murdered a US consulate worker and his pregnant wife in Ciudad Juarez, along with 17 other victims. In the same weekend, 13 people were slain in a gangland shoot-out in the resort city of Acapulco. Although the Mexican government claims that record amounts of drugs have been seized, President Calderon faces a huge struggle with his crusade. It is unlikely that any one cartel will emerge dominant in the near future, which would end the relentless violence resulting from in-fighting amongst the drugs cartels. More realistically, the demand for illicit narcotics and the endemic corruption present in Mexico will continue to fuel the violence of the war on drugs, resulting in the further destabilisation of Mexican society and the state.

Why Prisons Don't Work

Thomas Parr, Undegraduate in Philosophy, Politics and Economics, University of Warwick

The difficulties of prison operations have plagued both political theorists and policy-makers alike. Whereas the former have come to wrestle with the ontologically moralistic question of prisons' objectives, the latter have been principally concerned with how these aims are to be achieved. This study is a methodological one, proposing that the non-custodial sentencing of 'problem drug users', and subsequent improvement in psychological welfare of other prisoners, is a suitable political remedy applicable to a troublesome prison system.

There will be some limitations to this paper; namely in the concessions and assumptions made regarding the aims and purpose of prison as an institution. Notwithstanding, the argument presented in this paper seeks to reflect the range and diversity of theory prevalent in the contemporary political discourse.

Before embarking upon an investigation into how best to rectify the deficiencies of the prison system, we need to analyse what those deficiencies are. Whilst prison success can be measured in many ways, there is one tangible measure that has not only attracted considerable popular attention, but is also philosophically consistent with the aims of this project. Recidivism – the rate of reoffending – is a suitable criterion for institutional failure; since under higher rates of reoffending prisons not only fail to meet a wide range of targets, but their capacity to meet expectations also diminishes. High recidivism suggests prisons have a) failed to punish offenders sufficiently as they still perceive crime as a viable option; b) failed to successfully rehabilitate since offenders are continuing lives of delinquency and; c) failed to protect society since increased recidivism can imply a growing prison population; which subsequently stimulates demand for a greater use of non-custodial sentences from prison authorities. For these reasons (and perhaps many more) this paper legitimises the assumption that reducing recidivism improves prisons.

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Current policy debates have successfully identified two causal factors that have contributed to recidivism. Whilst some policy-makers have documented the negative impact of custodial sentences on stability in ex-prisoners' lives, others have focused on the stigmatisation caused by prison and the subsequent reduction in opportunities available upon release. Whilst there is considerable worth in utilising such a dichotomy, it is the central thesis of this paper to elaborate upon and defend the claim that policy-makers need to stop neglecting the stigmatisation of inmates. For many, prison is a dehumanising experience that can have long-term psychological effects on ambitions and perceptions of self-worth.

The first issue that requires further investigation is the claim that custody jeopardises stability in the lives of ex-prisoners. Stability can be measured as a function of terms of employment, permanency of accommodation and regularity of contact with friends and family. Recent periods of prison overcrowding have amplified the probability that prisoners will lose contact with family since prisoners are forced into prisons up to 150 miles away from their homes. This is particularly true of female prisons, due to prison scarcity. This, when intensified by the fact that nearly 70% of prisoners are unable to find employment and accommodation upon release, appears to amount to a strong argument.

Whilst it is true that custody does jeopardise stability, this is not the whole story. Firstly, drug and alcohol charities have recently identified the governmental borough requirement of 'local connection' to be a fundamental structural problem. In demanding the individual to have sufficient familiarity with the area, the 'local connection' requirement is unfavourable to those individuals who believe that they would lead more stable lives were they to move and live away from friends and family who had a negative influence upon their chances of rehabilitation.

More generally, it is important to consider the ability of ex-prisoners to exploit the full range of available resources. Rehabilitation experienced in prison should be of sufficient quality to endow prisoners with the confidence and ability necessary to create a new, stable life. Prisons are failing to offer a psychologically enriching experience and the consequent stigmatisation of many prisoners results in the development of feelings of worthlessness and inadequacy. All too often upon release, ex-prisoners are hesitant to accept state benefits and fail to

utilise resources appropriately. Prison should present an opportunity for the self-realisation necessary to abandon a life of delinquency.

Whilst this paper has addressed the stability-based account of prison failure, it remains to investigate why the stigmatisation account is also insufficient. Much of the policy-making discourse has centred on stigmatisation resulting from having a criminal record, particularly in the view of potential employers. The argument, ratified by statistics, illustrates the difficulty in finding employment for ex-prisoners. This is theoretically intuitive – consider two candidates where only one had a criminal record and both were as suitable as each other. The stigmatisation argument is built upon firm foundations.

However, the stigmatisation argument falsely conceives ‘the individual’ as a dependent variable. It is the intention of this paper to re-introduce personal agency and suggest that employment possibilities are, in some regards, a function of the applications psychological constitution. In a society with an effective prison system, it is conceivable that prisoners could celebrate their past incarceration, noting it as a period of psychological replenishment. This, albeit utopian, notion of prison could negate the stigmatisation argument.

The ability of prisons to deliver a mentally positive experience to its inmates is the real question that policy-makers should be considering. The potential of prisons to deliver this requirement, in many respects, is a function of its inmates. The ability of prisons to offer successful drug treatment and rehabilitation is doubtful, with statistics illustrating that individuals are more likely to fail drug treatment programmes if they’ve been forced into them. If evidence suggests that those with drug dependency problems are unlikely to benefit from the prison system, why is it necessary to overcrowd prisons with them? Delivering a psychologically empowering experience is an imperative for the prison system; if the incarceration of substance misusers is of detriment to that, then perhaps it is in everyone’s benefit to punish non-custodially and offer more drug rehabilitation services independently of the prison system.

Improving Access to Medicine through Participation & Human Rights Approach

Dr. Maria Stuttford, Institute of Health, School of Health and Social Studies, University of Warwick

Following the debate in December 2009 by the Warwick Think Tank and the Warwick Debating Society on the motion “Are medical patents just?”, I was invited to contribute this short comment on the right to health and access to medicine in order to stimulate further debate.

The right to health refers to the highest attainable standard of health and to the underlying determinants of health, as well as healthcare services. As with all human rights, state parties have a duty to respect, protect and fulfil the right to health. While the right to health approaches is not uncontested, an added value of a human rights approach to health over other approaches, such as one based on health needs, is this clarification of the obligation of states to respect, protect and fulfil not only the access to health services, but also to the underlying determinants of health. The General Comment on the Right to Health produced by the Committee on Economic, Social and Cultural Rights interprets human rights law and provides further guidance on the right to health.

The General Comment uses principles of accessibility, availability, acceptability and quality of facilities, goods and services. The exact provision is dependent on the context and on the resources of individual states. Availability refers to a sufficient quantity of, in this case, essential medicine, as defined by the WHO Action Programme on Essential Drugs. Goods, such as essential medicine, should be accessed without discrimination, they should be within physical access of people and they should be affordable. Essential medicine should be provided in an acceptable way, mindful of, for example, local culture. Finally, in terms of quality, medicine should be scientifically approved and drugs

should be within their expiration date.

Given that essential medicine should be available, under the guidance of General Comment 14, how is it possible to translate this into practice? There is a growing interest in the linkages between the right to health and participation. By increasing participation, it is possible to improve access to medicine. In order for the right to essential medicine to become a reality, international and national conventions, agreements and legislation need to be translated into practice on a large scale. One way to facilitate achieving this is by promoting participation. Participation in decision making at the level of health facility management shifts power and influence to service users. Civil society organisations can use a right to health approach to work with health facilities to develop access programmes, advocate for essential medicines and monitor state delivery of essential medicine at the local level.

Improving access to medicine is partly about producing and distributing affordable, quality drugs. It is also about improving physical access to drugs, especially in remote and rural areas, ensuring these are available without discrimination and that they are distributed through appropriate systems. Fostering genuine participation can contribute to this right to essential medicine becoming a reality.

Should International Governments Intervene in the Growing Drug Trafficking Problem in Colombia?

John Jackson-Houlston, Undergraduate in Ancient History and Classical Archaeology, University of Warwick

If there is such a thing as a Ground Zero for the never ending 'War on Drugs', Colombia would almost certainly match that description. Colombia has been the world's leading producer of cocaine since the 1980s, but should the international community get involved in such a complicated conflict? Also what do such terms as 'intervention' and 'drug trafficking' actually mean? With regards to 'drug trafficking' I take this to mean the production as well as the transportation of illegal narcotics, which in Colombia is generally confined to cocaine, heroin and marijuana. 'Intervention', I take to mean not only hard hats and boots on the ground but also softer measures such as economic initiatives to aid those displaced by the on-going conflict. 'International Governments' is a little more loaded; an alliance of countries of various nationalities could easily satisfy this definition, for example the United States led, and dominated, Plan Colombia earlier in the decade. However the idea of a Blue Helmet UN force for use as troops was preferred to a select coalition of nations, something that has not been in place since the beginning of Plan Colombia.

The Drugs

The main illegal narcotic produced in Colombia is cocaine, manufactured from the naturally occurring coca plant. However there is the issue of 'crack cocaine', an even more potent form. Crack works rap-

idly to give the user a feeling of euphoria lasting between 10 and 15 minutes followed by even more rapid crash. Cocaine, in comparison, is milder and so the rise and fall of the trip are less intense. The chance of addiction to 'crack cocaine' is greater due to the intensity of the drug and the wish to re-obtain that euphoric feeling. Heroin, extracted from opium, contains both morphine and codeine, which are painkillers. The user becomes relaxed and feels detached from the surrounding environment, and gains a feeling of euphoria. Like cocaine, it is extremely addictive. Finally, marijuana and cannabis (the former dried leaves of the plant and the latter a solid resin) have a wide variety of effects depending upon the user. In general, the user feels relaxed, has mild hallucinations and has heightened senses. It can also cause mental illness, nausea and other serious problems.

Setting the Scene

There are several players in the 'War on Drugs' in Colombia, which has also now become part of a civil war between the left-wing rebels and the US-backed government. On the left are FARC, 'Revolutionary Armed Forces of Colombia', and the smaller but more extreme ELN, the 'National Liberation Army'. These forces have been waging a guerilla war against the government controlling vast swathes of the remote countryside for more than 40 years. On the other side you have various extreme right-wing paramilitary organisations including the AUC, the 'United Self-Defence Corps of Colombia', who believe the government lacks the courage to take on the rebels. In addition the government and the army are backed by the United States. In the middle of all this are the drug traffickers who pay a levy to whichever rebel or paramilitary group holds the territory they are in. Sometimes even these groups grow and transport drugs as a means of financing themselves.

To Intervene or Not?

If a peacekeeping force was to be convened by international governments it would have to have a clear mandate, money, resources and manpower to stand any chance of reducing the drug supply. Such leadership and responsibility would most likely be forthcoming from the United States of America. It would have to the most to gain since much of the drug produce of Colombia goes straight to the American

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market. Colombia is also a source of oil and a regional ally, not only in trade, but in politics.

Yet The United States has been involved in Colombia ever since the Regan administration, most recently in the form of Plan Colombia. Plan Colombia, introduced under Bill Clinton in 1999, took off under George W. Bush in 2001. Predominately a military aid package, in the fight against drug traffickers, the total package was worth \$1.3 billion over 2 years. By 2008 this figure had reached \$6 billion and included some 300 US Special Forces used for training anti-narco army units, as well as hardware such as 25 aerial fumigation planes and 16 Black Hawk transport helicopters.

However, the intervention has not been entirely successful or popular with the Colombian population. The fumigation of the coca crop, pushed hard by Bush as it was relatively cheap and saved on manpower, had no effect whatsoever. By May 2001 75,000 acres had been fumigated, but the street price in the US had not been affected. From 2000 to 2006 there was a 15% increase in the amount of coca cultivated. Furthermore, the pesticides used also affected legal crops and so law-abiding farmers had their livelihoods destroyed. Ironically, to make money quickly they too turned to cultivating coca.

On top of this, the human rights record of the army in this conflict is shocking to say the least. In 2001, the AUC massacred 40 villagers in rebel territory. The army failed to protect the civilians, but were able to capture fleeing rebel fighters. FARC and the ELN have a track record of such crimes as well. The end, getting rid of drugs, cannot justify the means if unarmed civilians, including women and children, are killed on such a scale. The Colombian army and the government, which has corruption issues, must clean up their own house should they desire more aid in the future.

The alternative to the current situation would be to place large numbers of peace keeping forces in Colombia to resolve the civil conflict. But considering that the US is already overstretched in Iraq and Afghanistan, as well as the human cost of fighting these wars, the will to put US lives at risk will not necessarily be forthcoming. However, no other country has the political and military muscle to lead a coalition into Colombia. US involvement has caused regional controversy. There was much anger in South America at the access agreement that allowed the US military onto certain Colombian army bases.

Not all intervention must come in the form of hard hats and boots. Soft power, or economic aid, might also provide the solution. Farmers who live in abject poverty are likely to be tempted to grow the coca plant as a means to get rich quickly. If you encourage farmers to grow cash crops such as coffee or bananas they can acquire wealth through legal means. Also with the existing free trade agreement between Colombia and the United States, not only does this enable farmers to sell their legal crops at a sustainable profit, but it also means that economic aid channelled into growing industries, like textiles, could greatly increase the standard of living for ordinary Colombians and so make the draw of drug trafficking less inviting.

Yet to actually implement economic reform and install infrastructure in Colombia, as well as help farmers adapt to the new circumstances, strong law and order is needed - neither of which exist even in parts of the country controlled by the government. Under current conditions, aid workers would simply be kidnapped or killed by the rebels as is common practice at the moment. If, however, there is no strong intervention we would be failing in our humanitarian duty of helping the citizens of Colombia who have been suffering under a guerrilla campaign that has been raging since 1965. Narcotics like cocaine and heroin ruin lives not only in Colombia but also in Europe, America and Asia. Surely we should try to end this suffering by going after those responsible?

But we can make a difference, even if we do not go marching into Colombia, and that is by not buying the drugs at all. In drug education at the moment we show people the health risks of taking narcotics. This works for the majority of the population. Yet if we were to humanise this topic by showing the effects of buying drugs, like cocaine, on an 8 year old refugee in Colombia, we may deter more people from using drugs. Drug cartels and paramilitaries grow drugs because there is a demand for them. We need to remove that demand and improve interception of the drugs coming into countries.

Other commentators argue for legislation instead of prohibition. By legalising drugs, manufacture is transferred from the Cartels to legitimate businesses. In Colombia, this would mean removing income from the left-wing rebels and the AUC, an income that has now become a source of taxes for the government. This greatly weakens the various paramilitary forces positions and so forces them to the negotiation table.

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Yet for this to work we would have to legalise narcotics not only in Colombia but also all over the world. Countries have vastly different attitudes and methods in dealing with drugs, from the liberal Netherlands to the draconian Thailand. To get everyone on the same page and accepting the same law on the matter would be near to impossible. Furthermore, one of the main factors for prohibition is to protect the health of the citizen. Legalising narcotics does not make them good for your health.

Conclusions

I recommend that international governments do not intervene in Colombia. For intervention to work there would have to be not only strong military capabilities to any force, but also a balance with economic aid and infrastructure. Considering the reputation of the international community in nation building, for example in the former Yugoslavia, the chances of success are slim. This is not to say that no aid at all should be forthcoming, but rather Colombia should be allowed to sort out its own house. What I believe would be more effective would be the humanisation of drug education in the countries where Colombia's illicit produce is sold. By simply saying 'no' you close the market of narcotics down and the drug trafficking industry becomes uneconomical. Furthermore, the human and fiscal cost would be much lower than if international governments chose a more direct approach.

Pharmaceutical Drugs, Access to Essential Medicines and Intellectual Property Agreements: Do We Still Need to Worry About International Trade Agreements?

Dr. James Harrison, Associate Professor, School of Law, University of Warwick

Pharmaceutical drugs are a vital part of the treatment of many of the world's most serious health care problems. But at the heart of debates over pharmaceutical drugs is the price that is charged by the companies who produce them. The price of many drugs is greatly increased by the intellectual property protection that is granted to their inventors, allowing pharmaceutical companies a number of years in which they have exclusive rights to market and sell their products. This raises some absolutely fundamental questions about the legal and moral balances of our society. To what extent should inventors be allowed to profit from their inventions, and to what extent should countries limit the rewards they can obtain in order to take care of other important societal concerns such as public health?

In terms of international trade law this argument has become particularly acute with regard to developing countries. While most developed countries have already instituted relatively strong systems of intellectual property (IP) protection as a result of domestic policy choices, many

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developing countries are only now establishing systems of intellectual property protection as a result of international trade law obligations. These obligations started to appear as a result of the World Trade Organisation's (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

Most international activists are aware of the problems caused by the TRIPS Agreement and how it was utilised by pharmaceutical companies as a tool to block developing country access to essential medicines to fight diseases such as HIV/AIDS. In particular there was outrage over the case brought in 1998 by 40 drug companies to the Pretoria High Court in South Africa against South Africa's attempts to use generic drugs to fight the HIV/AIDS pandemic that was (and still is) ravaging the country. But then developing countries fought hard in the WTO. The 2001 'Doha Declaration on the TRIPS Agreement and Public Health' and the 'Decision on Paragraph 6' of the Doha Declaration appeared to confirm that the TRIPS Agreement did not in fact prevent developing countries from producing and importing generic drugs to fight against diseases that were ravaging their countries. The Director-General of the WTO, Supachai Panitchpakdi, described the result as a "historic agreement for the WTO...proving once and for all that the organization can handle humanitarian as well as trade concerns."

Do international intellectual property agreements therefore no longer act as an impediment to developing countries fighting against terrible diseases such as HIV/AIDS? There are still a number of reasons to think that the problem has mutated into other forms rather than disappearing completely. There is evidence of ineffective utilisation of flexibilities in the TRIPS Agreement by developing countries, so that they are still bound by more restrictive intellectual property rules than is necessary. Furthermore, the administrative complexity of the Decision on Paragraph 6 and its implementation in legislation at the national level has led to a number of actors questioning whether it is in fact workable. Early experiences with importation of generic HIV/AIDS medicines from Canada to Rwanda, the first time the system had been tested, confirmed concerns of generic producers and campaigners over the problems of complexity.

There are also now a number of bilateral and regional trade agreements which have been negotiated by stronger trading partners (in particular the USA) with weaker partners, particularly in Central and South America, Asia and the Middle East. These Agreements often

contain stronger forms of IP protection than that found in the TRIPS Agreement – so-called ‘TRIPS-plus’ provisions which add periods of marketing exclusivity, extend the scope and term of patent protection, facilitate ever-greening, block parallel imports and limit the ability to utilise compulsory licensing. In short they significantly reduce the ability of countries to use the guarantees secured in the Doha Declaration.

International intellectual property rules are certainly not the only impediment to receive drugs for many of the world’s poor. There are plenty of failings at the national level which cause significant problems (e.g. inadequate distribution programmes), but increased prices as a result of intellectual property ownership is a serious problem which reduces supply to some of the world’s poorest people. Ongoing vigilance and monitoring is therefore required of complex intellectual property provisions to ascertain what negative impact they are having. Campaigns are then required to change existing rules to make sure they do not penalise some of the world’s poorest people in order to benefit a few of its richest.

Erasmus Students in Intercultural Dialogue

Jolanta Cyrankowska, PhD candidate, University of Warsaw

The Erasmus programme, which began in 1987, has exceeded all expectations in terms of popularity. It became an indicator of a new trend in tertiary education which above all values mobility and practical educational cooperation between students and academics within the European Union and the European Economic Area. The main activities of the current phase of the programme are focused on supporting the construction of the European Higher Education Area and contributing to innovation, economic development, and the creation of new work places within the EU.

Currently all the 27 member states, three EEA countries (Lichtenstein, Iceland, Norway) and Turkey, as a candidate state, participate in the Erasmus programme. It is estimated that the total number of Erasmus students will reach three million by 2012, a thousand times the number in the initial phase of the programme.

One of the main aims of the Erasmus programme is raising the quality of education in the participating countries through developing international co-operation between different institutions and supporting the mobility of both students and academics. Student mobility is understood as a short stay abroad, usually lasting between nine and twelve months and spanning a whole academic year. The sociologist, Elizabeth Murphy–Lejeune, defines a new category of 'travelling students' and sees their mobility as a specific type of migration.

According to Professor Tadeusz Sławek, Comparative Literature Chair at the Silesian University, the Erasmus programme promotes cultural openness in the youth in Europe, teaches the responsibility of taking part in intercultural dialogue and prevents xenophobia. This sentiment is very much reflected by the students themselves.

‘Erasmus is above all an educational experience about others and about ourselves within the context of others. It is a lesson in tolerance and in building intercultural relations. What is more, you can see for yourself what life is like in other countries.’

(Małgorzata, Erasmus in Germany)

‘The biggest benefit of taking part in the Erasmus exchange is meeting people from all over the world. Nowhere else can you find people of so many different nationalities who, most importantly, want to socialise and spend time together. We ended up learning about one another’s languages, cuisine, superstitions, customs...’

(Katarzyna, Erasmus in Denmark)

The Role of Education in Discovering Identity within the Pluralism of a United Europe

It is crucial to understand that education is a fundamental part of every culture, among others, which is influenced by political structures and economic contexts. Education systems play a very important role in teaching the next generation about the history of different cultures as well as desired behaviours and values. The differences between various education systems are a reflection of a different emphasis put on values considered important for a given culture and on specific ways of teaching. The EU does not impose a homogenous education system on all its member states, but it does propose changes that aim to increase cooperation and facilitate the flow of people as well as ideas. In order to achieve these objectives, the EU finances initiatives which increase educational cooperation which is, in turn, an element of European integration. The Erasmus programme illustrates these ideas very well through making it possible for its participants to develop a variety of skills, such as ‘communication in foreign culture, entrepreneurship, ICT competence, and intercultural and interpersonal competencies’.

Through involving themselves in the programme, students have an opportunity to be active participants in the European integration process, they can discover a variety of cultures and lifestyles and spend time with like-minded people who want to learn more about the world and have the courage to do so. All these aspects give them a real influ-

ence over the creation of a new European reality. As Maria Czapiga, an Erasmus student and one of the winners of the 'Erasmus – What Does It Mean to Me?' competition, points out:

'... social events are a natural way of meeting others, and young people's curiosity about the world breaks down all – language, cultural as well as racial – barriers. Life then teaches you a lesson about tolerance, not that which was fought for and won by minorities and gives rise to ignorance, but 'committed tolerance' which means real acceptance of other human beings, together with their distinct identity, autonomy and outlook on life. At the same time ... a multitude and diversity of nationalities do not in any way lead to the uniformity of society, and there is no contradiction between unity and individuality. ... Young people ... represent new Europeans – embedded in tradition, but different through the wealth of many nations.'

According to Jerzy Nikitorowicz, Rector of the University of Białystok, culture is a constrictive phenomenon because it forces subjects to view the world around them through its prism. Education, on the other hand, permits stepping outside the constrictive boundaries of one's own culture and allows for the creation of a common cultural heritage based on mutual understanding and co-operation as opposed to competition and elimination. In order to make this possible, however, education firstly must help subjects in their understanding of their immediate surroundings, starting with family and the local community. These shape individuals and help them in building their own identity. This process normally takes place through the assimilation of cultural heritage, namely, learning the language, developing attachments to traditions and customs, establishing first social relations – all assisted by accepting the community's system of norms and values and the feeling of safety which stems from it. Local education has to be the foundation of intercultural education because understanding others is impossible without knowing about oneself first, just as stepping outside of one's own culture cannot occur without acknowledgement of one's own culture.

Cultural openness and discovering a European identity within one's own identity are some of the main objectives of the Erasmus programme. Former Erasmus Programme Coordinator in the United King-

dom, John Reilly, claims that 'for today's students, the Erasmus study and mobility experience offers the opportunity of a 21st century renaissance, establishing a new European identity. ... It is life changing and leaves an enduring impression on all those involved.' In this context, it is crucial to examine identity and ways in which education can influence its development.

The definition of identity was first introduced in psychology by Erik Erikson in the fifties. It was classified by him as the main problem for an individual coming of age since according to him, this period is the time when an individual experiences a crisis of identity. A positive outcome of such a crisis is experienced through the integration of knowledge about oneself on the basis of performed social roles, and a general acceptance of one's past, present and vision of the future. If an individual is deprived of positive role models to identify with and if their family or their immediate environment does not offer stability, they feel lost. Moreover, they can feel confused as to their own role which can then affect further development of their personality. Such a situation can result in choosing a so-called 'synthetic identity', where one accepts ready-made role models (for instance from the individual's peer group), or a negative identity which is characterised by assimilating roles that cannot be accepted by society.

According to Waldemar Kamiński, whenever one talks about identity, be it individual identity or group identity, such as cultural or social identity, one always encounters a 'process of individual self-definition in relation to various social groups and to culture at large'. He argues that the ability to participate in the social and cultural life of a larger group is one of the conditions of having a sense of identity. It is through this participation that a subject is able to define themselves and discover their real self which consequently gives them certain autonomy in expressing their opinions, feelings or their value system, regardless of the reaction or the pressure from society. Thus a sense of identity guarantees a feeling of safety and meaning and allows individuals to feel in control of their lives.

In the words of Alina Szczurek-Boruta, education should most of all motivate one to 'enrich their own identity through getting to know other cultures, since discovering the 'Other' always takes place through the discovery of oneself'. Therefore education should prepare for taking part in an intercultural dialogue; nonetheless, the subject's readiness for such dialogue will only be reached once their sense of identity is

stable. Meeting people from other cultures is also crucial for honing the skills needed for intercultural communication. It can also decrease the mutual dislike of two different groups and teach tolerance and openness to other people regardless of their nationality, ethnicity or religion. In the words of Y. Y. Kim from the University of Oklahoma:

'Being 'uprooted' from our home brings us understanding not only of the people and their culture in our new environment, but of ourselves and our home culture. Although the tribulations that can arise from crossing cultures are often staggering, success stories are everywhere. Despite, or rather because of, the hardship and ambivalence we undergo when we cross cultures, we gradually find ourselves uniquely privileged to define ourselves and others anew with clarity and insight that we could not have cultivated without leaving home.'

Intercultural Communication and Its Barriers

Living and studying abroad provides plenty of opportunities for contact with the international and local communities. Meeting people from different cultural backgrounds without the intention of fully participating in a new culture is defined as an intercultural meeting. Thus students remain foreigners within the host culture, but during their stay abroad they experience different cultural conditions and attempt to adapt to them. Then a process of acculturation takes place which is based on direct interaction between two groups from different cultures and results in a change of cultural patterns in one or both of the groups. This process depends on individuals' readiness to participate in a different culture and their ability to adapt. The initial euphoric stage, often called the 'honeymoon', is a short and happy phase brought about by discovering a new culture; it precedes the culture shock which is a longer stage characterised by experiencing cultural differences and the everyday fatigue of living in an initially unfamiliar culture.

The term 'culture shock' was first used in 1960 by the renowned anthropologist, Kalervo Oberg, to describe 'the omnipresent negative reactions such as depression, frustration and loss of orientation experienced by people who live in a culture that is different from their own'. According to Brake and Walker, culture shock refers to 'the feeling of intense disorientation that can accompany contact with new culture'

and can be described as ‘an inability to find our feet’ in a new cultural environment. On the other hand, Hofstede and Hofstede describe it as a situation in which ‘the visitor in a foreign culture returns to the mental state of an infant in which he or she has to learn the simplest things over again’.

The intensity of stress and uneasiness experienced by students because of the culture shock depends on their ability to adapt and their desire to get to know the culture in which they live and study. After this period, the acculturation proper takes place in which a person living in a foreign culture accepts the rules prevalent in their new reality and the local values, feels more comfortable in the new culture, and begins integrating with a new social network.

Social networks play a crucial role in the process of acculturation. Students who live abroad are not only exposed to the feeling of temporary loss of their original social networks, but they are also forced to build new networks at the same time in their host country. Bochner identified three types of networks developed by international students in their host culture:

1. Monocultural (home culture/own ethnic group)
2. Bicultural (host culture)
3. Multicultural (other foreigners).

The last phase, which takes place after acculturation proper, describes a stable state which always exists in relation to the attitudes an individual develops towards their native culture. This state can either be seen as negative, if a subject still feels alienated and discriminated against in their new culture; neutral, if a subject is able to function within their host culture just as well as they were able to function in their native culture, and as such can be described as biculturally adapted; or positive, when the host culture compares favourably in the eyes of a visitor to their native culture and they have ‘gone native’.

The Erasmus Programme students take part in an intercultural dialogue with other international students and with the locals during their stay in their host country. F. E. Jandt describes intercultural communication as face-to-face interactions between people from different cultures. Samovar and Porter go further by exploring the connection between culture and communication:

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'In many respects the relationship between culture and communication is reciprocal – each affects and influences the other. What we talked about; how we talked about it; what we see; attend to, or ignore; how we think; and what we think about are influenced by our culture. Culture cannot exist without communication; one cannot change without causing change in the other.'

M. W. Lustig and J. Koester define intercultural communication as a symbolic process in which people from different cultures create shared meanings. They also hold that 'intercultural communication occurs when large and important cultural differences create dissimilar interpretations and expectations about how to communicate completely'. According to Ryszard Jurkowski, 'the process of intercultural communication causes a confrontation of languages, rules and social norms prevalent in different cultures. Such communication is only possible due to the flexibility of its rules which adapt to the conditions of a given culture and is sanctioned by the ability to understand and accept cultural differences'.

Jensen and Yoshikawa present an intercultural communication process which includes:

Positions of experiences: all interpretations are a matter of individual experiences, but experiences are related to an individual's social position. We can't see cultural differences as the only differentiation to interpretation, but we should take these differences into account.

Cultural presuppositions: this term refers to knowledge, experience, feelings and opinions which people have towards others who they recognize as not belonging to the same community as they do. No matter what knowledge we have about other groups, this knowledge influences the interpretations we make. The purpose of the concept of cultural presuppositions is to create awareness about the process in which people from groups other than ours are often described (negatively) on the basis of our own values. It describes why the other group is referred to as 'inadequate others' while our own group culture is idealized.

Cultural self– perception: this refers to the way in which an actor expresses that a particular cultural community is the one he identifies with, and it is strongly connected with cultural presuppositions. It is a concept which can illustrate social communities that are formed on the basis of nationality, ethnicity, and gender.

Cultural fix points: this refers to focal points that arise in the communication between two persons who both feel they identify with a topic and thus engage in discussion. The intention of the concept of cultural fix points is to find some patterns in the conflict which characterises given periods.

The awareness of potential barriers in intercultural communication can result in a more effective and comprehensive dialogue between those with different cultures, and help to avoid mistakes that can hinder or even completely preclude effective communication. L. M. Barna distinguishes six such barriers:

1. Anxiety
2. Assuming similarity instead of difference
3. Ethnocentrism.
4. Stereotypes and prejudices
5. Nonverbal misinterpretations.
6. Language Barriers
 - a. Translation problems between languages
 - b. Language as nationalism.

It is undisputable that not everyone who leaves their home country, sometimes for the first time, is prepared for it, especially in terms of the intercultural competencies that are needed for studying and living in a foreign country. Latest research indicates that merely sending students abroad is not enough for them to acquire intercultural competencies. Moreover, during the seventies in the USA, studying abroad was seen only as a positive experience, but later research demonstrated that foreign students belong in fact to a 'high risk' category due to their stress levels which correlate with their more frequent use of medical assistance and which adversely influence their educational capabilities. Therefore, it is recommended that students acquire appropriate skills and strategies before leaving their home country which then al-

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low them to use their time abroad more efficiently and to boost their intercultural competencies. Some Polish higher education institutions already run special programmes for Polish students who are about to participate in a foreign exchange and for those who visit Poland in order to study for part of their degree. An example of a Polish institution which conducts such acculturation training is the Warsaw School of Social Sciences and Humanities. Their educational programme aims to increase intercultural awareness and improve intercultural skills as well as prepare students for making the most of the opportunities available to them while studying abroad. Proliferation of such programmes across the EU may be a worthwhile initiative.

A Written Constitution for the United Kingdom

*John Kwan, Undergraduate in Law
Trinity College, University of Cambridge
With Counsel of the Members of the Wilberforce Society
(www.wilberforcesociety.co.uk)*

The purpose of this proposal is to present the case for the adoption of a written Constitution for the United Kingdom. However, among the things to be included, apart from fundamental human rights the content of which are broadly agreed upon, other substantive ingredients are yet to be fully discussed, especially with regards to the role of the monarchy and the composition of the House of Lords. 2015 will be the 800th anniversary of the signing of the Magna Carta, arguably the first document of constitutional importance of the United Kingdom. I believe the time is ripe for the UK to seriously contemplate the adoption of a proper constitution in place of the current collection of informal conventions, an arrangement which has become more and more out of place with the requirement of modern democratic systems, and to lay out clearly rights and duties of public bodies and individuals.

At the moment, the doctrine of Parliamentary Sovereignty states that Parliament is empowered in theory to make or unmake any law, including those touching upon fundamental freedoms and rights. This is enabled by the fact that the Executive controls a substantial majority in Parliament. In effect, the Government is given a *carte blanche* to enact any law it wants to and that its power is largely limited by (a) conventions, (b) independence of backbenchers and (c) public opinions. The status quo is built upon a mutual respect between the three branches of government (judicial, executive and legislative).

Obstacles to a Written Constitution

The task will be enormous and consensus may be very hard to be reached by all fronts. Moreover, the UK system thus far has rested on an electoral bottom line of popular opinion and accepted standards of behaviour for the government as guarantors of our rights – though it is to be doubted whether they will continue to suffice in a post-9/11, media-driven UK, and with a government and opposition in many respects happy to sacrifice human rights. In a sense, the question comes down to if we can continue to rely on the rationality of the public as protection, or if the situation merits what could be a significant logistical challenge to lay out concrete rights and checks:

Britain has been without a written constitution for almost its entire history and the system has worked reasonably well in spite of that.

There is no consensus of what fundamental rights are in a multi-cultural society.

Codification reflects the preferences of the ruling party. The actual process of enshrining these rights would also probably be tortuous as per the point above, and if the government kept its MPs in line it would be less likely to limit its own power – again the fallback is on MPs' consciences and a feeling of duty or entitlement to the electorate, otherwise the government can do what it likes. Also, the length of time involved could make it impractical. Justice Secretary and Lord Chancellor, Jack Straw has said that a written constitution must be written on a “bipartisan, consensual” basis over a period up to 20 years, with resort to a national referendum if reforms were too sweeping.

The whole process could be very lengthy and expensive. Moreover it would absorb huge media attention and government energy and generally act to the detriment of other areas of government.

Over-zealous judicial interventions may undermine democracy. At present Supreme Court judges can only be removed from office by Parliament for gross misconduct.

A constitution might enshrine the present state of affairs. If a comprehensive written constitution were to be implemented, the government would need to accelerate reform of the House of Lords in order to include it, as otherwise the written constitution would just lock it in its present state: one would have to resolve the House of Lords question fairly definitively in order to stabilize it to put in writing, or it would just shore up its present state.

Proposal for the Adoption of a Written Constitution

The adoption of a codified constitution provides legal safeguards of fundamental rights, which will become non-derogable unless in extreme circumstances such as during wartime. It can also check the excessive power of Parliament in this country, which is an anomaly in a democracy. More importantly, a written constitution means wholesale reform of the system which is preferable to the piecemeal approach currently taken by the Labour Government without a coherent overall plan.

To entrench fundamental rights by according a higher legal status to rights enshrined by the European Convention of Human Rights which were given direct effect in domestic law by the Human Rights Act 1998. At present the Act could be repealed by a simple majority as stated above. These rights should be entrenched as i) they are rights identified by the Council of Europe which are acknowledged in all European democracies ii) many of these rights simply re-state principles that the UK judiciary have been upholding since the Bill of Rights was signed in 1689 and iii) the fact that our judicial system manages to accommodate such rights in domestic law shows their general compatibility with existing national laws

The codification of basic rights requires greater protection, given the government's seeming willingness to abandon the rule of law and other fundamental principles of justice especially in connection with anti-terrorism measures.

To clarify constitutional arrangements and the role of different branches of government, it is important to note that a constitution does not necessarily have to specify the composition or structure of institutions but can be employed to expound general ideas of separation of powers, otherwise the document will be overly complex. Indeed, the US Constitution did not address electoral methods of both the House of Representatives nor the Senate.

The Implementation of a Written Constitution

A national referendum is certainly necessary for the approval of such a document for its legitimisation. More importantly, its symbolic importance has practical implications: the constitutional power of Parliament will from thereafter derive directly from the people. Supreme power will rest ultimately with the people rather than Parliament. This may take a considerable amount of time, but it has to be borne in mind that the Constitutional Reform Act 2005 which led to profound changes to the constitutional structure of the UK implemented suggestions which were included in the manifesto of a party elected only several years before.

A written constitution might be used (or perceived) as the main vehicle for completing current constitutional reforms which have already seen the creation of a new Supreme Court, which is separate from the legislature and the gradual reform of the House of Lords. Otherwise there may be a sense of merely enshrining contemporary structures.

The Interpretation of the Written Constitution: Vesting of Power in the Judiciary to Interpret the Constitution

Vesting the Judiciary with power of interpretation will exercise better check on the Executive. The UK Supreme Court judges are chosen by an independent appointment commission consisting of both lay and professional members. The Lord Chancellor is not a member and is only consulted. While theoretically the Lord Chancellor can veto nominations, he is obliged to give reasons for his decisions and it will presumably be politically untenable for a government minister to contradict the view of an independent body unless he has compelling grounds

for doing so. The fact that such procedures are now statutory means unreasonable vetoes are open to being legally challenged in court. Therefore, there are plenty of checks to maintain the Supreme Court as a body of interpretation independent from the government.

Although we can arguably rely on disinterested judges in carrying out their constitutional role, we suggest that Parliament should still have the final say as a democratic body and a provision may be introduced to the effect that a super majority in the Commons can overrule a judicial decision.



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Edited by

Leo Boe
Patrick Edwards
Thomas Parr
& Staff at ippr

Illustrations by

Dimple Patel

ippr@Warwick
University of Warwick Student Union
SUHQ
Gibbet Hill
CV4 7AL

www.ippr.org/warwick

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