

LAW ENFORCEMENT AND SUPPLY REDUCTION

DR. MARCUS ROBERTS

HEAD OF THE POLICY AND PARLIAMENTARY UNIT AT MIND. HE WAS FORMERLY HEAD OF POLICY AT DRUGSCOPE

Marcus Roberts argued that the dominant drug policy paradigm of the past 40 years had been characterised both by its overarching *objective* - elimination or substantial reduction of drug use - and by the *means* by which this had been pursued – supply-side initiatives, and particularly uncompromising law enforcement.

This paradigm has failed on its own terms. The United Nations Office on Drugs and Crime (UNODC) World Drug Report 2005 concluded that 200 million people worldwide had used an illegal drug in the previous 12 months, an increase of 15 million on the previous figure. The wholesale value of the international drug market is estimated at US \$94 billion, compared to \$6.7 billion for beer and \$5.7 billion for coffee. The retail value is estimated at \$391 billion.

The BFDPP had critically considered examples where there was a prima facie case for saying that law enforcement had reduced the supply of illicit drugs. It reached five principal conclusions.

1. Well-documented examples of successful supply reduction are few and far between. Over a quarter of 95 countries reporting to the UNODC *claim* drug use is falling within their jurisdictions but it is impossible to verify these claims, because these countries are not identified by the UNODC. These claims must be viewed with suspicion in these circumstances.
2. Where there is evidence for falls in supply, the role of law enforcement is often unclear. The Australian heroin drought followed the seizure of a large shipment of heroin. But the impact of this on heroin supply in Australia was only one in a range of factors - specifically, poor opium harvests and the growth of an alternative Chinese market.
3. Supply reduction is typically short-lived. The Australian heroin drought began in 2000 and was effectively over by 2003.
4. Where the supply of one drug is reduced, consumers tend to switch to other drugs. There is what economists call a substitution effect. An interesting example occurred in Iran following the 1979 revolution. After successful law enforcement activity targeted alcohol production, prices rose and there was substitution of opium for alcohol.

5. Reductions in drug supply may only be achievable at an unacceptable cost to human rights and democratic norms. For example, the Taliban achieved a massive reduction in opium production in Afghanistan, and drug markets were contained in many former Soviet countries during periods of communist oppression.

Marcus Roberts argued that there was a need for a fundamental shift in the drug policy paradigm. The aim of drug policy should be to manage drug use and drug markets with the objective of minimising drug-related harms. He quoted the first Beckley Foundation Report which concluded: 'a drug free world is an impossible ideal. A world in which far less harm is caused as a result of the production, trafficking and consumption of drugs is both an inspiring ideal and an achievable objective.'

He added two caveats. First, it would be wrong to conclude that supply-side initiatives have had no impact on drug use and markets. There is good evidence that law enforcement has helped to *contain* the growth of drug markets, which remain far smaller than the global markets for tobacco and alcohol. A significant relaxation of drug laws may result in a significant expansion in drug use. Second, the drug policy debate has been excessively and unhelpfully polarised – for example, pitching 'supply reduction' against 'harm minimisation', and 'legalisation' against 'prohibition'. This oversimplifies a highly complex and subtle public policy issue. The 'war on drugs' has failed. But the question 'where do we go from here' is not as straightforward as is often supposed. The future of drug policy does not hinge on an either/or choice between two mutually exclusive extremes, but on the exploration of a range of different policy configurations, combining supply-side and demand-side measures in a variety of ways.

KEY POINTS

A zero-tolerance approach has failed to reduce drug use and drug markets, but there is some evidence that it has contained their expansion.

Examples of successful supply reduction are few and far between, they tend to be short-lived and the causal role of law enforcement is unclear.

Zero-tolerance initiatives have been most effective at reducing drug markets and production where governments have adopted draconian policies that would be unacceptable in liberal, democratic polities.

The drug policy debate has been excessively polarised. There are a range of possible drug policy configurations balancing supply-side measures and demand reduction in different ways.

RESPONDENT
PROFESSOR FRANCISCO THOUMI
DIRECTOR OF THE FACULTY OF ECONOMICS AT UNIVERSITY DEL ROSARIO
IN COLOMBIA

Francisco Thoumi focused on the negative consequences of drug illegality for Latin America, and on supply-reduction initiatives targeted at producer countries in the developing world.

He noted that many of the assumptions made about the consumer behaviour were based on simplistic psychological models. The retail price of cocaine in the Andes is 1-2% of the price in Europe or the United States. There has been no significant epidemic of cocaine use in this region.

The cultivation of plant-based drugs is concentrated in a small number of producer countries. This is a consequence not only of the lack of viable economic options, but also of the illegality of the product. Coca production does not involve significant skills or capital investment – a microwave oven is the most expensive equipment needed to refine cocaine. Prohibition gives a competitive advantage to countries where there is a higher propensity to illegality. Illicit drug production will tend to flourish where states and civic cultures are weak, and there is a lack of social control – especially if the state has lost control of parts of its territory.

Supply-reduction initiatives targeted at producer countries have failed to take account of these characteristics. On the contrary, they have often further damaged civic cultures and compounded political instability. For example, the prohibition of coca consumption in Peru and Bolivia have been politically divisive, because coca is an important part of Indian culture and identity. The enforcement of coca laws has symbolic significance in societies where white society and Indian cultures are not well integrated. An unintended consequence of the prohibition of coca has been to fuel political disaffection in Indian communities.

Francisco Thoumi argued that a change in the legal status of coca would have a positive impact in Latin America. Coca is a Schedule One drug, alongside cocaine and heroin. The UN could establish a system of legal production of coca, and this would improve community relations in countries like Peru and Bolivia. The legalisation of coca consumption would reduce political tension and social division, and the overall impact on illicit drug production in Latin America could therefore be positive in the longer term.

Simplistic supply-reduction policies that do not address the deeper question of why countries are producing illicit drugs will not work and will have negative, unintended

consequences. While recent initiatives have reduced the total acreage devoted to drug production in the Andean countries by 10-20%, this has not reduced output. The industry has adapted by increasing levels of productivity - including the development of plants that are resistant to sprays or have a higher coca content, and planting in smaller and less easily identified plots. At the same time, anti-drug policies are creating serious

political problems. For example, in Columbia, the strength of anti-drug policies has resulted in the war lords becoming stronger and taking over drug markets.

Francisco Thoumi also challenged the official UN figures on coca and opiate production, as provided by the International Narcotics Control Board. He claimed that the figures simply did not add up. The total output figure minus the seizure figure was only half of the UN figure for consumption. This suggests that actual production levels are substantially higher than is estimated by the relevant UN agencies.

KEY POINTS

The production of key prohibited drugs is concentrated in a small number of developing countries.

Drug prohibition gives a competitive advantage to countries with a high level of illegality, and further erodes civic culture and political stability.

Prohibition of coca has been highly divisive in Latin America, because of its symbolic importance for Indian identity and culture.

The UN should remove coca from Schedule One and take responsibility for legal production. This could improve the long-term prospects for tackling drug production by reducing social divisions.

DISCUSSION

KEY THEMES

The status and reliability of figures published by the UNODC in World Drug Reports.

The unintended consequences of moving coca out of Schedule One.

Dr. Sandeep Chawla, Head of Policy Analysis and Research Branch at UNODC, agreed that it was important not to caricature policy positions. He emphasised that the UN line 'A drug free world - we can do it!' is a PR slogan, and has no legislative identity.

He proceeded to issue a 'health warning' about key figures in the UNODC world drug

reports. The 15 million rise in the numbers of people who said that they had used an illicit drug in the previous year may be a consequence of changes in reporting systems, to a greater or lesser degree. While there has been a substantial increase in drug misuse, it is impossible to determine the scale of this 'epidemic' as there is a lack of reliable baseline figures. Politicians and the media want clear and unambiguous quantitative information from the UN. The reality is that it is often not available.

Francisco Thoumi asked why the UN published unreliable figures.

Sandeep Chawla responded that this was the best data available. The alternative was for the UN to publish nothing, with the possible consequence that the debate would become fixated on ideological positions, unconstrained by the evidence base. The limitations of the published data were discussed in the fine print of the world drug reports.

Mike Trace, Co-Director of the BFDPP, agreed that the reality was that international bodies such as the UN and the European Union were required to report on progress on drug strategy objectives and this created a genuine professional dilemma given the limits of the data. One of the main obstacles was that many UN member states were unable or unwilling to provide adequate data, and funding to improve data collection was generally not a priority. If Mozambique, for example, was unable to answer any of the questions posed by the UN, then it would not become able to do so without significant infrastructure investment. This was an issue for donor countries.

Daniel Wolfe, Deputy Director of International Harm Reduction at the Open Society Institute, accepted that the UN was under pressure to publish, but responded that it would be useful if the caveats and disclaimers found in the fine print were made more visible. Progress on drug policy required greater openness on the limitations of the evidence base, a critical engagement with the epidemiology, and a focus on the gaps in existing knowledge. Self-reporting is notoriously unreliable and there is a shortage of good baseline data. It would be helpful to acknowledge these limitations.

Dr. Tomas Zabransky, Senior Research Fellow at Charles University in the Czech Republic, suggested that gaps in the data had resulted in the production of some meaningless indicators that were open to manipulation by more powerful countries. The development of a UN Illicit Drug Index, as discussed in the World Drug Report 2005, could make things worse.

Dr Anna Chisman, Chief of Public Communications at the Inter-American Drug Abuse Control Commission (CICAD), USA, asked whether there would be any unintended consequences of moving coca out of Schedule One under the UN Conventions.

Francisco Thoumi replied that this was a simple idea, and that it did not represent a radical departure from the current legal situation. The 1988 UN Convention stated that

traditional uses of coca would be tolerated in regions where there was historical evidence or prior use, and Peru and Bolivia both have systems by which the government can oversee some licit coca production. But these systems are not working, and are perceived to discriminate against Indian culture. The UN should design an international system for the legal market in coca, similar to current arrangements for legal production of opium poppy. This would help to diffuse political tensions in Latin America.