

effect of advantaging non-violent offenders. The size of the drug market may remain the same, but the state has provided an economic incentive to avoid violence.⁶⁶ With some practice, these sorts of interventions could also be used as part of a broader plan to significantly undermine specific trafficking organisations or even whole markets.

2.4 Strengthen international resistance to drug markets

In addition to creating viable international and local strategies for dealing with drug problems, it is important that the actors themselves be strengthened. The weak link in drug control has long been those parts of the world where the rule of law is absent. Building institutional strength and capacity in these countries is key to the mission of supporting democracy, economic growth, and human rights.

It is also important that the bedrock of international cooperation be strengthened, through enhanced use of the United Nations Conventions. In addition to the drugs Conventions, those on Transnational Organised Crime and Corruption present great opportunities for reducing the size of drug markets and associated problems.

Spread the rule of law

As mentioned above, large-scale illicit crop cultivation seems to require political instability because accountable governments can be compelled to take action against drug production in areas under their control. It is no coincidence that most of the world's cocaine and heroin supplies come from countries with insurgency problems. Almost all of the world's cocaine supply comes from three countries and almost all the world's heroin supply comes from two. This is not because coca and opium poppy could not be cultivated in other areas – in the past, most of the world's supply of these drugs came from countries not presently leading illicit production. All of these countries have problems with the rule of law in the cultivation areas.

But while cultivators may enjoy zones of chaos, some traffickers may prefer authoritarian regimes. Areas too fraught by conflict lack the infrastructure and the predictability to be good commercial nodes, whether the trade is licit or illicit. In contrast, areas under control of an absolute, and absolutely corrupt, leadership allow what would normally be clandestine activities to be conducted openly, greatly increasing efficiency. Rather than risk the unpredictable cost of interdiction, traffickers may opt for the more predictable costs of corruption.

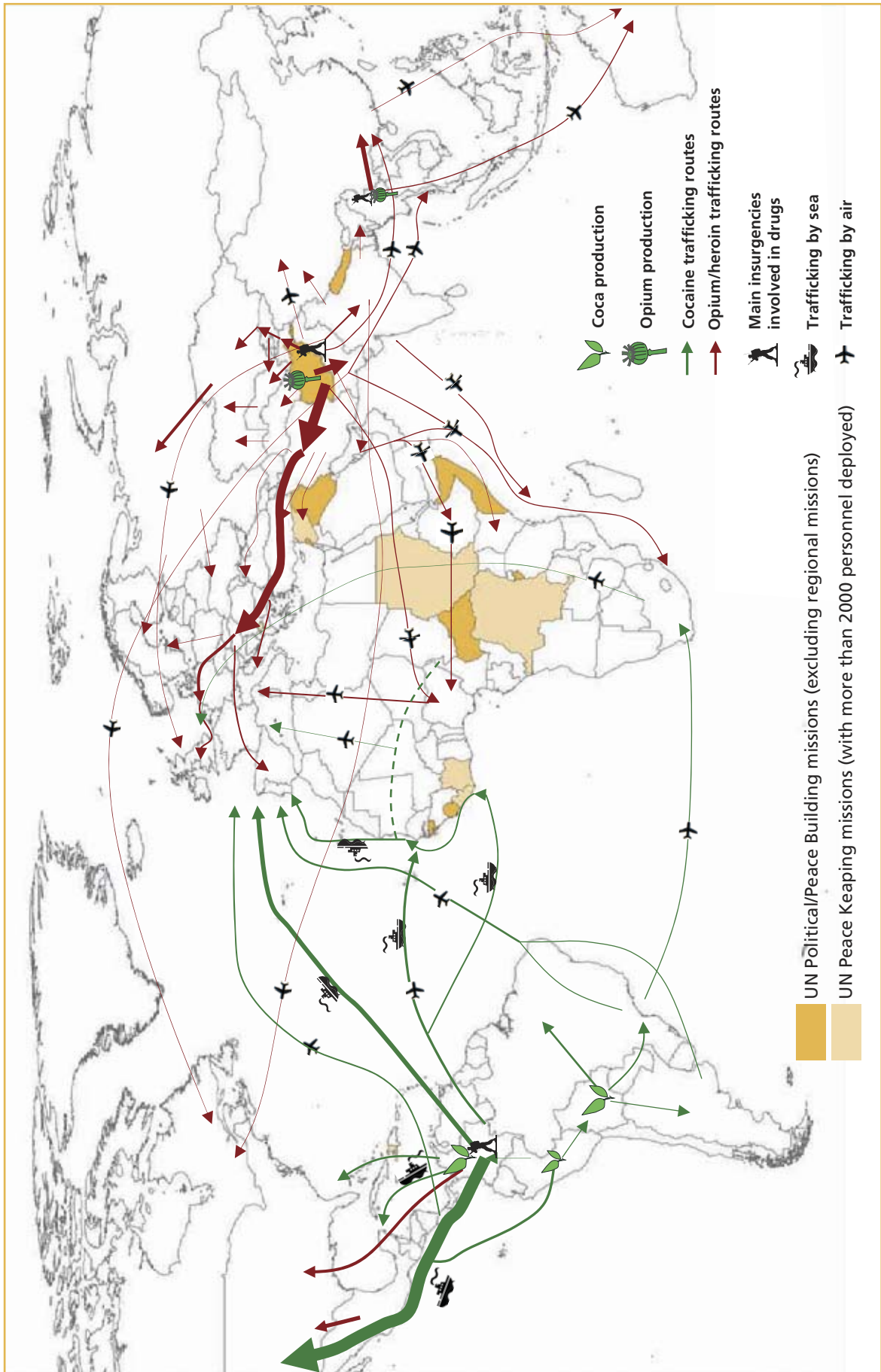
In the end, the two phenomena go hand in hand. Absolutist governments are often formed (and tolerated) in response to the threat of instability. This threat typically

exists because some portion of the population is poor and marginalised, and the state is either unwilling or unable to meet its needs. As a result, dealing with drug cultivation countries and transit countries often boils down to the same thing. The rule of law must be strengthened in all its aspects, including promoting democracy, increasing the capacity for law enforcement, and ensuring the protection of human rights, as well as promoting economic development.

Economic development is also key in promoting political stability. Civil war has been linked to both low income and low growth.⁶⁷ Unfortunately, political stability is also key to economic growth. As one authority points out “Civil war is development in reverse.”⁶⁸ To break out of this cycle, measures taken to establish civil order can establish the foundation for investment and growth. In this way, all aspects of international cooperation are related. Development assistance, post-conflict planning, and crime prevention must be coordinated, for any weakness in the chain can lead to the collapse of the whole.

Map 1: Cocaine/heroin trafficking routes and instability

Source: UNODC



Make better use of the international tools and interventions

The 1988 Convention established the means to move beyond arrests and seizures in dealing with international drug problems. The anti-trafficking measures, including those aimed at chemical precursors, money laundering, and asset forfeiture, greatly expanded the tools available to law enforcement. Two decades later, much more could be done to apply these tools to transnational trafficking flows. Cooperative work on money laundering and asset forfeiture in particular could greatly be expanded.

Those involved in work on transnational drug issues are very familiar with the three drug Conventions, but may be less familiar with those on Transnational Organised Crime and Corruption. This is a pity because these two under-utilised instruments could be used to great effect in combating drug markets and related violence and corruption.

The United Nations Convention on Transnational Organised Crime is key in establishing the legislative framework needed to address the drug business, and in building the mechanisms for international cooperation. But there is a large gap in the rate of ratification and the implementation of its provisions. Many countries have passed legislation that is rarely used, but has tremendous potential if applied strategically. For example, the Convention allows for the criminalisation of membership in an organised crime group without the need to prove any particular individual was associated with any particular offence. This can be used to confront organised crime groups with the certainty of arrest if drug market activity or violence does not stop, as discussed above.

Another underutilised opportunity for cooperation lies in the area of money laundering and asset forfeiture. Perhaps because law enforcement officials lack financial expertise, police departments across the globe find the process of tracing and seizing money far more difficult than tracking contraband. Even more unusual is international cooperation in the recovery of illicit assets. But much of the costs of enforcement could be redeemed if asset forfeiture were taken seriously. If legal challenges and administrative difficulties have proven insurmountable, a renewed effort must be made to streamline the process so that money made in crime can be used to prevent it in the future.

The same is true in the area of corruption. By providing criminals with virtual immunity from prosecution, corruption can nullify the deterrence effect normally expected from the enforcement of the drug control system. In adopting the United Convention against Corruption, the Member States have equipped themselves with a powerful instrument to remove an essential lubricant of criminal black markets. But despite the fact

that the convention entered into force four years ago and has already been signed by 140 countries, this effort has also fallen short of its potential when it comes to its concrete application.

When dealing with corruption, the basic principle of focusing on those who can be deterred applies once again. A dealer risks very little in offering a bribe, an official risks quite a lot in receiving it. In a word, they can be deterred. Those who might be expected to encounter traffickers in their daily business should expect to be especially scrutinised, if not audited. Transparency should be the price of the job.

Corruption and drug markets are locked in a mutually re-enforcing cycle. Drug money is a powerful corrupting force, but many drug markets would be impossible without corruption. Anti-corruption work has the potential to simultaneously improve governance while undermining the ability of criminals to operate with impunity. Once the cycle is reversed, growing confidence in government will improve citizen cooperation, further undermining corrupt officials and the criminals that rely on them.

In parallel to these efforts to strengthen international resistance to drug markets broadly, there is a need to act on an emergency basis in those parts of the world where the rule of law has collapsed, and ensure that crime prevention is at the head of the agenda when reconstruction begins. Tottering states everywhere both generate and attract organised crime. Crime predictably comes with periods of transition and upheaval, and planning should proceed with this fact in mind.

Peacekeeping and crime prevention must go hand in hand. Their object is the same: the provision of safety and security. Their opponents are also often the same: the agents of instability that profit off human misery. Even after the open hostilities have ceased, however, these same agents continue to operate in states struggling to get back on their feet. As has become evident in Afghanistan, those who earn their money from instability will go to great lengths to ensure this instability persists. Peacekeeping and reconstruction missions are not complete until these countries are able to cope with the security challenges confronting them, be they armed insurgencies or organised crime. Reconstruction and development cannot proceed without the rule of law in place.

Improve information systems

As the first part of this World Drug Report demonstrates, there remains a great deal of uncertainty around the extent and nature of drug production, trafficking and consumption. This is not because these data involve clandestine markets and are therefore unattainable. The methods and techniques for extracting reliable informa-

tion about drug activities have been honed over decades. In many cases, all that is needed is the small amount of effort required to gather and submit administrative data, data that are gathered in the normal course of business for government in any case.

A renewed effort must be made to bolster our collective knowledge base around global drug issues. This information is in the strategic security interests of all parties concerned. Information-sharing obligations embedded in the Conventions are not consistently fulfilled by a number of key parties. Without this information, it becomes very difficult to describe the present situation or the direction things are going. It also becomes impossible to gauge the impact of specific and collective interventions.

2.5 Take the crime out of drug markets

The discussion above has outlined some of the ways that global drug control efforts could be improved to reduce the size of the drug markets and the associated violence and corruption. First, it suggests several ways current enforcement practices could be refined:

- Drugs must remain prohibited because the fact of illegality alone reduces the number of potential addicts, particularly in developing countries.
- Drug control must be conducted in ways designed to limit associated violence and corruption.
- Drug enforcement should focus less on high volumes of arrests and more on reducing the size of drug markets through targeted enforcement and situational crime prevention.
- The incarceration of drug users should be exceptional; rather, users should be tracked and addicts brought into treatment.
- The addict population should be a priority, as they provide the bulk of the demand.
- Open drug markets must be closed, using the techniques of situational crime prevention and problem-oriented policing.

The discussion then endorses the creation of multidisciplinary strategies tailored to meet the problems posed by particular drugs in particular places:

- Planning for drug control must not be centred on law enforcement agencies, and should involve coordinated actions from actors in a range of disciplines and government agencies.
- Enforcement agencies can participate, but need to move beyond a focus on punitively incarcerating individuals to look at ways of disabling the market, even when this means forgoing arrests.

- Although entrenched markets may be difficult to disable, they can be guided by enforcement action so that they do the least possible damage.

Finally, this chapter looks at ways the international community can build resistance to drug markets:

- Both cultivation and transit countries suffer from weakness in the rule of law; supporting the growth of institutional strength and integrity in these countries will make them more resistant to the trafficking of drugs and other forms of contraband.
- There remains great potential in the Conventions on Transnational Organised Crime and Corruption to collectively address the problem of global drug markets.
- There is a strong need to improve and develop international information sharing systems, so that progress can be measured and interventions evaluated.

A common thread throughout these proposals is the need to integrate the marginalised individuals, areas, and nations that cultivate, consume, and distribute drugs. These people need to be brought in, not pushed down. They will find it impossible to develop without getting beyond crime, but it is very difficult to get beyond crime without some prospect of development. It is incumbent on all in the international community to ensure that no one is faced with impossible choices, and that behaviour that benefits all of us is in the interest of each of us.



- 1 While the share of the global population living in poverty declined by half between 1981 and 2005, much of this is due to the growth of the Chinese economy. During the same period, the number of poor people in sub-Saharan Africa doubled, and little progress has been seen in reducing the number of poor in South Asia, Central Asia, Eastern Europe, Latin America, and the Middle East/North Africa. See: <http://go.worldbank.org/VL7N3V6F20>. The structural adjustment conditionalities of international lenders have been widely criticised as actually aggravating poverty, including by the World Health Organisation. See: <http://www.who.int/trade/glossary/story084/en/index.html>. It has even been asserted that, by providing an influx of unearned wealth, international aid can produce an effect similar to the “resource curse” and can have a negative impact of democracy. See Djankov, S., J. Montalvo and M. Reynal-Querol “The curse of aid”. <http://www.econ.upf.edu/docs/papers/downloads/870.pdf>. Also Moyo, D. *Dead aid: Why aid is not working and how there is another way for Africa*. London: Allen Lane, 2009. International peacekeeping has been similarly criticised. The international community has been taken to task for both its actions and its failure to act, including in instances of genocide. Some have even argued that international efforts to build peace have the unintended consequence of prolonging civil wars, since the lack of a clear victor keeps grievances at a simmer. See Luttwak, E. ‘Give war a chance’. *Foreign Affairs*, July/August 1999. There have been scandals in which peacekeepers have been found to be involved in criminal rackets, including human trafficking. Despite these issues, there is very little serious discussion of abandoning cooperative efforts to address poverty or conflict, only debate as to how best to improve current efforts.
- 2 There are, of course, other costs associated with drug criminalisation, including the mass incarceration of non-violent offenders and negative impact on the ability of people to access treatment.
- 3 “Ninety six percent of all countries (186 countries) are State Parties to the Single Convention on Narcotic Drugs of 1961. Ninety four percent (183 countries) are State Parties to the 1971 Convention on Psychotropic Substances. About the same number (182 countries) are State Parties to the 1988 Convention. These are among the highest rates of adherence to any of the United Nations multilateral instruments...” United Nations Office on Drugs and Crime, *Making drug control fit for purpose: Building on the UNGASS decade*. Presented to Commission on Narcotic Drugs, Fifty-first session, Vienna, 10-14 March 2008.
- 4 For example, Yale law professor Steven Duke recently opined we should, “...end[] the market for illegal drugs by eliminating their illegality. We cannot destroy the appetite for psychotropic drugs... What we can and should do is eliminate the black market for the drugs by regulating and taxing them as we do our two most harmful recreational drugs, tobacco and alcohol.”
<http://online.wsj.com/article/SB124061360462654683.html>
Similarly, Harvard economist Jeffrey Miron recently argued, “The right policy ... is to legalize drugs while using regulation and taxation to dampen irresponsible behavior related to drug use... This approach also allows those who believe they benefit from drug use to do so, as long as they do not harm others... Legalization is desirable for all drugs, not just marijuana. ... It is impossible to reconcile respect for individual liberty with drug prohibition.”
<http://edition.cnn.com/2009/POLITICS/03/24/miron.legalization.drugs/index.html>
Others have been cautious, arguing generally against “prohibition” while limiting discussion of taxation to cannabis. For example, Milton Friedman and 500 other economists endorsed a plan to legalise and tax cannabis in the United States in June 2005: <http://www.prohibitioncosts.org/>
- 5 World Bank, *Tobacco control in developing countries*. Oxford: Oxford University Press, 2000.
- 6 There are several ways drugs can kill, including their acute physical effects, their long term health impact, and their influence on behaviour. Neither alcohol nor tobacco are likely to kill the user through their acute effects; the same cannot be said of heroin or stimulant drugs, particularly for those with pre-existing health conditions. Long term health consequences have not been well studied for many of the illicit drugs, but heavy tobacco and cannabis smoking pose similar hazards. Unlike tobacco, alcohol can have an extremely dangerous impact on behaviour, but so can most of the currently illicit drugs. According to the Oxford Medical Companion (1994), “...tobacco is the only legally available consumer product which kills people when it is used entirely as intended.” This would not be the case if drugs like crystal methamphetamine were legalised.
- 7 http://www.who.int/substance_abuse/facts/en/
- 8 United Nations Development Programme, *Human Development Report 2007/2008*. New York, UNDP, 2008.
- 9 Data on drug prices from WDR 2008; data on GDP per capita from Human Development Report 2007/2008. Restrictions on coca cultivation have softened since 2006, and the reported price of cocaine in Bolivia has dropped to US\$3.50 per gram, despite the fact that cocaine remains illegal and seizures have increased. The impact this will have on cocaine use in Bolivia has yet to be evaluated, but there is evidence of rising problems with cheap cocaine base products throughout the region.
- 10 World Health Organisation, *Report on the global tobacco epidemic 2008*. Geneva: World Health Organisation, 2008, p. 271.
- 11 http://www.who.int/tobacco/mpower/appendix_2_the_americas.xls
- 12 WHO 2008 *op cit*, p. 20.
- 13 Food and Agricultural Organization, “Projections of tobacco production, consumption and trade to the year 2010”, Rome: FAO, 2003.
- 14 World Health Organisation 2008, *op cit.*, p. 12.
- 15 Framework Convention Alliance, “How big was the global illicit tobacco trade problem in 2006?” www.fctc.org/dmdocuments/fca-2007-cop-illlicit-trade-how-big-in-2006-en.pdf
- 16 Food and Agricultural Organization, 2003, *op cit*.
- 17 *Ibid*.
- 18 See World Drug Report 2005.
- 19 Hozic, A. ‘Between the cracks: Balkan cigarette smuggling’. *Problems of Post-Communism*. Vol 51, No 3. 2004, pp. 35-44.
- 20 See the forthcoming *Transnational Trafficking and the Rule of Law in West Africa: A threat assessment*. Vienna: UNODC, 2009.
- 21 Caulkins, J. and P. Reuter, ‘Towards a harm-reduction approach to enforcement’. *Safer Communities*, Vol 8, No 1, 2009, p.12.
- 22 Age range in survey differs between countries: Denmark (16-64); Germany (18-64); United Kingdom (16-59); United States (12+) – all others, 15-64.
- 23 See endnote 24 below.
- 24 The International Narcotics Control Board was initially apprehensive when Portugal changed its law in 2001 (see their annual report for that year), but after a mission to Portugal in 2004, it “noted that the acquisition, possession and abuse of drugs had remained prohibited,” and said “the practice of exempting small quantities of drugs from criminal prosecution is consistent with the international drug control treaties...”
- 25 This is different from the Dutch “coffeeshop” approach, where drug tourists are free to consume cannabis in certain premises without risking a summons from the police, and known cannabis vendors are allowed to advertise their outlets.
- 26 See the reports of the Instituto da Droga e da Toxicodpendência: <http://www.idt.pt>
- 27 Eurostat, *Statistics in focus*: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-08-019/EN/KS-SF-08-019-EN.PDF
- 28 <http://www.emcdda.europa.eu/stats08/gpstab3>
- 29 <http://www.unodc.org/documents/data-and-analysis/Studies/Drug->

Trafficking-WestAfrica-English.pdf

- 30 Barrett, D., R. Lines, R. Schleifer, R. Elliott, and D. Bewley-Taylor, *Recalibrating the Regime: The Need for a Human Rights-Based Approach to International Drug Policy*. Beckley Foundation Report 13, 2008.
- 31 The best known examples come from the United States, in particular the Violent Crime Task Force in High Point, North Carolina.
- 32 This was the case in the Boston Gun Project, also known as “Operation Ceasefire”. See, Braga, A., D. Kennedy, A. Piehl and E. Waring, *Reducing Gun Violence: The Boston Gun Project’s Operation Ceasefire*. National Institute of Justice Research Report, NCJ 188741, September 2001. <http://www.ncjrs.gov/pdffiles1/nij/188741.pdf>
- 33 See World Drug Report 2008, p. 9. Note that this is different than the concept of “dependent drug users” explored elsewhere in this report, but the share of the adult population is roughly the same.
- 34 Greater London Alcohol and Drug Alliance, *London: The highs and lows 2*. London: Greater London Authority, 2007.
- 35 Leggett, T. ‘Review of the world cannabis situation’. *Bulletin on Narcotics*. Volume LVIII, Nos. 1 and 2, 2006.
- 36 While estimates of this sort are hard to find, the Office of National Drug Control Policy has estimated that “heavy users” consumed 80% of the cocaine and 90% of the heroin in the United States in 1989. ONDCP, *What America’s users spend on illicit drugs*. Washington, D.C.: Executive Office of the President, 1991, p. 25.
- 37 See, for example, the evaluation by Hawken and Kleiman of Project H.O.P.E.: http://www.pewcenteronthestates.org/uploadedFiles/HOPE_Research_Brief.pdf
- 38 Home Office of the United Kingdom, Offender management caseload statistics 2005. *Home Office Statistical Bulletin* 18/06, December 2006, page 88.
- 39 Leggett, T. ‘Why wait? By-laws and regulations for high-impact crime prevention’. *South Africa Crime Quarterly*, No 8, June 2004.
- 40 Or, as UN Habitat notes, “[after urban flight] ... ‘slumlords’ attempt to extract profits from whomever remains, usually obtaining good returns at no outlay on their largely depreciated capital, no matter how low the rents.” UN HABITAT, *Global report on human settlements 2003: The challenge of the slums*. Nairobi: UN Habitat, 2003, p. 29.
- 41 Leggett, 2004, *op cit*.
- 42 According to Howell and Decker, “Most gang violence is endemic to gang life, separate from drug trafficking because of several reasons. Violence is a part of the everyday life of gang members, even when they are apart from the gang; it is in their neighbourhoods and within families. Second, conflict differentiates gangs from other law-violating youth groups. Third, violence is an expected part of their individual status and roles as gang members.” Howell, J. and S. Decker, ‘The Youth Gangs, Drugs, and Violence Connection.’ United States Office of Juvenile Justice and Delinquency Prevention *Juvenile Justice Bulletin*. Washington, D.C.: United States Department of Justice, 1999, p. 8.
- 43 Levitt, S. And S. Venkatesh, ‘An economic analysis of a drug-selling gang’s finances’. *The Quarterly Journal of Economics*, August 2000. <http://www.streetgangs.com/academic/gangfinance.pdf>
- 44 Other techniques for breeding mistrust, such as the distribution of inert substances packaged to look like drugs (e.g. copycat ecstasy pills with popular logos) or the infiltration of user chat groups could also dampen the spread of the market.
- 45 Reuter, P. and J Haaga, *The organization of high-level drug markets: An exploratory study*. Washington, D.C., The Rand Corporation, 1989.
- 46 See, for example, Volume 19, Issue 4 of the *International Journal of Drug Policy* (2008).
- 47 Degenhardt, L., P. Reuter, L. Collins, and W. Hall, ‘Evaluating explanations of the Australian “heroin shortage”’. *Addiction*, Vol 100, No 4, 2005, pp. 459–469.
- 48 Although “kitchen labs” for crystal methamphetamine have been an issue in the United States, a bit of precursor control can assure that this practice does not become widespread, and the smell and other hazards of homemade amphetamines manufacture tend to render small-scale production uncompetitive, particularly in urban areas.
- 49 Leggett 2006, *op cit*. Along these lines, the spread of low potency pollen in cultivation areas might be more effective than eradication.
- 50 Again, methamphetamine is a possible exception in areas where access to precursors is uncontrolled.
- 51 Government of Afghanistan and UNODC, *Afghanistan Opium Winter Rapid Assessment, January 2009*. Kabul: UNODC, 2009, p. 15.
- 52 See, for example, Baumer, E., J. Lauritsen, R. Rosenfeld, and R. Wright, ‘The Influence of Crack Cocaine on Robbery, Burglary, and Homicide Rates: A Cross-City, Longitudinal Analysis’. *Journal of Research in Crime and Delinquency*, Vol 35, No 3, 1998, pp. 316–340.
- 53 See the discussion on “set and setting” in the opening chapter of Reinerman and Levine’s *Crack in America*. Los Angeles, University of California Press, 1997.
- 54 See Leggett 2006, *op cit*.
- 55 Tragler, G., J. Caulkins, and G. Feichtinger, ‘Optimal Dynamic Allocation of Treatment and Enforcement in Illicit Drug Control’. *Operations Research*, 2001, Vol 49, No 3, pp. 352–362.
- 56 During the first session of the Convention negotiations, held between 19 and 29 January 1999, various definitions of “organized crime” were discussed, most of which related to participation in a group. In the negotiation text submitted by France, for example, organised crime was defined as “the activities pursued [the acts committed] within the framework of [in relation to] a criminal organization.” UNODC, *Travaux préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*. Vienna: UNODC, 2006, p. 7.
- 57 This point is further made clear in the protocol’s definition of human trafficking, which requires no cross-border movement.
- 58 <http://www.unodc.org/documents/data-and-analysis/Caribbean-study-en.pdf>
- 59 Europol, *European Union Situation Report on Drug Production and Drug Trafficking 2003 – 2004*. The Hague: Europol, 2005.
- 60 http://www.unodc.org/documents/data-and-analysis/Balkan_study.pdf
- 61 UNODC, *Crime and its impact on the Balkans and affected countries*. Vienna: UNODC, 2008.
- 62 *Ibid*.
- 63 *Ibid*.
- 64 UNODC, *Crime and development in Central America: Caught in the crossfire*. Vienna: UNODC, 2007.
- 65 Forthcoming, 2009.
- 66 For more on this idea, see Kleiman, M. *Against excess: Drug policy for results*. New York: Basic Books, 1993.
- 67 Collier, P. *The bottom billion: Why the poorest countries are failing and what can be done about it*. Oxford: Oxford University Press, 2007.
- 68 *Ibid*, p. 27.