

developing world alike. Profits are ploughed back into increasing the capacity for violence and into corrupting public officials. Together, violence and corruption can drive away investment and undermine governance to the point that the rule of law itself becomes questionable.

As a result, some have argued that the costs of controlling illicit drugs outweigh the benefits – in effect, that the side effects are so severe that the treatment is worse than the disease. But this is a false dilemma. It is incumbent on the international community to achieve both objectives: to control illicit drugs and to limit the costs associated with this control. More creative thinking is needed on ways of reducing the violence and corruption associated with containing the drug trade. Progress must be made toward simultaneously achieving the twin goals of drug control and crime prevention.

To do this, there are several ways present efforts could be improved and expanded. First, it is possible for law enforcement to do what it does much better:

- High volume arrests are the norm in many parts of the world, but their efficacy is questionable – to conserve resources, prison space should be reserved primarily for traffickers, particularly violent ones.
- Drug addicts provide the bulk of drug demand; treating this problem is one of the best ways of shrinking the market.
- The links between drug users and drug dealers also need to be severed, closing open drug markets and disrupting information networks using the techniques of problem-oriented policing and situational crime prevention.

Second, both local and international efforts need to be strategically coordinated to address the particularities of specific drug problems:

- The right “balance” between supply-side and demand-side interventions depends very much on the particularities of the situation, and may require resources and expertise beyond those found in agencies traditionally involved in prevention, treatment, and law enforcement.
- At all points in the market (production, trafficking, consumption), strategies should be based on the specific characteristics of the drug involved and the context in which it has become problematic.
- Focus should be placed on shrinking the markets, not just disabling specific individuals or groups.
- Where drug flows cannot be stopped, they should be guided by enforcement and other interventions so that they produce the least possible damage.

Finally, the international community must rally together to assist more vulnerable members in resisting the incursion of drugs:

- Post-conflict reconstruction and development aid should be integrated with crime prevention efforts.
- Better use should be made of the Conventions, particularly toward international action on precursor control, money laundering, asset forfeiture, organised crime, and corruption.
- Information systems need to be improved so that problems can be tracked and interventions evaluated.

2.2 Move beyond reactive law enforcement

Drug possession and sale are illegal in most countries of the world, and, as a result, the drug problem was long seen as primarily a criminal justice issue. Those who take the “drug war” metaphor literally may feel this effort is best advanced by people in uniform with guns. Law enforcement must continue to play a key role, of course, keeping drugs illegal and scarce, but much can be done to make the criminal justice response more effective and efficient.

In the end, the criminal justice system is a very blunt instrument for dealing with drug markets. As necessary as the deterrent threat remains, the arrest, prosecution, and incarceration of individuals is an extremely slow, expensive, and labour intensive process. The key to disrupting drug markets and the associated violence and corruption must lie in making the business of drug dealing more complicated, making it more difficult for buyers and sellers to connect. To do this, the techniques of situational crime prevention and problem-oriented policing should be employed.

Stop jailing petty offenders

Current street enforcement actions could be divided into two categories:

- Opportunistic enforcement, usually against those found in possession of drugs when stopped for an unrelated reason.
- Pro-active enforcement, including buy-and-bust actions against dealers at open markets; searches of suspect premises or persons; and more sophisticated long-term investigations.

All of these actions are justified under the law, but all absorb scarce criminal justice resources. The decision to perform any given form of enforcement has opportunity costs for other approaches. It is important, then, to weigh the impact of any given action both in terms of its efficacy in reducing the size of the black market and any potential side-effects it might have.

“Selective enforcement” evokes a whole range of justified concerns, but the fact remains that, in all areas of law enforcement, the application of the sanctions of arrest and prosecution is a matter of discretion. The number of cases that go to trial is everywhere a small fraction of those brought to the attention of the police. Cases unlikely to produce the desired outcome (generally, a conviction) are abandoned at various stages of the process in favour of those more likely to be successful. These cases should be weighed not just according to their viability, but also with regard to their strategic and social impact.

Unfortunately, the quantitative performance management systems used in civil service worldwide do not encourage this sort of thinking. If the primary performance indicator of the police is volumes of arrests and seizures, little thought will be given to the impact of these arrests and seizures. Not surprisingly, these arrests and seizures are unlikely to have much positive impact. Research indicates that more enforcement is not necessarily better.²¹ Conservation of resources requires that police commanders carefully gauge the amount of enforcement required to produce the desired effect.

As is discussed further below, there is much to be gained by targeting high profile, high volume, and violent criminals, be they users or dealers. Resources that could have been focused on these individuals are often wasted on the opportunistic arrest and incarceration of large volumes of petty offenders. In the case of casual users, the sanction of imprisonment is excessive; since many are more mainstream than marginal, considerably less expensive options exist for deterring casual use behaviour, such as the measures currently taken when underage drinking and smoking are encountered. Evidence-based treatment is the appropriate response to addiction.

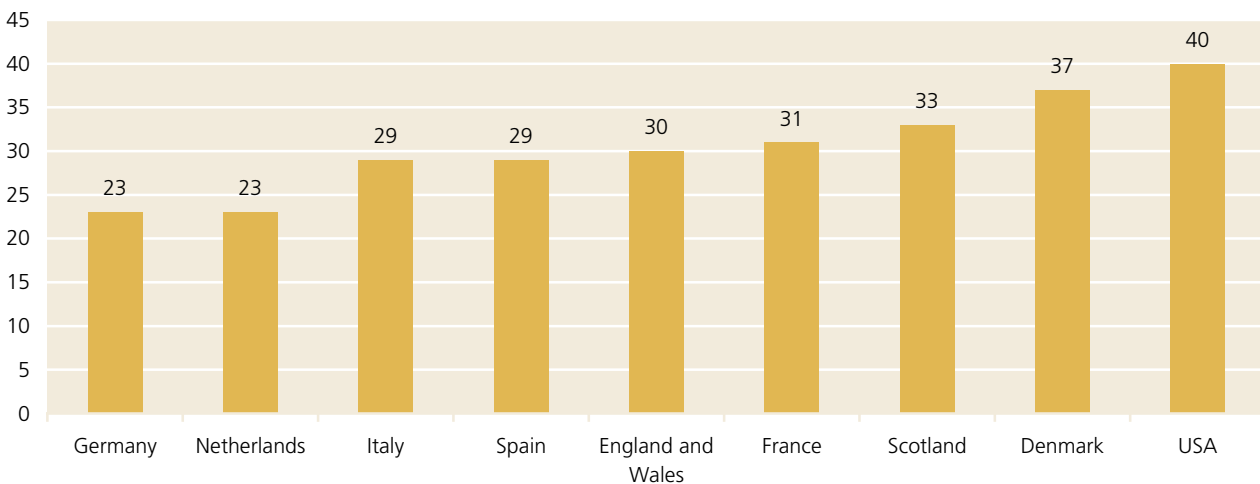
For low-level dealers and other drug market functionaries, these offenders often come from population groups

that are too large to incapacitate and nearly impossible to intimidate. Incapacitation of individuals is fruitless when social conditions generate whole classes of people with strong incentives to offend. When these incentives are strong enough and alternatives scarce, all deterrence fails. Those willing to risk death by ingesting a kilogram of condom-wrapped cocaine bullets are unlikely to be put off by the possibility of a jail sentence. Drug addicts and sex workers are equally hard to scare into good behaviour. While the threat of arrest must remain in place to dissuade those who value their future, those who have given up hope are not so easily frightened. Arrest drives focusing on rounding up large numbers of these “undeterrables” result in a net loss in enforcement effectiveness.

To avoid these losses, police need alternative avenues of response, particularly when confronted with non-priority cases of drug possession. In the opinion of the International Narcotics Control Board, the 1988 Convention requires that illicit possession of controlled substances must be prohibited, but it does not require criminal prosecution for small quantities.²³ At times, drug possession can serve as a pretext to detain an otherwise dangerous or suspect individual, but otherwise, the law must allow for non-custodial alternatives when a police officer stumbles upon small amounts of drugs. It is important that the incident be documented and the opportunity availed to direct the user to treatment if required, but it is rarely beneficial to expend limited prison space on such offenders. According to surveys, between a quarter and a half of the population of many countries in Europe and North America has been in possession of illicit drugs at one time or another in their lives. Most remained productive citizens. In only a small share of these cases would arrest, and the lifelong stigma it brings, have been appropriate.

Fig. 6: Percentage of adult population reporting lifetime cannabis use, 2005 or 2006

Source: EMCDDA; NSDUH²²



Portugal is an example of a country that recently decided not to put drug users in jail. According to the International Narcotics Control Board, Portugal's "decriminalisation" of drug usage in 2001 falls within the Convention parameters: drug possession is still prohibited, but the sanctions fall under the administrative law, not the criminal law.²⁴ Those in possession of a small amount of drugs for personal use are issued with a summons rather than arrested. The drugs are confiscated and the suspect must appear before a commission. The suspect's drug consumption patterns are reviewed, and users may be fined, diverted to treatment, or subjected to probation. Cases of drug trafficking continue to be prosecuted, and the number of drug trafficking offences detected in Portugal is close to the European average.

These conditions keep drugs out of the hands of those who would avoid them under a system of full prohibition, while encouraging treatment, rather than incarceration, for users. Among those who would not welcome a summons from a police officer are tourists, and, as a result, Portugal's policy has reportedly not led to an increase in drug tourism.²⁵ It also appears that a number of drug-related problems have decreased.²⁶

The approach is not uncontroversial. Portugal did experience an increase in drug use after this policy was implemented, but so did many European countries during this period. Cannabis use increased only moderately, but cocaine and amphetamine use rates apparently doubled off a low base. More alarmingly, cocaine seizures increased seven-fold between 2001 and 2006. While cocaine seizures in a number of European countries increased sharply during that period, in 2006, Portugal suddenly had the sixth-highest cocaine seizure total in the world. The number of murders increased 40% during this same period of time,²⁷ a fact that might be related to the trafficking activity. Although the rate remains low and Lisbon is one of Europe's safest cities, Portugal was the only European country to show a significant increase in murder during this period.

This rapid increase in trafficking was probably related to the use of Guinea-Bissau and Cape Verde, former colonies, as transit countries. Most of the traffickers arrested in Portugal in 2007 were of West African origin. As international awareness of the problem increased, cocaine seizures fell in a number of European countries, but France and Portugal, two countries with former colonies in the region, showed the most pronounced decreases.

Creative approaches of this sort seem to have been reserved for the parties on the extreme ends of the trafficking chain: the farmers and the users. Because these two groups have been seen, in effect, as victims, a variety of social solutions have been explored as alternatives to harsh law enforcement, including alternative develop-

Fig. 7: Annual prevalence for adult (15-64) drug use in Portugal, 2001 and 2007

Source: EMCDDA²⁸

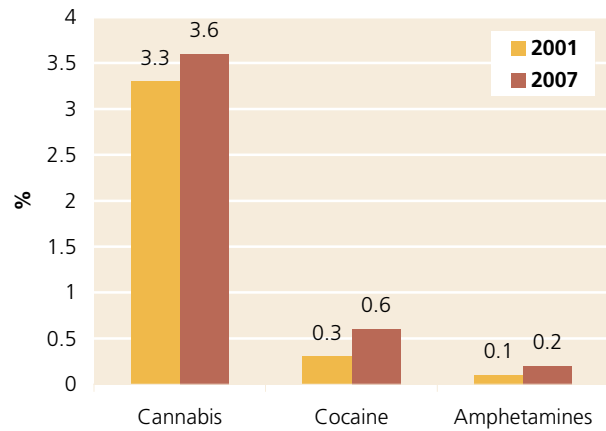


Fig. 8: Kilograms of cocaine seized in Portugal, 2001-2007

Source: UNODC ARQ

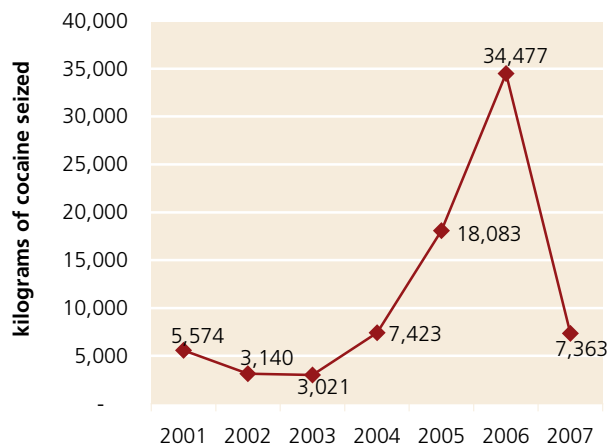


Fig. 9: Citizenship of those arrested in Portugal for cocaine trafficking in 2007 (top eight foreign drug trafficking national groups)

Source: UNODC, *Drug trafficking as a security threat in West Africa*²⁹

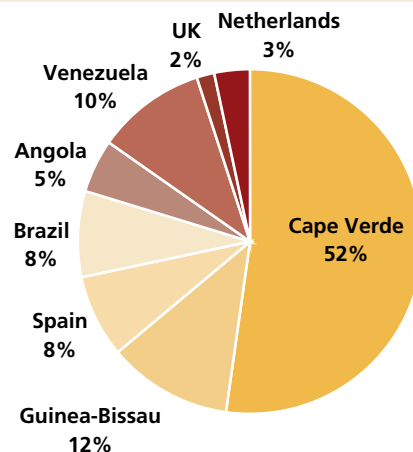
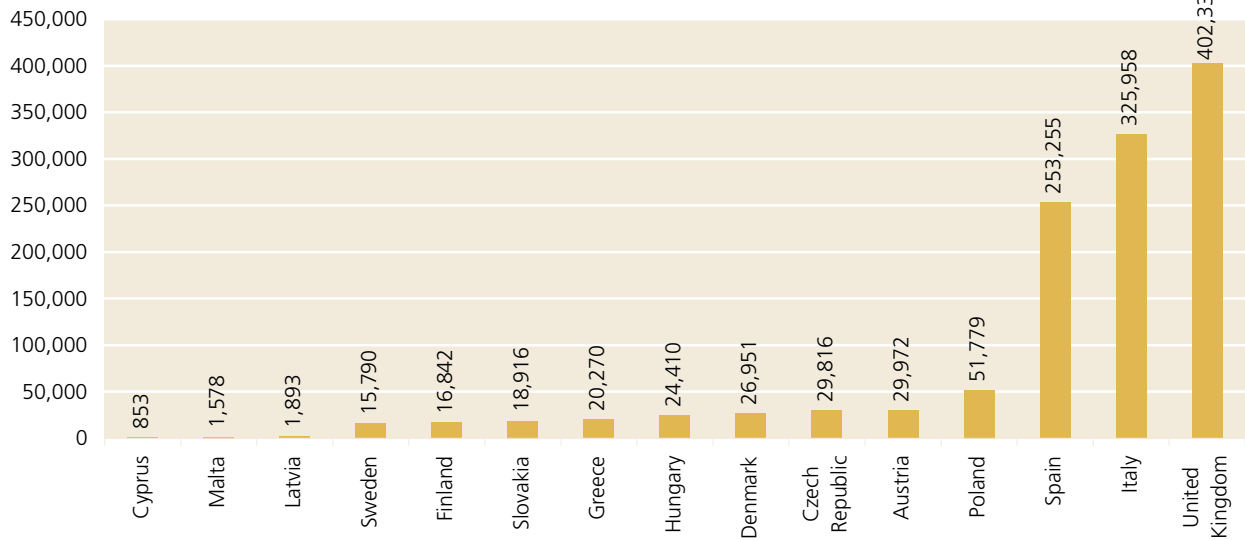


Fig. 10: Estimated number of “problem drug users” in some European countries various years 2002-2006

Source: EMCDDA; UN Population Division



ment and a range of prevention and rehabilitation schemes. Drug traffickers do not elicit similar amounts of sympathy. Seen as actors driven by raw profit, they are held responsible for most of the violence and corruption associated with the drug trade, and the response has been to hit them hard, arresting as many offenders and seizing as many drugs as possible. In some parts of the world, drug enforcement has been used as a pretext to wage war on marginalised communities, resulting in serious human rights violations.³⁰ Some countries even impose the death penalty for drug offences, contrary to Article 3 of the Universal Declaration of Human Rights.

But even when it comes to notorious and dangerous dealers, there may be alternatives to incarceration. One technique has been piloted in a number of locations in the United States. Investigators compiled detailed dossiers on all known dealers in their jurisdiction, with enough evidence to ensure a likely conviction. These dossiers were simultaneously presented to all the suspects with a warning: desist or face prosecution. Support services and networks were mobilised to make the option of desisting feasible. The idea is to get a large share of the participants to withdraw at the same time, causing the market to collapse. When confronted in this way, it appears that many opt out of drug markets.³¹ The threat of drug arrest has also been used to deter violent offenders.³² While these interventions are labour intensive, they are less costly than processing a similar number of offenders through the criminal justice system.

While incarceration will continue to be the main response to detected traffickers, it should only be applied in exceptional cases to users. All this is not to say that drug use should be ignored; it must be addressed. Drug

flows, and their devastating consequences for producer and transit countries, would not exist if it were not for demand in the wealthier nations. While “demand reduction” is not generally associated with law enforcement, there are ways the criminal justice system can contribute. Demand-side interventions have the advantage of taking business away from traffickers without violent confrontation, unlike police operations aimed at taking the traffickers away from the business.

Mainstream the half-a-percent

One of the most efficient ways to deter traffickers would be to undermine their user base. Annual prevalence statistics make it sound like drug users comprise a significant share of the global adult population, but, in fact, a small part of this group consumes the vast bulk of the imported drugs: the addicts. While around 5% of the adult population used some illicit drug in the last year (140-250 million users), only about 18-38 million could be classified as “problem drug users”.³³ While definitions of “problem drug use” vary, the European Monitoring Centre for Drugs and Drug Addiction provides estimates for the rates of problem drug use in the adult populations of a number of European countries. The size of these populations range from less than a thousand in Cyprus to some 400,000 in the United Kingdom. Taking the extreme example, it is estimated that about one quarter of the UK’s problem drug users reside in London, about 74,000 users, just under 1% of the city’s population.³⁴

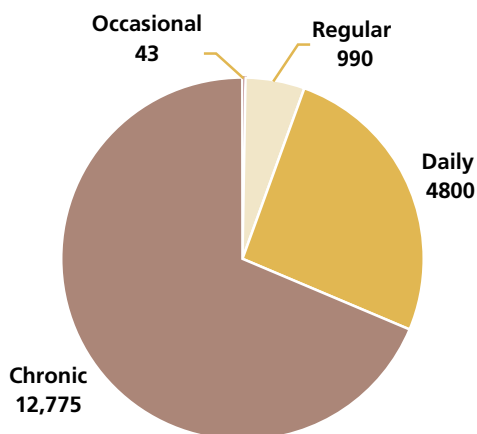
Those who are continuously intoxicated or regularly binge are the real source of demand on which traffickers rely. Removing a significant portion of this source of demand, even temporarily, would rip the heart out of

any drug market. Cannabis provides a good example of this phenomenon. Cannabis is generally consumed communally – surveys across countries show most users consume with other people most of the time. Often this involves passing around a common joint or pipe. With fairly good quality cannabis, only a few deep inhalations are needed to produce the desired effect among those who don't use frequently enough to have developed a tolerance. The volume of cannabis consumed by any given user in such a session is trivial, a fraction of a gram, and many casual users only experience one or a few such sessions each year.

In contrast, about 9% of those who consume cannabis will, at some point in their lives, go through a period of heavy daily use and develop a tolerance.³⁵ For those whose situations allow, they may be continuously intoxicated. Estimates of the amounts consumed by heavy users vary, but are on the order of several grams per day. In this way, daily or continuous users smoke the vast bulk of the cannabis consumed. The same is generally true in most other drug markets – a small share of the user population appears to consume the bulk of the drug supply.³⁶

Fig. 11: Tons of cannabis consumed globally by frequency of use in 2006

Source: 2006 World Drug Report



There are a number of ways this share could be removed from a drug market, but, due to the nature of addiction, they are unlikely to go willingly. Drug use arrestees should not be incarcerated, but rather diverted to evidence-based treatment or conditional release. Remaining drug-free as a condition for release has been found to be successful where random but regular drug testing results in quick (but not necessarily lengthy) jail time for those who fail to pass.³⁷ In a city like London, removing the addicts would be a mammoth task, but, as of 2005, Her Majesty's Prison Service already had some 12,000 drug offenders in custody in England and Wales alone.³⁸ In less problematic and less populated areas, a far smaller

body of addicts would need to be removed to substantially reduce the profitability of the market.

Unlike cannabis, those who are addicted to less ubiquitous drugs tend to congregate around open drug markets. This gives them continuous access, the company of those similarly situated, a competitive market for their business, and access to criminal employment activities. The ecology of an open drug market is premised on particular conditions, however, the most prominent of which is the neglect of the state. Disrupting this ecology is a matter of bringing some kind of order to these under-regulated zones.

Close open drug markets

Arresting individuals and seizing their drugs is a technique akin to manually pulling weeds. But there are ways of making the environment less receptive to drug markets, effectively making the ground less fertile. These interventions are rooted in the thinking of situational crime prevention, going beyond arrests and seizures to address the social conditions on which drug markets are reliant.

In crime prevention theory, a false dichotomy is often presented between solutions involving law enforcement, which are viewed as short-term correctives, and so-called "social crime prevention", which is usually portrayed as a long term project. In the world of short political time horizons, the latter often gets neglected in favour of the former. But there is a third way: interventions aimed at changing social conditions quickly, to impact the conditions under which drug markets thrive.³⁹ This sort of thinking is found in the practices of situational crime prevention.

While law enforcement personnel are not typically adept at manipulating social circumstances, they can also play a key role. With training, they can work with addicts in a way that helps them move beyond their destructive behaviour without necessarily using the sanction of arrest. The techniques of problem oriented policing can also help them to recognise and disable the mechanics of drug markets.

For example, drug dealers pay a price for remaining underground. They cannot advertise without exposing themselves to law enforcement. Users generally find vendors in one of two ways. One is an open drug market, a specific geographic area or location where anyone can show up and buy drugs. The second is through a network of social or information connections. Both are vulnerable to disruption.

Many open drug retail markets are found in neglected urban spaces, which also harbour fugitives, sex workers, runaways, and illegal immigrants, and anyone else who wants to avoid the law. These areas are growing in a rapidly urbanising world, especially in developing countries.

Unable to accommodate the rapid inflow of people, these cities are at risk of acquiring slums and informal settlements beyond the capacity of the state to control, where the norms and informal social controls of the countryside are lost, where anonymity and transience allow drug markets to germinate. In some parts of the world, there are whole regions where drugs and other contraband are available for those in the know, including some free-trade areas, breakaway states, and conflict zones.

What these areas have in common is the absence of the rule of law. This does not mean these areas are completely unregulated; a closer look generally reveals the presence of a different kind of authority, an authority with an interest in the appearance of chaos. If these authorities could be called to account, these areas could be reclaimed, with serious consequences for the drug markets.

For example, traditional law enforcement has a hard time operating in slum areas. Drug addicts, like the poor farmers on the other end of the market chain, can be extremely difficult to deter. Street dealers also represent a formidably hard target. Often they are gang members, whose whole ethos revolves around conflict with the police. Prison is an expected part of their life cycle, and death a price they are willing to pay for posthumous respect. Many deal drugs for very low wages, so non-financial motives are foremost among the reasons for their continued participation in the market. In this world, arrests and seizures don't seem to have lasting impact.

But street drug markets do not exist in a vacuum. The drama is played out on a very particular kind of a stage, and it is the stage manager, not the actors, that must be addressed. The property in these areas is owned by someone, someone whose neglect of their property allows illicit activity to continue. Unlike the street addicts and gang members, this someone has something of value to lose – their property. Surprisingly, run-down urban properties are often highly prized among slum lords for the incomes they generate, since marginal people will pay a premium to avoid excessive attention, or because they simply have no choice.⁴⁰

Legislation that requires that owners take responsibility for what goes on in their establishments could go a long way toward restoring order. Those who fail to comply would face an escalating series of fines, ultimately resulting in forfeiture of the property. As actions under the civil law, a lower standard of proof would be required than under the criminal law, and procedures could be streamlined to reduce delays due to litigation. Either through voluntary compliance or by literally taking ownership of the situation, the state could once again reassert control over these neglected areas. Ownership could be transferred to law-abiding citizens within and from outside the marginal area, and these residents

would have a personal stake in assuring their property remains crime-free.⁴¹

Not every drug market is so tightly associated with a particular piece of property, of course, but the general principle behind this sort of intervention still applies: it makes little sense to try to deter those with nothing to lose. Many are drug users themselves, and may not be rationally planning their actions in accordance with their own best interests. They are generally not the ones making the important market decisions in any case. If these people are moved toward the mainstream, drawn in instead of pushed down, the market loses its most important foot soldiers.

Instead, punitive measure should be taken against those who are making real profit from the state of affairs. Some of these players are simply negligent, others are complicit. In either case, they are participating in drug markets because they make money doing so. Threats to that money can be expected to produce results.

These types of interventions need not have great resource implications. Some forms of regulation are essentially self-enforcing. For example, laws limiting tobacco smoking in public places would be a failure if they relied on the state for enforcement – there are simply too many smokers to control. Instead, anti-smoking laws rely on two non-state sources for compliance. One is the owners of the public establishments themselves, who comply because, as property owners, they are motivated to remain in compliance with the law.

The second is non-smokers, who, by virtue of the law, are given a chop moral basis to object to public smoking. The paradigm shift in the anti-tobacco campaign came when the issue ceased to be framed as a matter of personal choice and began to be seen as an issue of public health. Drug markets are no less hazardous for those involuntarily exposed to their “second hand smoke”. Similar vehicles must be designed to empower the majority of people who want no part of drug markets in their communities. Partnerships between local community-based or faith-based organisations and state agencies charged with addressing the drug issue could provide both information and networks for uprooting open drug markets.

Of course, closing an open retail drug market does not mean the problem has been solved. Addicts need their drugs, and will continue to source them through information networks. But closing open drug markets can have several benefits:

- Open drug markets have a devastating effect on the marginal neighbourhoods that host them; removing them can allow these communities to heal and become reintegrated.

- The under-regulated zones that host many open markets also host marginalised populations prone to substance abuse, including runaways, people with mental health problems, and sex workers; closing the market would break this important spatial connection.
- Open drug markets allow virtually anyone to show up and buy; closing them should slow the expansion of the user base beyond the affected area.
- Closing open markets removes the territorial element on which so much drug related violence is based.
- Removal of the territorial element may take drug markets out of the hands of street gangs.

In terms of violence, one of the worst things that can happen in a drug market is for it to fall into the hands of street gangs. Street gangs appear to have evolved independently in many parts of the world, while missing in other areas entirely. They hold in common an ethos of opposition to the law, however, so interventions designed to deter most people may, perversely, encourage illegal activity in gang members. While there is considerable heterogeneity, most gangs are defined by their association with a particular territory (“turf”) and their capacity for violence, whether or not they deal drugs.

Drugs may increase the incentives and occasions for violence, but much of the violence of drug-dealing gangs is related to issues of “respect”, and is often committed contrary to their market interests.⁴² There is evidence that street gang members are among the lowest-paid actors in the entire distribution chain.⁴³ They sell drugs because that is what street gang members do, because it is a job that can be done while standing on a street corner, and because it is perceived as affording greater dignity than fast-food work, not because it pays well. But given limited alternative forms of employment for uneducated young men with criminal records, it may be the only job on offer. And the prospect of possible future riches may be enough to justify continued participation despite relentless evidence that their efforts are fruitless.

Removing drugs as an income stream may decrease the attractions of gang membership and result in long-term violence reduction. And the surest way of taking drugs out of the hands of gangs is to close spatially-linked drug markets.

Disrupt information networks

In addition to open markets, drugs are dealt through personal networks. These markets rely on trust – new participants are only introduced through the endorsement of existing members. This slows their growth and leaves them fragile. An inherent weakness of black markets is that most of the participants are untrustworthy. Removal of key links, the use of informants, and sting operations (or the rumour of sting operations) can cause extended networks to collapse, and reconstitution may be difficult.⁴⁴

Similar principles apply further up the trafficking chain, at the wholesale level. People who broker drug deals have only their connections to sell, and therefore take great pains to ensure their suppliers never meet their customers.⁴⁵ If the brokers are removed, they are not always easily replaced. This weakness was recently exploited to disrupt the heroin markets in Australia, with very positive consequences.

The causes of the “heroin drought” have been debated,⁴⁶ and it is highly likely that a number of factors played a role, but the balance of the evidence suggests that law enforcement action was important. Australian authorities had determined that heroin trafficking was proceeding in very large shipment through a limited number of nodal points (“brokers”) who had connections to both Southeast Asian suppliers and a vast network of street retailers. Evidence suggests that coordinated, international-level law enforcement operations over a number of years may have progressively removed some of these key brokers, disrupting large-scale shipment to the country, reducing the quantity and quality of heroin available to street-level dealers. In the interim, many addicts went into withdrawal, and some appear not to have resumed heroin use; the market remains smaller to this day. By the time connections were resurrected, the market was not nearly as large. The smaller market attracted fewer new users. Violence, drug-related crime, overdoses, and overall use declined dramatically.⁴⁷

2.3 Create flow-specific drug strategies

In addition to refining local enforcement techniques, there is a broader need to approach the drug problem strategically. Drug strategies are usually devised at a national level, but this is not always the most useful frame of analysis. The most important manifestations of the problem are highly local, and not every area is equally affected. Coming to terms with “the world drug problem” can be overwhelming when the issues are not described with sufficient specificity. When broken down into specific flows affecting specific areas in different ways, the problem becomes more manageable.

At the same time, local issues are deeply connected to what is going on internationally. As is discussed below, the particularities of each situation are tremendously important in designing interventions, but these interventions can only be effective if they are coordinated across borders. Failure to coordinate local initiatives reduces the impact and results in displacement, an effect that has become a recurrent theme in global drug control.

Develop a truly “balanced approach”

The incompatibility of the problem and the primary tools used to engage it has long been recognised, and a “balanced approach” between supply-side (enforcement)