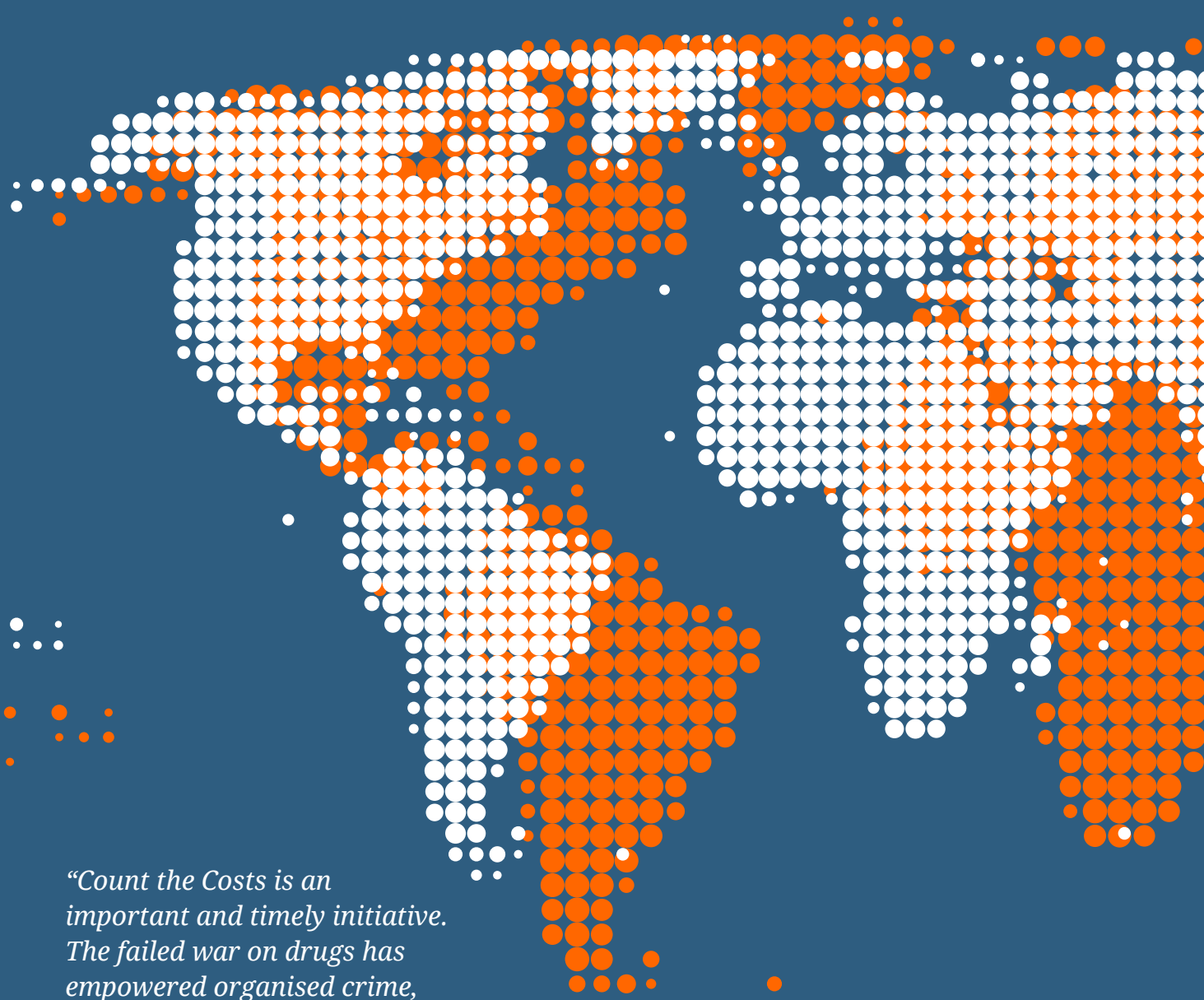


THE ALTERNATIVE WORLD DRUG REPORT

COUNTING THE COSTS OF THE WAR ON DRUGS

Executive summary



“Count the Costs is an important and timely initiative. The failed war on drugs has empowered organised crime, destabilised governments, violated human rights and devastated human lives everywhere.”

Fernando Henrique Cardoso
Former president of Brazil
2011

**COUNT
THE COSTS**
50 YEARS OF THE WAR ON DRUGS

The Count the Costs initiative:

Aims and activities

Document the costs

The Count the Costs initiative aims to highlight the negative impacts of the war on drugs in seven key policy areas: development and security; public health; human rights; stigma and discrimination; crime; the environment; and economics.

Although governments and the UN have failed to systematically evaluate the costs of the war on drugs, there is nonetheless a substantial body of research available to demonstrate their scale and scope. Using this available information, dedicated briefings have been produced for each of the seven thematic areas – edited versions of which are compiled in this publication. The online versions will be updated with emerging research and analysis.

A growing archive of factual and analytical resources from around the globe is also being collated on the www.countthecosts.org website, including reports, images, video, and audio media.

The website and briefings are also available in Spanish, at www.countthecosts.org/es, and in Russian, at www.countthecosts.org/ru. You can follow @CounttheCosts on Twitter and Facebook, and view a series of short films made to support the initiative at: <http://drogriporter.hu/en/count-the-costs>.

Reach out to a wider audience of civil society groups and policy makers

A key aim of the initiative is to encourage wider engagement in the debate on drug policy reform, particularly from organisations and individuals whose work is impacted by the war on drugs but have historically steered clear of the issue. The briefings and the resource collection are the primary tool for achieving this. An additional element of this outreach is to build up individual and organisational endorsements for the Count the Costs statement, which calls upon world leaders and UN agencies to quantify the negative consequences of the current approach to drugs, and to assess the potential costs and benefits of alternative approaches. Over 100 NGOs and civil society groups have already offered their support to this statement (see www.countthecosts.org for details, and see box for the Count the Costs statement).

Promote debate on alternatives based on the best possible evidence and analysis

The call on governments to count the costs of the war on drugs and consider alternative approaches is not an endorsement of any one policy position. Rather, it highlights the need for scrutiny of current policy and exploration of evidence-based alternatives, with a view to putting in place less costly policies. Acknowledging and systematically assessing these costs is the first step to informing the vital debate over future developments of drug policy and law.

Supporters of Count the Costs have a range of often divergent views regarding alternative approaches. However, there is consensus on the following:

- That the harms of current approaches can no longer remain un-scrutinised by those responsible for them
- That reform is needed
- That alternatives need to be assessed and debated using the best possible evidence and analysis

The War on Drugs: Count the Costs and Explore the Alternatives

“The global ‘war on drugs’ has been fought for 50 years, without preventing the long-term trend of increasing drug supply and use. Beyond this failure, the UN Office on Drugs and Crime has also identified the many serious ‘unintended negative consequences’ of the drug war. These costs result not from drug use itself, but from choosing a punitive enforcement-led approach that, by its nature, places control of the trade in the hands of organised crime, and criminalises many users. In the process this:

- *Undermines international development and security, and fuels conflict*
- *Threatens public health, spreads disease and causes death*
- *Undermines human rights*
- *Promotes stigma and discrimination*
- *Creates crime and enriches criminals*
- *Causes deforestation and pollution*
- *Wastes billions on ineffective law enforcement*

The ‘war on drugs’ is a policy choice. There are other options that, at the very least, should be debated and explored using the best possible evidence and analysis.

We all share the same goals – a safer, healthier and more just world. Therefore, we the undersigned, call upon world leaders and UN agencies to quantify the unintended negative consequences of the current approach to drugs, and assess the potential costs and benefits of alternative approaches.”

**Sign the Count the Costs statement at
www.countthecosts.org**

THE ALTERNATIVE WORLD DRUG REPORT

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The full report can be downloaded for free at www.countthecosts.org
To purchase a hard copy, please email info@countthecosts.org

“I think it is entirely legitimate to have a conversation about whether the [drug] laws in place are ones that are doing more harm than good in certain places.”

Barack Obama
President of the United States of America
April 2012

Executive summary

50 years ago the 1961 UN Single Convention on Narcotic Drugs cemented an enforcement-based approach into an international legal framework that remains largely unchanged to this day. The Count the Costs initiative was launched in 2011 to mark this anniversary, and calls on policy makers to review the costs of maintaining the current regime, and to compare it with alternatives that could achieve better outcomes. The launch also coincides with the debate on the future of international drug control moving decisively into the political and media mainstream for the first time.

The enormous costs of drug misuse itself have been well documented and ever-present on the agenda of high-level political discourse. In contrast, the serious negative impacts of drug policy enforcement interventions are left largely unevaluated and ignored, despite the fact that the current approach – which aspired to create “*a drug-free world*” – has demonstrably failed on its own terms. This report estimates that enforcing global prohibition costs at least \$100 billion a year, and far from eliminating use, supply and production, as many as 300 million people now use drugs worldwide, contributing to a global market with a turnover of \$330 billion a year.

However, the UN Office on Drugs and Crime (UNODC) has in recent years acknowledged that the current system of global drug control is having a range of negative “*unintended consequences*” including: the creation of a huge criminal market; the displacement of production and transit to new areas (the balloon effect); the diversion of resources from health to enforcement; the displacement of use to new drugs; and the stigmatisation and marginalisation of people who use drugs.

The UNODC is correct in saying these negative impacts stem from the current enforcement-led approach. This is illustrated clearly by the contrasting outcomes from the two parallel functions of the 1961 Single Convention. Alongside establishing a global prohibition

of certain drugs, and underpinning its enforcement, the convention also strictly regulates many of the same drugs for scientific and medical use. Regulation of this medical market, while imperfect, causes few if any of the “*unintended consequences*” identified by the UNODC as accruing from the illegal drug control system.

However, despite acknowledging these problems, neither the UN nor its member states have sought to discover if the intended consequences of the current system outweigh the unintended consequences. These costs are not systematically assessed or detailed in the UNODC’s annual World Drug Report, which is based primarily on self-reporting from member states via the Annual Report Questionnaires. Despite recent improvements, these do not include questions on many key policy impacts, and government self-reporting responses are incomplete and biased. These shortcomings reflect the problems implicit in self-reporting on a system by those who oversee, enforce and champion it. The result is that less than half the story is being told.

This Alternative World Drug Report has been produced by the Count the Costs initiative to describe these enforcement-related costs, and to start to fill the gap left by official government and UN evaluations. Recent political developments suggest there is a growing demand for a more balanced and comprehensive evaluation of the wider impacts of current drug law enforcement strategies, and also for evidence-based exploration of possible alternative approaches. To that end, this report also outlines all the major policy options available to governments, and suggests that countries individually and collectively engage in reviews that scrutinise the effectiveness of the current system, and compare and contrast it with alternatives that could achieve better outcomes.

The desire to explore alternatives is especially evident among the countries most negatively impacted by the war on drugs, particularly in Latin America, and indeed in other UN agencies, including UNAIDS, UNHRC, UNDP, WHO and the World Bank. Member states and a broad swathe of NGOs have a key role to play in supporting this process.

Ultimately, this is a call to apply science to an area of policy that has eschewed adequate scrutiny for far too long. The world is increasingly willing and able to count the costs of the war on drugs, explore the alternatives and gradually move towards the shared goal of a healthier, safer world.

“Our investigation has shown that the so-called ‘war on drugs’ undermines international security.

Consumer countries of the developed world have seen whole communities devastated by epidemics of drugs misuse and crime. Addicts of drugs such as heroin have been marginalised and stigmatised and many otherwise law-abiding citizens criminalised for their consumption choices.

But the vulnerable producer and transit countries of the developing world have paid a far higher price.”

Nigel Inkster

Ex-Assistant Chief of MI6 and Director of Transnational Threats and Political Risk, International Institute for Strategic Studies
2012

1. Wasting billions, undermining economies

Ever-expanding drug law enforcement budgets have squeezed supply while demand has continued to grow. The result is inflated prices and creation of a profit opportunity that has fuelled the emergence of a vast illegal trade controlled by criminal entrepreneurs. This has a range of negative impacts on local and global economies.

- Estimating global spending on drug law enforcement is difficult (due to poor data, inclusion criteria etc), but likely to be well in excess of \$100 billion annually
- In terms of achieving the stated aims of enforcement, this spending has been extremely poor value for money, causing displacement, rather than eradication, of illegal activities, falling drug prices, and rising availability
- Enforcement spending incurs opportunity costs in other areas of public expenditure, including other police priorities and drug-related health interventions
- The illegal trade is estimated to turn over more than \$330 billion annually
- Profits from this trade undermine the legitimate economy through corruption, money laundering, and the fuelling of regional conflicts – problems most evident in already vulnerable regions where the illicit drug activity is concentrated

- The illicit drug trade creates a hostile environment for legitimate business interests, deterring investment and tourism, creating sector volatility and unfair competition (associated with money laundering), as well as wider, destabilising macroeconomic distortions
- There are some economic benefits from the illicit trade, although profits are mostly accrued in consumer countries and by those at the top of the criminal hierarchies. Key beneficiaries of the war on drugs are military, police and prisons budgets, and related technological and infrastructural interests

2. Undermining development and security, fuelling conflict

Criminal drug producers and traffickers naturally seek to operate in marginal and underdeveloped regions, where vulnerable populations can be exploited and weak authorities kept at bay. The corruption, violence, conflict and instability that follow undermine social and economic growth and can lock regions into a spiral of underdevelopment.

- Illegal drug markets are characterised by violence between criminal organisations and police or military, or between rival criminal organisations – problems only made worse by the intensification of enforcement efforts. Drug profits also provide a ready supply of income for various insurgent, paramilitary and terrorist organisations
- Criminal organisations seeking to protect and expand their business invest heavily in corrupting

– and further weakening – all levels of government, police and judiciary

- Investment is deterred from affected regions, while limited aid budgets are directed into drug law enforcement and away from health and development
- Resulting underdevelopment contributes to the spread of HIV and wider health costs
- Fragile ecosystems are destroyed by producers in order to grow drug crops, and by chemical crop eradications carried out by law enforcement
- Human rights violations in the name of drug control become commonplace

While there are some marginal economic benefits from the illicit drug trade in producer and transit regions, these are hugely outweighed by the wider negative development costs. The development impacts of the global war on drugs are frequently overlooked. This needs to change, and domestic governments, UN agencies and NGOs working on development and security issues have a key role to play in making this happen.

3. Causing deforestation and pollution

The war on drugs has put a heavy emphasis on “upstream” supply-side actions, including drug crop eradication. While this has proved futile in reducing total drug production – which has more than kept pace with growing demand – it has had disastrous consequences for the environment.

- Aerial fumigation continues in Colombia, the world’s second most biodiverse country. The chemicals used kill plant life indiscriminately, destroy habitats of rare and endangered animals, and contaminate waterways
- Unregulated processing of drug crops leads to unsafe disposal of toxic waste, polluting soil, groundwater and waterways
- Eradication does not eliminate production. As long as the profit opportunity remains, production simply moves – the so-called “balloon effect”, which exacerbates deforestation and environmental damage, often in protected national parks

While failing to significantly impact on production, the war on drugs has produced a range of environmental costs. There is an urgent need to meaningfully count these costs and build environmental impact assessments into all drug law enforcement programmes.

“Prohibition creates violence because it drives the drug market underground. This means buyers and sellers cannot resolve their disputes with lawsuits, arbitration or advertising, so they resort to violence instead. Violence was common in the alcohol industry when it was banned during Prohibition, but not before or after ... Violence results from policies that create black markets, not from the characteristics of the good or activity in question.”

Jeffrey Miron
Senior Lecturer, Department of Economics,
Harvard University
2009

4. Creating crime and enriching criminals

Squeezing supply of prohibited drugs in the context of high and growing demand inflates prices, providing a lucrative opportunity for criminal entrepreneurs. The war on drugs has created an illegal trade that now turns over more than \$330 billion annually. The level of criminality associated with the illegal trade is in stark contrast to the parallel legal trade for medical uses of many of the same drugs.

- Drugs are now the world’s largest illegal commodity market, a market strongly linked to the criminal activities of money laundering and corruption
- A significant proportion of street crime is related to the illegal drug trade: rival gangs fighting for control of the market, and robbery committed by dependent users fundraising to support their habit
- Millions of otherwise law-abiding, consenting adult drug users are criminalised for their lifestyle choices
- The criminal justice-led approach has caused an explosion in the prison population of drug and drug-related offenders
- Violence is the default form of regulation in the illegal drug trade. Aside from conflicts with drug law enforcers, violence is used to enforce payment of

debts and to protect or expand criminal enterprises. Evidence suggests that more vigorous enforcement exacerbates violence. Drug profits also fuel regional conflict by helping to arm insurgent, paramilitary and terrorist groups

- The war on drugs has provided a smokescreen for various forms of illegal government action, including torture and the use of the death penalty and judicial corporal punishment for drug offenders
- The costs of proactive drug law enforcement are dwarfed by the reactive costs of dealing with the crime it has fuelled
- There is little evidence of a deterrent effect from user-level enforcement, or of significant impacts on drug availability from supply-side enforcement – displacement is the best that can be achieved

Using drug-related crime as a justification for the war on drugs is unsustainable given the key role of enforcement in fuelling the illegal trade and related criminality in the first place. Separating the health and social costs created by drug misuse from the crime costs created by drug policy is a vital first step towards achieving the shared goal of safer communities.

“Individuals who use drugs do not forfeit their human rights. These include the right to the highest attainable standard of physical and mental health (including access to treatment, services and care), the right not to be tortured or arbitrarily detained, and the right not to be arbitrarily deprived of their life. Too often, drug users suffer discrimination, are forced to accept treatment, marginalized and often harmed by approaches which over-emphasize criminalization and punishment.”

Navanethem Pillay
UN High Commissioner for Human Rights
2009

5. Threatening public health, spreading disease and death

While the war on drugs has primarily been promoted as a way of protecting health, it has in reality achieved the opposite. It has not only failed in its key aim of reducing or eliminating drug use, but has increased risks and created new health harms – while establishing political and practical obstacles to effective public health interventions that might reduce these harms.

- Prevention and harm reduction messages are undermined by criminalisation of target populations, leading to distrust and stigmatisation
- Criminalisation encourages high-risk behaviours, such as injecting in unhygienic, unsupervised environments
- Enforcement tilts the market towards more potent but profitable drug products. It can also fuel the emergence of high-risk, new “designer” drugs, or domestically manufactured drugs (“krokadil”, for instance)
- Illegally produced and supplied drugs are of unknown strength and purity, increasing the risk of overdose, poisoning and infection
- The emotive politics of the drug war, and stigmatisation of drug users, has created obstacles to provision of effective harm reduction, which, despite proven cost-effectiveness, remains unavailable in many parts of the world. This contributes to increased overdose deaths and fuels the spread of HIV/AIDS, hepatitis, and tuberculosis among people who inject drugs
- The growing population of people who use drugs in prisons has created a particularly acute health crisis, as prisons are high-risk environments, inadequately equipped to deal with the health challenges they face
- The development impacts of the war on drugs have had much wider negative impacts on health service provision
- Drug-war politics have had a chilling effect on provision of opiates for pain control and palliative care, with over five billion people having little or no access

There is an absence of evidence that either supply-side or user-level enforcement interventions have reduced or eliminated use. Instead, drug-related risk is increased and new harms created – with the greatest burden carried by the most vulnerable populations.

6. Undermining human rights

Human rights are only mentioned once in the three UN drug conventions, reflecting their historical marginalisation in drug law politics and enforcement. The war on drugs is severely undermining human rights in every region of the world, through the erosion of civil liberties and fair trial standards, the demonising of individuals and groups, and the imposition of abusive and inhuman punishments.

- While there is no specific right to use drugs, criminalisation of consenting adult behaviours engaged in by hundreds of millions of people impacts on a range of human rights, including the right to health, privacy, and freedom of belief and practice
- Punishments for possession/use are frequently grossly disproportionate, leading to incarceration in many countries
- The erosion of due process when dealing with drug offenders is widespread, involving parallel justice systems, presumption of guilt (reversing the burden of proof), and detention without trial
- Various forms of torture, inhuman or degrading treatment or punishment are widespread for arrested or suspected drug offenders. These include: beatings, death threats to extract information, extortion of money or confessions, judicial corporal punishment, and various abuses in the name of “*treatment*” – including denial of access to healthcare, denial of food, sexual abuse, isolation and forced labour
- The death penalty for drug offences is illegal under international law but is still retained by 32 jurisdictions, executing around 1,000 people a year. Illegal extrajudicial targeted killings of drug traffickers also remain common
- Punitive drug law enforcement has led to a dramatic expansion in the prison population, with growing numbers also held in mandatory “*drug detention*” centres under the banner of “*treatment*”
- The right to health – in terms of access to healthcare and harm reduction – is frequently denied to people who use drugs, particularly in prison environments
- Attempts to protect children’s rights using drug law enforcement – however well intentioned – put them in jeopardy on multiple fronts
- Cultural and indigenous rights have been undermined through the criminalisation of traditional practices (such as coca chewing) by laws formulated without the participation of affected populations

The main claim for any human rights benefit of 50 years of prohibition-based international drug control, is that while it has not prevented overall drug use from rising, it has kept levels of use lower than they would otherwise have been, so contributing to the right to health. However, this argument is unsustainable given the overwhelming evidence of the significant health harms created and exacerbated by the war on drugs.

“Respect the human rights of people who use drugs. Abolish abusive practices carried out in the name of treatment – such as forced detention, forced labor, and physical or psychological abuse – that contravene human rights standards and norms or that remove the right to self-determination.”

The Global Commission on Drug Policy
2011

Commissioners include:

- **Kofi Annan**
Former Secretary-General of the United Nations
- **Asma Jahangir**
Former UN Special Rapporteur on Arbitrary, Extrajudicial and Summary Executions
- **Michel Kazatchkine**
Executive Director of the Global Fund to Fight AIDS, Tuberculosis and Malaria
- **Thorvald Stoltenberg**
Former Norwegian Minister of Foreign Affairs and UN High Commissioner for Refugees
- **César Gaviria**
Former President of Colombia
- **Ernesto Zedillo**
Former President of Mexico
- **Fernando Henrique Cardoso**
Former President of Brazil
- **Louise Arbour**
Former UN High Commissioner for Human Rights
- **Ruth Dreifuss**
Former President of Switzerland and Minister of Home Affairs

7. Promoting stigma and discrimination

Criminalisation remains a primary weapon in the war on drugs. But using the criminal justice system to solve a public health problem has not only proven ineffective, it is also socially corrosive, promoting stigmatisation and discrimination, the burden of which is carried primarily by already marginalised or vulnerable populations.

- Criminalisation of people who use drugs fuels various forms of discrimination, problems made worse by populist drug-war rhetoric and media stereotyping and misinformation
- Criminalisation limits employment prospects and reduces access to welfare and healthcare – further reducing life chances and compromising the health and wellbeing of vulnerable populations
- At its most extreme, the stigma associated with drug crimes can dehumanise and provide justification for serious abuses, including torture
- Drug law enforcement has frequently become a conduit for discrimination or institutionalised racial prejudice, with certain minorities overrepresented in arrests and prison populations
- Vulnerable women drawn into trafficking are subject to disproportionately harsh sentencing, while women who use drugs are also frequently subject to abuse, denied access to healthcare, and arbitrarily denied parenting rights
- Children and young people carry a disproportionate burden of the costs of the war on drugs. As drug users, they are exposed to additional risks and denied access to healthcare, and through involvement in, or contact with, criminal markets, they are subject to violence and abuse from both criminals and law enforcers
- International law has effectively criminalised entire cultures with longstanding histories of growing and using certain drug crops
- Poverty and social deprivation increase the potential negative impact of drug use and the likelihood of both coming into contact with law enforcement and being involved in the illicit trade

Some argue that criminalising and stigmatising drug users sends a useful message of social disapproval, yet there is no evidence for this having any significant deterrent effect, and it is not the role of criminal law to serve as a form of public education.

“The fifth unintended consequence [of international drug control] is the way we perceive and deal with the users of illicit drugs. A system appears to have been created in which those who fall into the web of addiction find themselves excluded and marginalized from the social mainstream, tainted with a moral stigma, and often unable to find treatment even when they may be motivated to want it.”

United Nations Office on Drugs and Crime
2008 World Drug Report

8. Options and alternatives

The growing consensus that reform of the current system is needed is fuelling an active debate on a range of alternative approaches. Determining which approaches will be most effective at achieving the widely shared goals of drug policy, and reducing the costs outlined in this report, requires a political commitment to research and experimentation (currently inhibited by the international legal framework for regulated market models). Key alternative approaches include:

- Fighting the war on drugs with increased ferocity – through increasing the level of resources for enforcement and handing down harsher punishments – with the aim of reducing or eliminating drug use
- Incremental reforms to enforcement and public health and treatment interventions (within the existing prohibitionist legal framework) to improve policy outcomes. Adequate investment in evidence-based prevention, treatment and harm reduction should form a key pillar of drug policy under any legal framework. However, current enforcement approaches can simultaneously undermine rather than support effective health interventions. Reforms to enforcement practices can also target some of the most harmful elements of the criminal market to reduce crime costs from current levels
- Re-orientation to a health-based approach and decriminalisation of personal possession and use (civil or administrative sanctions only). Evidence

suggests that if implemented intelligently as part of a wider health re-orientation, decriminalisation can deliver criminal justice savings, and positive outcomes on a range of health indicators, without significantly increasing use

- Legal regulation of drug markets offers the potential to dramatically reduce costs associated with the illegal trade outlined in this report, but requires negotiating the obstacle of the inflexible UN drug conventions. Drawing on experiences from alcohol, tobacco and pharmaceutical regulation, increasingly sophisticated models have now been proposed for regulating different aspects of the market – production, vendors, outlets, marketing and promotion, and availability – for a range of products in different environments

Conclusions

There are a range of serious negative costs caused by current global drug law enforcement policies, cutting across a range of policy arenas, which are being ignored or inadequately evaluated. The inevitable result is a poorly informed drug policy development and implementation process at national and international levels. This can only lead to distorted policy priorities, ineffective policy making and the perpetuation of the unacceptable human and social costs documented in this report.

There is a clear and urgent need for this situation to be remedied. Meaningfully counting the costs of the war on drugs in the key thematic areas outlined here will facilitate a more objective and balanced debate, informed by the best possible evidence and analysis. For each thematic area, there is a body of scholarship, expertise and a range of analytical tools available to inform assessments of both current policies and alternative approaches that could do better.

“The United Nations should exercise its leadership, as is its mandate ... and conduct deep reflection to analyze all available options, including regulatory or market measures, in order to establish a new paradigm that prevents the flow of resources to organized crime organizations.”

**President Santos of Colombia,
President Calderón of Mexico,
and President Molina of Guatemala,**
Statement to the General Assembly
of the United Nations
October 2012

These include impact assessments, cost-benefit analyses, audits and value-for-money studies, scenario planning and more besides. The problem is not a technical one, it is a matter of political will.

The Count the Costs initiative aims to encourage civil society groups in all the fields that are impacted by the war on drugs to actively engage in this debate, both to inform it with their expertise and to call on local, national and international policy makers and UN bodies to meaningfully count the costs of the policies they are responsible for, and explore the alternatives.



The costs of the war on drugs must be meaningfully counted and alternative approaches properly explored

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The Alternative World Drug Report

After 50 years, the current enforcement-led international drug control system is coming under unparalleled scrutiny over its failure to deliver the promised “*drug-free world*”, and for what the UN Office on Drugs and Crime (UNODC) describes as its negative “*unintended consequences*” on health, crime, development and human rights. It is unacceptable that despite acknowledging these negative impacts, neither the UN nor its member governments have meaningfully assessed them to establish whether they outweigh the *intended* consequences. They are not included in the UNODC’s flagship annual World Drug Report, and are not informing high-level drug policy debate.

This Alternative World Drug Report fills this gap in government and UN evaluations by detailing the full range of negative impacts of the “*war on drugs*”, and lays out the options for alternative approaches that could deliver better outcomes.

The Count the Costs initiative, backed by over 100 NGOs from across the globe, calls on governments and the UN to count the costs of the war on drugs, and explore the alternatives based on the best possible evidence.

www.countthecosts.org

