



GLOBAL  
COMMISSION ON  
DRUG POLICY

REPORT

# ENFORCEMENT OF DRUG LAWS

## REFOCUSING ON ORGANIZED CRIME ELITES





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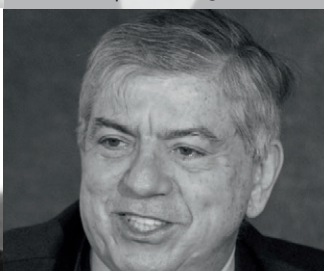
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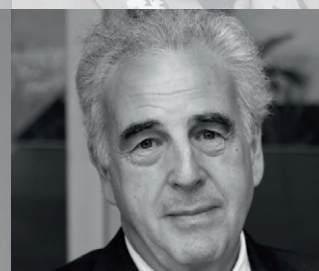
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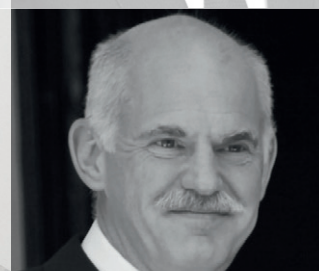
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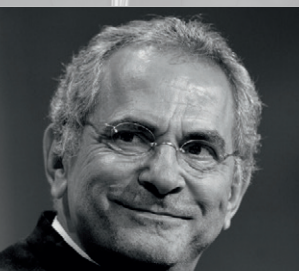
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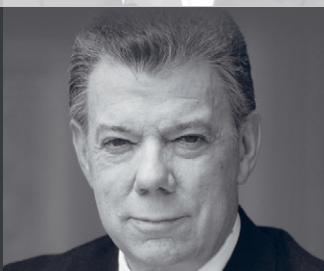
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# FOREWORD

Back in 2009, a group of 17 Latin American personalities, gathered under the leadership of three former presidents (Fernando Henrique Cardoso of Brazil, César Gaviria of Colombia and Ernesto Zedillo of Mexico) and called for fundamental reforms in drug policy. They convened the Latin American Commission on Drugs and Democracy to analyze the dramatic consequences of the “war on drugs” for people in the region, a war imposed by the United States, the world’s largest consumer market of illegal drugs. It raised the alarm on how this repressive approach to drugs was weakening democratic institutions, empowering criminal organizations, spreading corruption, and fueling violence as turf wars intensified between criminals or between criminal organizations and law enforcement. This “war on drugs” became a war on people: coca farmers losing their lands, consumers denied health services, people sentenced to long prison terms – also impacting their loved ones – and bystanders killed or injured in drug-related violence.

The Global Commission on Drug Policy was established two years after the publication of the Latin American Commission’s report, which raised awareness among governments and public opinion about the need to rethink drug policy. The original regional perspective was enriched by the experiences of European leaders, who confronted in the late 20th century a different set of challenges and failures of repressive drug policies: soaring heroin consumption correlated with the highest levels of HIV transmission among people who injected this substance, as well as a large number of overdoses. The public health response to these crises was an important step towards a more comprehensive, evidence-based drug policy reform that was respectful of human rights. African, Asian and Pacific voices joined the Global Commission in the months and years following its establishment - testimony to the fact that production, trafficking and consumption of drugs were to be found everywhere in the world.

In a single decade, hundreds of thousands of people have died, considered collateral victims of prohibition. They represent the price paid for a policy that has only enriched and empowered criminal organizations, fueled corruption and money laundering, and contributed to the increase of trafficking, the number of trafficking routes and networks, as well as the number of failed states semi-controlled by criminal organizations. We, the members of the Global Commission on Drug Policy, therefore committed to develop a coherent and comprehensive approach to the problems caused by drugs and failed drug policies to individuals and societies. We presented five pathways for reforming current repressive and harmful drug policies and enacting effective drug control, which are aimed at supporting healthier and more inclusive communities. We made each pathway the focus of a separate report. With this report we cap our analysis of the different facets of drug control with an emphasis on our call to the international community and individual states to “focus on reducing the power of criminal organizations as well as the violence and insecurity that result from their competition with both one another and the state.”

Since 2011, we have advocated at every opportunity - with policy makers at different levels, in the media and in our reports - for the decriminalization of people who use drugs and for alternatives to punishment for low-level nonviolent stakeholders of the illegal market. We have, with as much energy, advocated for focusing enforcement efforts primarily on the most dangerous and most protected actors of the illegal market, those who directly benefit from the current prohibition paradigm, and who are advantaged in front of the repressive system thanks to their access to wealth, knowledge and legal services. While we believe repression is harmful to the weak, we believe it necessary to confront violent and highly profitable criminal organizations that control an illegal market evaluated at several billions of US dollars annually.



In this report, we provide our analysis of drug trafficking and its links with organized crime based on the most current evidence and with the support of experts. We expose the failures of current policies in addressing deep-rooted issues that feed organized crime, levels of violence and their impact on different communities. We discuss emerging best practices in law enforcement, which are evidence-based and draw on lessons learned from past failures. We explore and anticipate criminal activity in a legally regulated drug market with the limited evidence we have at hand. Finally, we address the gaps in the international governance of drug control and crime prevention, a siloed governance that provides growth opportunities to transnational criminal organizations.

This tenth report by the Global Commission thereby highlights the need for a coordinated response to transnational organized crime dynamics as it relates to drug markets. The report does not offer definitive solutions but rather provides food-for-thought and is an invitation to consider the multiple connections between drug trafficking and other criminal activity in a globalized world of illegal demand and supply. Through this report, we firmly ask countries to engage in an evidence-based discussion on the most effective ways to reduce the power of transnational organized crime, a power that will continue to flourish rather than diminish as long as law-enforcement strategies favor criminalizing low-level stakeholders such as consumers.

This is the reality of the world we live in, where a market with a steady demand is left in the hands of criminal interests. We feel compelled to continue to share the existing evidence and to provide coherent proposals for reform. International cooperation needs a more comprehensive approach to the shared fight against corruption, money laundering and transnational criminal organizations, which are active in many illegal activities beyond the drug market. Countries need leadership to identify better ways to control drugs, to reduce the size and the violence of the illegal drug market, to loosen the grip of criminal organizations on vulnerable and discriminated communities, and to preserve the health, dignity, fundamental rights and wellbeing of all citizens, including those who choose to use drugs.



**Ruth Dreifuss**

Chair of the Global Commission on Drug Policy

# EXECUTIVE SUMMARY

Illegal drug markets provide an immense source of power and revenue for organized criminal groups. That has remained the case despite the vast investment of political, financial, social, and military capital into the global “war on drugs,” which has also generated a vast and tragic human cost. Far from curtailing drug markets, which are in fact expanding in scale and complexity worldwide, repressive criminal justice and military responses to drug trafficking have exacerbated the already profound impacts of drug-related organized crime, from prolific violence in certain states to increased corruption, and undermined political and economic stability.

Deep-seated schisms continue in international debates on drug policy. Despite renewed commitment to the prohibitionist approach at the March 2019 Ministerial Declaration of the United Nations (UN) Commission on Narcotic Drugs (CND), there is increasing acknowledgement within the UN system of the harms of the current drug control regime, and the need to pursue options such as decriminalization of use and possession for personal use. Countries are increasingly adopting decriminalization models, and the legalization and regulation of cannabis for recreational use is becoming a reality in a number of jurisdictions. Yet at the same time, other countries have moved in the opposite direction, redoubling efforts to eradicate drug use through punitive approaches which harm health and human rights.

Given this highly polarized context, the need for reform-minded states to advocate for evidence-based responses to organized crime and drug trafficking is greater than ever. This report supports this effort by building on the five key pathways towards improving drug policy as outlined in the Global Commission’s 2014 report. Alongside strategies to ensure the health and safety of those using drugs, this coherent five-fold program advocates for refocused enforcement responses to drug trafficking and organized crime as an essential part of drug policy reform.

This report provides an overview of how the global “war on drugs” has, counter to its ostensible aims, fed and empowered transnational organized crime. More effective responses to transnational organized crime and drug trafficking – through both targeted and measured law enforcement approaches and development strategies which counter the root causes of organized crime – are possible and may be enacted even while markets remain illegal. The legal regulation of drugs offers an unprecedented opportunity to move drugs markets out of criminal control, as the Global Commission stated last year, but also presents new challenges for countering organized crime. This report explores lessons learned both in a context of prohibition and of a legally regulated market.

Implementation of more progressive drug policies has often been held back by the international control regime; through a lack of coherence among UN entities, between regional bodies, and the deep-seated conservatism in the international regime. As such, this report considers the past record of the international drug control regime with respect to the fight against drug trafficking, and how more effective coordination could be achieved in the future, if political will is to be found.

**For the Global Commission on Drug Policy, an effective response to transnational organized crime that does not impede sustainable development, human rights, and wellbeing is dependent on the urgent need to enact the following actions:**

**1 States must acknowledge the negative consequences of repressive law enforcement approaches to drug policies and recognize that prohibition forges and strengthens criminal organizations. Sharing such conclusions with the public must then feed national debates to support bold drug policy reform.**

By focusing repressive drug policies on low-level offenders and people who use drugs, states have aggravated harms to public health, generated human rights violations, overwhelmed criminal justice systems, and used valuable resources that should have targeted the most serious organized crime groups. In some parts of the world, these responses have militarized societies, and undermined security, state accountability and oversight of counter-crime operations, governance, and state legitimacy. These far-reaching impacts of prohibition, from the weakening of the social fabric and vulnerable state institutions to prison overcrowding, offer organized crime fertile ground to develop its activities, recruit those with few economic alternatives, and to corrupt officials.

**2 States must analyze the transnational and trans-sectorial nature of criminal organizations, to review and reform the current exclusive focus on law enforcement.**

Patterns of drug markets, and the structure and behavior of criminal groups are in a state of transformation, with the emergence of online marketplaces, shifts in the routes and diversity of drug trafficking, and an increasing tendency for organized crime groups to operate in multiple illegal markets. Links with terrorism should not be overstated. By adopting a comprehensive approach against all illegal activities, and not only to drug-related enforcement, states provide themselves with better opportunities to reduce violence and money laundering, as well as being better equipped to fight against organized crime in emerging crypto-markets.

**3 States must develop targeted and realistic deterrence strategies to counter organized crime, and focus their response on the most dangerous and/or highest profiting elements in the criminal market. States must also reinforce interdepartmental cooperation to address criminal markets in a broad sense, not solely drugs, and develop effective transnational coordination against trans-border criminal groups and international money laundering.**

There are no obstacles under the current international drug control regime to decriminalize personal consumption, to implement proportionate sentencing and to develop alternatives for low-level drug-related offences.

**4 States must consider the legal regulation of drugs as the responsible pathway to undermine organized crime.**

Building on current regulation models, states must monitor the gradual implementation of their regulatory frameworks, ensuring they will not create new “unintended” consequences that could profit criminal organizations. The evidence basis from regulated cannabis markets is constantly growing, with promising suggestions, of an incremental decline of the market share of illegal trade. However, there are difficulties in extrapolating experiences from these markets into other contexts with different challenges. The resilience of transnational organized crime and its hostility towards seeing its available workforce transit to legal markets are not to be underestimated, and could counteract the potential trust these policies can create between law enforcement and marginalized communities. When aiming to disempower organized crime by creating legally regulated markets, these broader questions of justice, development, and social and economic inclusion need to be considered.

**5 UN member states must revisit the global governance of the international drug control regime in order to achieve better outcomes in public health, public safety, justice, and greater impact on transnational organized crime.**

The siloed and uncoordinated responses currently provided only add to the existing challenges. There is no justification in addressing drugs at the CND from a pre-dominant perspective of crime. Only a comprehensive approach to drugs such as that recommended by the “UN System common position on drug-related matters” can address organized crime without further increasing harms. UN member states must consider merging the 1961 and 1971 Conventions complemented by precursor control, and terminating the 1988 “UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances”. This would broaden the mandate of the CCPCJ as the functional commission on crime and provide coherence to the fight against organized crime.





A Coast Guard Cutter Bertholf boarding team aboard an Over the Horizon Long-Range Interceptor boat conducts an interdiction of a self-propelled semi-submersible vessel suspected of smuggling 7.5 tons of cocaine in the Eastern Pacific Ocean, Aug. 31, 2015 (U.S. Coast Guard photo).

# HOW PROHIBITION OF DRUGS FEEDS TRANSNATIONAL ORGANIZED CRIME

*Vast amounts of resources are spent each year in law enforcement for drug control. The global annual expenditure has been estimated as exceeding 100 billion USD.<sup>1</sup> Yet law enforcement-led approaches to drug trafficking have, in some instances, not only failed to address the myriad harms associated with criminal markets but damaged state accountability, governance, human rights, health, and development.<sup>2</sup> The human cost of repressive drug policies throughout the world has been tragically high, as stated in our last nine reports since 2011. Documenting and learning from these experiences – as argued by voices from law enforcement,<sup>3</sup> UN,<sup>4</sup> and civil society – is a necessary first step towards creating more progressive frameworks.*

The “theory of change” underlying much of drug law enforcement is that restricting drug production and intercepting trafficking routes will drive up prices and reduce drug demand. However, this foundational assumption does not bear scrutiny.

There is no solid evidence that increasing the intensity of enforcement raises the actual costs for drug traffickers.<sup>5</sup> Estimates from the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) indicate that between 2007 and 2017, and while supply reduction efforts were maintained, heroin retail prices in Europe fell by thirteen percent, cocaine by five percent and MDMA by eight percent.<sup>6</sup> Moreover, even if costs do rise, consumer demand has proven to be highly resilient in the face of price increases.<sup>7</sup>

Efforts to suppress drug crop production and clamp down on trafficking routes may be a contributory factor to the displacement of activity to other regions – the so-called balloon effect, or geographical displacement. Underlying changes in drug production and trafficking routes brings new actors into drugs markets and shifts the harms associated with organized crime, drug use, and prohibitionist responses to previously unaffected communities. This calls the central aim of prohibitionist, enforcement-led responses to drug markets into question.

## THE LAW ENFORCEMENT FOCUS ON NON-VIOLENT ACTORS IN THE CRIMINAL MARKET

In many countries, traditional law enforcement approaches attempt to eliminate local drug markets through “zero tolerance” strategies that indiscriminately target street-level retail dealing and people who use drugs.

This has been proven ineffective in achieving sustainable reductions in drug market activity. For example, evaluation of such generic crackdown policing operations in local drugs markets in the United Kingdom found this created a vacuum for organized criminal groups with more expansionist and aggressive marketing strategies to fill.<sup>8</sup> In Rio de Janeiro, temporary military incursions into gang-controlled favela areas aimed at countering drugs markets created cycles of confrontation without a strategy for comprehensive and sustained resolution.<sup>9</sup>

But the problems with this approach go far deeper than inefficacy. The burden of drug policing is overwhelmingly borne by poor communities, young people, and often disadvantaged social and ethnic groups, whereas drug consumption by wealthier communities may evade police attention.<sup>10</sup> Criminal records for low-level, non-violent offenders – often already stigmatized – further exclude them from society and the legitimate economy, and makes it more difficult to access health services.<sup>11</sup> Burdening criminal justice systems with minor crimes such as possession for personal use, especially of cannabis, drains resources from more complex investigations into serious crime.

Corruption, police harassment and abuse of state power is all too often associated with the policing of drugs markets.<sup>12</sup> Not only does this undermine communities’ rights and put people at risk, it is also self-defeating for police, as it harms possibilities for effective intelligence-building and information sharing between police and communities.<sup>13</sup>

The converse strategy of “high-value targeting” or “kingpin” strategies – which seek to incapacitate criminal organizations by removing the leadership – has had mixed results. In contexts of heightened risk and impunity, these strategies have been applauded for targeting powerful criminal actors. The high-profile sting operations carried out by the US in Guinea-Bissau and Liberia in 2013-2014 provided decisive evidence of grand corruption and state officials’ involvement in drug trafficking.<sup>14</sup> Such evidence can be critical in providing a basis for international pressure and response to corruption and impunity. In Mexico, however, kingpin targeting sparked unanticipated violence as leaderless groups splintered, competing for power and territory.<sup>15</sup>

### **BOX 1 Mexico’s kingpin strategy**

A militarized approach introduced by the Calderon administration in 2006 pursued a “kingpin” strategy with the support of US law enforcement agencies. At the outset, Mexico’s drug market was dominated by five major organizations. As the leaders of these organizations were killed or arrested, new factions formed and grouped around remaining leaders, which resulted in the creation of dozens of newer, smaller, less hierarchically controlled and more violent organizations.

By 2010, homicide rates were 150 percent higher than when the strategy was introduced in 2006.<sup>16</sup> Homicides hit a new high in 2018, of which an estimated third to a half were linked to cartels.<sup>17</sup> The increase in violence can be directly linked back to the high-value targeting strategy and was so impactful as to reduce life expectancy in the country.<sup>18</sup> Research found that the capture of a kingpin in a municipality led to an increase in its homicide rate by eighty percent for at least twelve months following the capture. Captures also significantly increased homicides in other regions where the same organization held territory, supporting the idea that internal disarray and infighting drove the violence.<sup>19</sup>

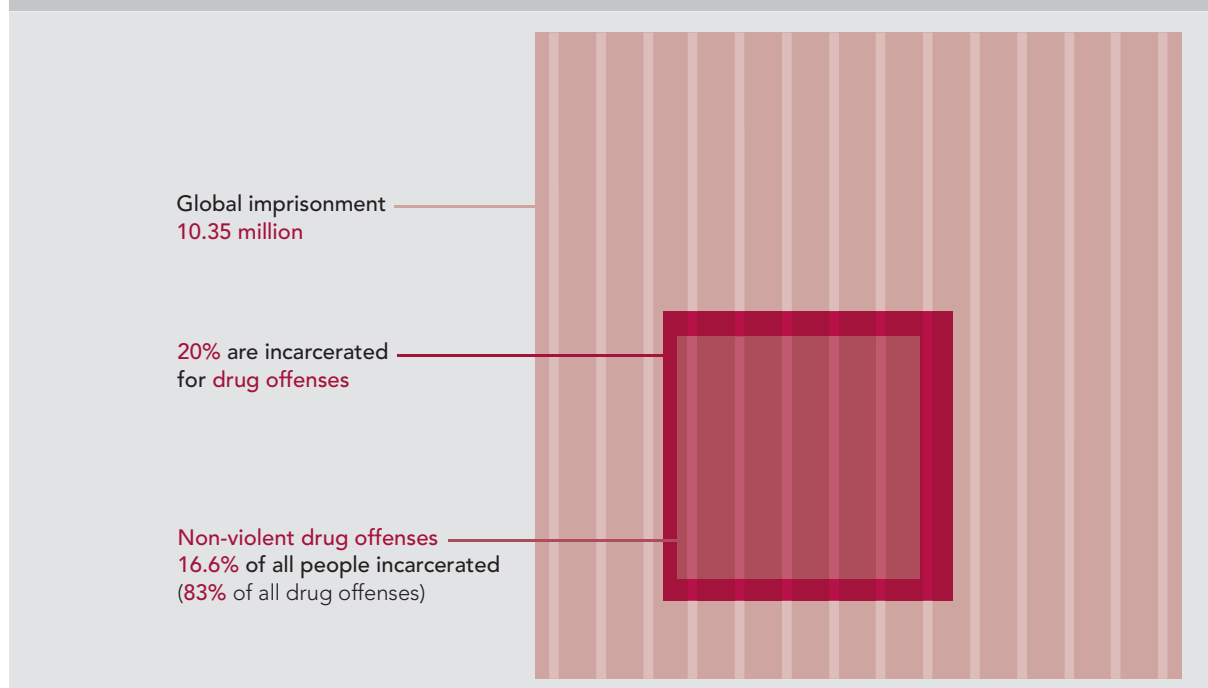
## **DRUG-RELATED INCARCERATION: FERTILE GROUND FOR ORGANIZED CRIME**

Drug control approaches have, in many instances, produced results which strengthen organized crime groups, and made criminal markets more volatile and violent. Foremost among these is the rise in global prison populations. According to 2017 UN estimates, twenty percent of the global prison population are sentenced for drug-related offenses<sup>20</sup> (see figure 1). Far from curbing drug trafficking markets, overcrowded prison systems become bases from which criminal actors continue to operate and recruit.<sup>21</sup>

Prison systems in Latin America and the Caribbean have been described as “near-perfect recruiting centers and incubators for crime,”<sup>22</sup> as organized crime groups have come to control drugs economies within prisons and use the facilities as bases by which to control trafficking operations outside. In São Paulo, the prison system gave rise to Primeiro Comando da Capital (PCC), the largest and best-organized criminal group in Brazil.<sup>23</sup> Similarly, prison overcrowding in Indonesia<sup>24</sup> linked to the country’s hardline drugs policy<sup>25</sup> has led to inhumane conditions, a breakdown in prison governance, and the rise of prison-based drug trafficking organizations.<sup>26</sup>



**FIGURE 1** Drug offenses and imprisonment



**Source** Penal Reform International, Global Prison Trends 2018, and IDPC, Taking Stock: A decade of drug policy

## MILITARIZATION OF THE RESPONSE TO DRUG TRAFFICKING

In contexts of extreme insecurity – and often as a “last resort” where civilian police are perceived as having lost authority or as corrupt – states have chosen to deploy military forces alongside or as a replacement for law enforcement agencies. Yet far from stabilizing situations, the deployment of military actors, particularly for extended periods, has proven corrosively damaging.<sup>27</sup> Use of military forces over the long term can create a costly dependency by supplanting law enforcement and diverting state resources from civilian policing. Consequently, solving the institutional shortcomings in law enforcement agencies that necessitated the military response becomes ever more difficult.<sup>28</sup>

Militarization threatens state accountability and governance for a variety of reasons. Military operations are often accorded fewer safeguards and lower oversight than policing operations,<sup>29</sup> and can become targets for corruption and extortion. Flows of smuggled weapons from state forces to drug trafficking organizations have been documented in Guatemala,<sup>30</sup> and twenty-eight percent of military personnel are reported to have deserted the Mexican military between 2006 and 2012, many in response to incentives offered by cartels.<sup>31</sup> High-level military actors have also been implicated in the protection of drug trafficking routes in West Africa, in particular in Guinea-Bissau.<sup>32</sup> Even military forces which have strong perceived integrity among the wider public find their reputations and legitimacy diminish over time, the longer they are involved with policing in the civilian realm.<sup>33</sup>

In some instances, militarized responses to criminal groups have prompted an “arms race” whereby criminal actors militarize further, contributing to heightened violence between criminal actors, against state forces, and against the wider community.<sup>34</sup> Militarized enforcement responses have undermined security and become a major factor in several protracted conflicts, including in Afghanistan, Colombia, and Mali.



Soldiers of the Colombian army eradicate coca plants in the village of El Miedo, in the department of Narino, Colombia, 25 August 2017.  
© EFE/Mauricio Duenas Castaneda 2017

## POLITICIZATION OF DRUG CONTROL-RELATED LAW ENFORCEMENT

In spite of the risks associated with militarization and prohibitionist approaches, many states have redoubled their commitments to militarization and hardline “war on drugs” rhetoric, including Brazil,<sup>35</sup> the Philippines, and recently South Africa, where the military was deployed against gang violence in the Cape Flats for the first time in July 2019.<sup>36</sup> The ability for leaders to display a “show of force” and to appear “tough on crime” continues to prove an effective political tool, at least rhetorically, regardless of the evidence and experience on the ground. Failures of repressive approaches are then consistently met with the argument that the policy would be successful with yet more commitment of force. In some instances, this repressive approach has prompted the curtailing of human rights and erosion of states’ constitutional norms, changes which prove difficult to reverse.<sup>37</sup> The actions of Philippines president Rodrigo Duterte demonstrate these dynamics in action, as the renewed “war on drugs” has unleashed a spate of thousands of extrajudicial killings by both state and vigilante forces.<sup>38</sup>

The powerful symbolic and moral value attached to criminality and drug trafficking can make the issue a weapon in demonizing communities and dividing societies. For decades, human rights observers around the world have raised questions where anti-drug strategies may be used by politicians as a guise to pursue other damaging ends such as fueling discrimination,<sup>39</sup> and targeting movements of social and political dissent.<sup>40</sup>

## RECOMMENDATION

States must acknowledge the negative consequences of repressive law enforcement approaches to drug policies and recognize that prohibition forges and strengthens criminal organizations. Sharing such conclusions with the public must then feed national debates to support bold drug policy reform.

By focusing repressive drug policies on low-level offenders and people who use drugs, states have aggravated harms to public health, generated human rights violations, overwhelmed criminal justice systems, and used valuable resources that should have targeted the most serious organized crime groups. In some parts of the world, these responses have militarized societies, and undermined security, state accountability and oversight of counter-crime operations, governance, and state legitimacy. These far-reaching impacts of prohibition, from the weakening of the social fabric and vulnerable state institutions to prison overcrowding, offer organized crime fertile ground to develop its activities, recruit those with few economic alternatives, and to corrupt officials.





Policemen participate in an operation at the Rocinha favela in Rio de Janeiro, Brazil, 22 September 2017, after a shooting between rival drug gangs who fight for the control of the slum.  
© EFE/Marcelo Sayao 2017.



# DRUGS, ORGANIZED CRIME, AND TRAFFICKING – STATE OF AFFAIRS

*Organized crime has undermined governance, state legitimacy and stability, the rule of law and democratic institutions, and spurred violence. Responses should be based on improved understanding of how illegal markets are structured, how criminal groups use violence and corruption, how structural factors of global governance and financial systems facilitate criminal activity, how these dynamics are changing and can be more innovative, and how evidence-based law enforcement approaches can be formulated.*

## DRUG TRAFFICKING, VIOLENCE, AND GOVERNANCE

The inability of current approaches to contain drug trafficking has proven to be disastrous for economic, social, and environmental development, serving to reinforce cycles of poverty by triggering violence, making it more costly to conduct business, and redirecting aid funding towards law enforcement and security efforts, rather than social and economic development.<sup>41</sup>

The Organization for Economic Co-operation and Development (OECD) has demonstrated that organized crime provides a major factor in states' inability to meet development targets, and affects high- and low-income states indiscriminately.<sup>42</sup> Research indicates that cyclical links between inequality and corruption are exacerbated in contexts where drug trafficking is prevalent.<sup>43</sup> It is estimated that forms of organized crime directly impact the ability to achieve fifteen percent of all Sustainable Development Goals (SDGs) and indirectly impact many more.<sup>44</sup>

Organized drug trafficking generates some of the highest levels of violence seen across all forms of transnational organized crime.<sup>45</sup> Criminal groups use violence to control territory and trafficking routes, and to intimidate communities and authority figures. Violence is the means through which competition within and between organizations plays out, internal discipline is ensured, threats to the organization are overcome, and reprisals are carried out.<sup>46</sup>

As of 2018, forty-two of the fifty most homicidal cities on the planet were in Latin America, and the operation of criminal networks trafficking and dealing in drugs was a significant unifying factor.<sup>47</sup> In other cities which featured on the list, such as the US city of Baltimore, drug-related violence is also a principle driver of the homicide rate.<sup>48</sup> Drug-related gang violence in parts of Cape Town, South Africa, has reached similarly epidemic proportions, as the homicide rate in key gang-affected neighborhoods rose to 108 per 100,000 in 2018 and continued to rise throughout 2019.<sup>49</sup>

Drug trafficking organizations and criminal groups have flourished where state institutions are weak, absent, or predatory. In contexts of extreme insecurity, human rights abuses, corruption, and state incapacity have blurred the lines between criminal actors, non-state armed groups, and state forces. Criminal groups may fill the state "governance gap" and provide the most effective local livelihoods, ensuring order. Criminal governance can begin as the provision of protection for communities from the punitive or predatory actions of state actors and law enforcement.<sup>50</sup> For example, criminal groups involved in drug markets within Brazilian favelas have capitalized on poverty and ineffective state presence to monopolize territorial control. Community members come to rely on criminal actors in lieu of the state for material assistance, arbitration of conflicts, and protection.<sup>51</sup> In these contexts, the illicit economy is among limited options for those in affected communities to gain a livelihood, and secure protection from violence and extortion.<sup>52</sup> Participation in drugs markets can be both a cause and consequence of poverty.

## DRUG TRAFFICKING AND CORRUPTION: A SYMBIOTIC RELATIONSHIP

Corruption of state actors, and the infiltration and undermining of state institutions and democratic processes are central to facilitating drug flows. Links to corrupt officials help criminal organizations conduct business with impunity, for example transporting consignments free of investigation or interception, with ready access to infrastructure and protection from prosecution.<sup>53</sup>

Italian mafia groups such as the 'Ndrangheta maintain a dominant position within European drug markets, and a diverse criminal portfolio involving corrupt control over legitimate industries.<sup>54</sup> Instances have also emerged on the "southern route" along the East African coast, where analysis highlights links between the Mozambican ruling political party and drug trafficking organizations, and between criminal groups and major political figures in Kenya.<sup>55</sup>

Drug trafficking organizations seek to corrupt and subvert democratic processes such as elections in order to weaken institutions, deter candidates who may pose a threat to their interests, and position corrupt and criminal actors within government. The unprecedented levels of violence seen in Mexico's 2018 elections<sup>56</sup> demonstrated this starkly:<sup>57</sup> 133 candidates for office were murdered in the run-up to the elections,<sup>58</sup> leading others to abandon campaigns due to intimidation, and several targeted killings of journalists sought to curtail freedom of the press.



Anti-corruption rally in St. Petersburg, Russia. © Alexei Kouprianov/Wikipedia Commons 2017

## DRUG TRAFFICKING AND ILLICIT FINANCIAL FLOWS

While measures of illicit financial flows are difficult to determine with accuracy,<sup>59</sup> UN estimates suggest that well over half of the gross profits of drug markets are laundered through global financial systems; and despite anti-money laundering regulations and compliance regimes, recovery rates are staggeringly low.<sup>60</sup> Europol estimates that over ninety-nine percent of all drug revenues laundered in Europe are never recovered by authorities.<sup>61</sup>



The ease with which illicit money can be transferred and laundered enables criminal actors to benefit from involvement in the illicit economy with impunity.<sup>70</sup> The mechanisms through which the proceeds generated from drug trafficking are laundered into the legal financial system ranges from bulk currency smuggling to trade-based money laundering, and the use of informal and unregulated financial channels.<sup>71</sup> Leading international bodies have noted increasing use of cryptocurrencies, not only as currencies of choice within online drug markets, but also as a money-laundering vehicle,<sup>72</sup> and a trend towards the outsourcing of “professionalized” money laundering by organized crime groups to external actors.<sup>73</sup>

The laundering of proceeds of drug trafficking and organized crime is facilitated by lack of transparency in the global financial system, in particular the use of offshore jurisdictions and anonymous shell companies.<sup>74</sup> States have also voiced concerns that despite international efforts and initiatives to increase transparency, these have not been matched with de facto enforcement in certain high-risk jurisdictions.<sup>75</sup> Likewise, leading financial institutions have been revealed as complicit in drug-related money laundering.<sup>76</sup>

## **BOX 2 Drug trafficking and terrorism: an overstated link**

Assertions have been made of the involvement of terrorist groups in drug markets and the concept of the “narco-terrorist.” The role of terrorist and militia groups in controlling and taxing drug markets in Central Asia, especially Afghanistan,<sup>62</sup> the involvement of conflict actors in moving drugs through Libya towards European markets,<sup>63</sup> and dynamics in other contexts such as Syria and Colombia have been widely discussed.<sup>64</sup> However, application of the term “narco-terrorism” can risk conflating very different phenomena and impede the complex, evolving dynamics of volatile conflict situations.<sup>65</sup> Criminal and terrorist actors are often operating in the same contexts of insecurity, state absence, economic deprivation, and inter-communal tensions, yet this does not automatically equate to “narco-terrorism.”<sup>66</sup>

Analysis of the ongoing conflict in northern Mali demonstrates this risk in action.<sup>67</sup> Conflicts among drug trafficking groups in the region are contributing to overall violence and instability, as vast numbers of weapons circulating due to armed rebellions have allowed drug trafficking groups to militarize and engage in violent protracted feuds. This exacerbates inter-communal tensions and delays the implementation of peace agreements. Yet links between traffickers and jihadists “have often been overstated,” to the point where the crime-terror nexus has been described as a “myth.”<sup>68</sup> Terrorist networks in Mali only play a small role in the drugs trade.<sup>69</sup> Links and alliances between drug trafficking groups and militants have been seen to emerge where beneficial, but these relationships are constantly shifting.

## **LINKS TO OTHER AREAS OF ORGANIZED CRIME**

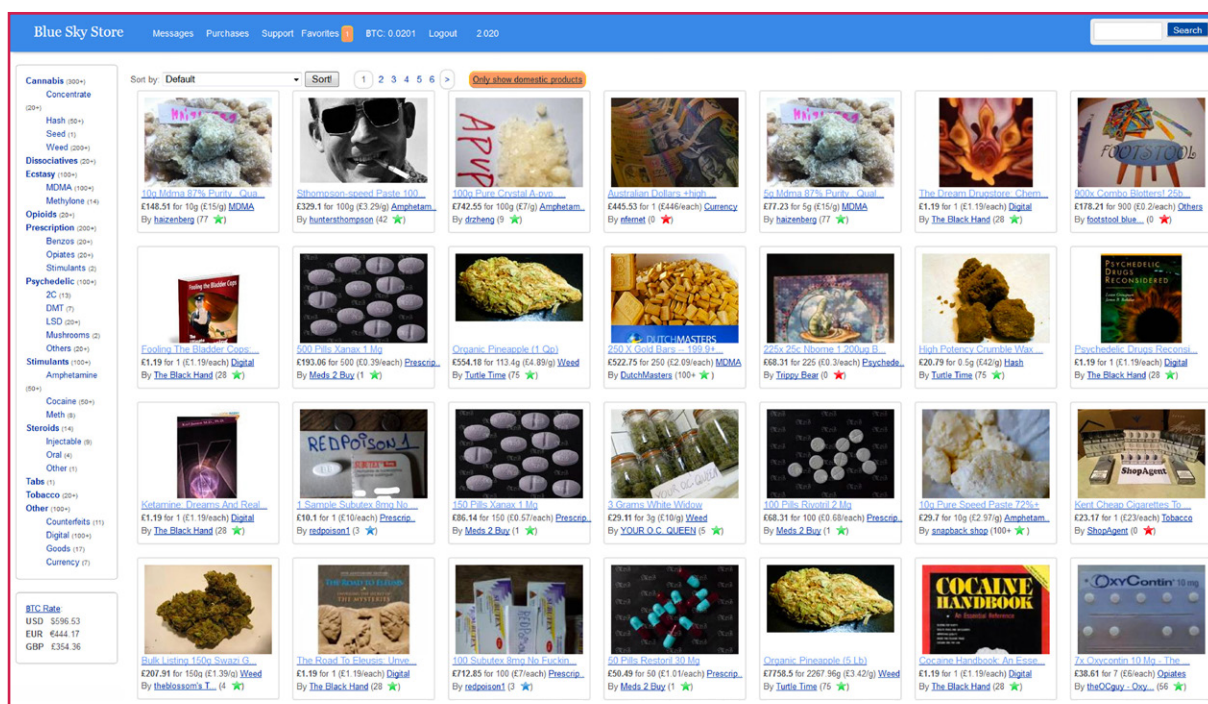
Organized crime groups trafficking in drugs are routinely linked to other crime types: human trafficking and smuggling, firearms trade, environmental crime, extortion and kidnapping for ransom, fraud, and money laundering, to name a few.<sup>77</sup> Research suggests modern criminal groups are becoming increasingly diversified. As of 2017, forty-five percent of criminal groups active in Europe were identified as operating in multiple criminal markets as opposed to just thirty-three percent in 2013. Within groups active in 2017, a full third were involved predominantly in drug trafficking.<sup>78</sup> Both Turkish and Albanian organized crime networks operating throughout Europe have been described as poly-criminal groups, acting in multiple criminal areas, including major drug trafficking operations (heroin, cannabis, and synthetic drugs), human trafficking, and extreme violence for intimidation purposes.<sup>79</sup>

Similarly, diversification of criminal groups across Latin America has been identified as a major change in the contemporary criminal landscape, as criminal groups have expanded into a wide range of markets,<sup>80</sup> including illicit influence in mining operations through extortion and racketeering.<sup>81</sup>

## CRYPTO-MARKETS AND CRIMINAL NETWORKS: GLOBAL DRUGS MARKETS IN FLUX

The types of drugs traded globally, as well as routes of production, trafficking, and consumption, are diversifying rapidly.<sup>82</sup> The long-understood distinctions between “consumer”, “transit” and “producer” regions for certain drugs are becoming blurred, due to rising drug consumption in former transit regions and increasing the production of new psychoactive substances, which is not geographically constrained. The fluidity in drugs markets is part of broader observed changes in the structure of organized crime groups, as looser horizontal networks of connected actors who are able to operate independently and across borders have become more commonplace than the traditional form of hierarchical mafia “families”.<sup>83</sup>

Online markets and secure forms of communication are facilitating these changes. Online markets (both dark net and open web) allow drugs and other goods to be distributed across locales and to previously unknown groups of customers more easily than in physical markets (which tend to remain restricted to known associates), and diminish the violence and risk associated with illegal trade while increasing trust.<sup>84</sup> Users report being attracted to using online markets due to a perceived increase in safety, quality of product, and ease and speed of delivery.<sup>85</sup> Buying drugs online decreases the risk of physical violence in the course of the transaction.<sup>86</sup> Services such as escrow mechanisms for payment and review feedback of vendors can help users protect themselves online.<sup>87</sup> The online marketplace also allows vendors and customers to move to new domains with a fluidity that is not possible in the physical world.



Screenshot of a darknet online shop. © Contraband Collection / Alamy Stock Photo

Drugs consistently account for the majority of listings on dark net markets, far outstripping other forms of illegal trade. A 2016 study of eight major crypto-market sites active at the time found that fifty-seven percent of listings offered illegal drugs.<sup>88</sup> The online criminal ecosystem is volatile, adaptable, and resilient. Three major markets – AlphaBay, Hansa, and the Russian Anonymous Marketplace (RAMP) – which cumulatively accounted for an estimated eighty-seven percent of all dark net market activity at the time were shut down by law enforcement in 2017.<sup>89</sup> Yet the impact of such interventions is unclear: while Europol suggests that decreased Bitcoin transactions to dark net markets after the takedown operations shows an impact on market activity, research surveying crypto-market users found very few participants reporting that law enforcement-enabled closures discouraged their activity.<sup>90</sup>

## RECOMMENDATION

**States must analyze the transnational and trans-sectorial nature of criminal organizations, to review and reform the current exclusive focus on law enforcement.**

Patterns of drug markets, and the structure and behavior of criminal groups are in a state of transformation, with the emergence of online marketplaces, shifts in the routes and diversity of drug trafficking, and an increasing tendency for organized crime groups to operate in multiple illegal markets. Links with terrorism should not be overstated. By adopting a comprehensive approach against all illegal activities, and not only to drug-related enforcement, states provide themselves with better opportunities to reduce violence and money laundering, as well as being better equipped to fight against organized crime in emerging crypto-markets.





A 26-year-old Russian woman faces the death penalty for allegedly attempting to smuggle crystal methamphetamine into the resort island of Bali , Indonesia.  
© AFP Photo/Sunny Tumbelaka 2014



# TOWARDS BETTER RESPONSES TO TRANSNATIONAL ORGANIZED CRIME IN THE ILLEGAL DRUG MARKET

*There are options available to states aiming to improve outcomes of drug law enforcement strategies even within the framework of prohibition of drugs, which can mitigate the most egregious harms associated with punitive approaches and target the most damaging elements of the criminal market. States can, and sometimes do, make use of this wider “toolbox” of strategies towards drug trafficking as part of an integrated set of responses.*

## REORIENTED APPROACHES TO LAW ENFORCEMENT

The weight of evidence shows that approaches to drug law enforcement which rely on blanket criminalization and deterrence, and aim to reduce demand by raising drug prices and targeting low-level criminal actors and users are ineffective, harmful, and no longer aligned with the challenges of contemporary drug markets. As we stated in our former reports, drug law enforcement must move its objectives from suppressing and eliminating markets to managing them, mitigating the most pernicious effects such as violence.<sup>91</sup>

As only a few drug markets around the world are characterized by the high levels of violence and disruption seen in some of the worst-affected contexts, it suggests that interventions can be made to change market dynamics.

A range of policing strategies have been developed which seek to make more strategic use of work force and resources to shape these dynamics to a more peaceable status quo. Foremost among the strategies developed to do this are focused deterrence and selective targeting strategies, and other strategies which replace blanket state repression (which can elicit a violent criminal backlash) with an approach where repressive action is conditional, giving the criminal actor or group the option of changing their behavior to cause less harm.<sup>92</sup>

Under these approaches, limited policing resources are targeted at the most violent and disruptive organized crime groups or vulnerable areas, with the main aim of reducing their use of violence and shifting behavior patterns. For example, encouraging criminal groups to move their workers away from participating in open drug markets<sup>93</sup> or away from vulnerable locations such as schools, treatment centers, and residential neighborhoods may be the aim of this approach.<sup>94</sup> It is argued that taking a more strategic, targeted approach to street-level enforcement will also free up policing resources and work force in order to investigate higher-level offenders and criminal groups more effectively.

These strategies are consistent with larger shifts towards problem-oriented and community-based strategies in policing.<sup>95</sup> They require a proactive and analytical approach to operations, based on intelligence and an understanding of the socioeconomics of the crime-affected context, in order to analyze trafficking chains and identify points at which most harm is incurred and where interventions would be most effective.

A major reorientation of policing strategies is not without challenges. The analytical work required to implement such a strategy, and deciding which groups to target in the context of fragmentary intelligence, is a challenge for law enforcement. As with traditional approaches, the potential fallout of targeting certain actors will always remain unknown. Analysts have stressed that the evidence base for these strategies is still emerging, and a more rigorous body of evaluation and research needs to be developed.

Approaches to drug trafficking must be context-specific, shaped by local needs and available resources.<sup>96</sup> Concerns have been raised that the majority of case studies implementing intelligence-led, focused deterrence and community policing strategies have been developed in the global north and cannot be uncritically adapted across different drug market contexts.<sup>97</sup> However, as much of the drive towards reoriented drug policy strategies in recent years has come from Latin America<sup>98</sup> and Africa, the evidence base is expanding.<sup>99</sup> Concerns have also been raised that the emergence of new techniques of “predictive policing” – using for example a more sophisticated range of datasets and artificial intelligence – could entrench perceptions and profiling of particular areas and communities, and thereby bring these communities into a fixed cycle of targeted law enforcement.<sup>100</sup>

### **BOX 3 Police Pacification Units in Rio de Janeiro**

One key example of both the opportunities and challenges inherent within implementing a community-based policing approach is the establishment of Police Pacification Units, to counter drug-related violence and criminal groups in Rio de Janeiro. Conceived of as an alternative to traditional cycles of police counter-insurgency and to criminally-controlled areas of favelas, the objectives of the units were to regain territorial control and reduce violence, in conjunction with social programs to expand economic opportunities in these areas.<sup>101</sup> The approach has been described as more closely related to peacekeeping than enforcement.<sup>102</sup>

Introduced in 2008, the early years of the initiative saw marked reductions in homicides and property crimes in the selected neighborhoods, and rises in economic activity and development.<sup>103</sup> However, its later years have been marred by increased violence, issues of corruption and police brutality, deterioration of community policing strategies, and weakness in implementation of the correlated social programs.<sup>104</sup> While still described as an important step towards a paradigm shift in policing Rio’s criminal landscape,<sup>105</sup> the difficulties faced by the program serve to illustrate the challenges involved in delivering targeted and sustained community-based policing approaches.

More broadly, the implementation of a strategic and intelligence-based approach presents a challenge for agencies grappling with limited resources and capacity.<sup>106</sup> Where the expertise, specialist equipment, information sharing between relevant agencies and legitimacy of law enforcement actors within communities is absent, the ability to form intelligence-based pictures of the dynamics of drug trafficking in their jurisdiction, and to analyze and act effectively against the most disruptive actors, is compromised. For transnational drug trafficking networks, the challenges of cooperation between agencies domestically and internationally are greater still.<sup>107</sup> At the same time, a move toward a more strategic and targeted approach to policing aims at using these limited resources more effectively and maximizing their impact.

These concerns illustrate the need to situate law enforcement within a broad development strategy that supports and builds law enforcement institutions, and strengthens coordination between national actors.

#### **BOX 4 Data collection on illegal drug markets**

Reorienting aims for law enforcement is closely connected to ongoing discussions of the benchmarks by which organized crime and law enforcement activity is measured, since the data and indicators collected on illegal markets shape policy and real-world action.

As described in 2015 by UNDP, measuring success by arrests and seizures creates perverse incentives for law enforcement to pursue strategies that produce arrests quickly and easily, and may encourage law enforcement to engage in violence or other abuse to achieve these goals.<sup>108</sup> Furthermore, they give little information on the impact on organized crime groups, or on the drivers of organized crime and its links with violence and insecurity.<sup>109</sup> Several alternative frameworks that encompass the impact of drug control policies on human rights, security and development have been proposed,<sup>110</sup> accompanied by calls for a more comprehensive research agenda exploring the impacts of different drug law enforcement strategies on organized crime.<sup>111</sup>

#### **DECRIMINALIZATION OF PEOPLE WHO USE DRUGS: EXTRACTING THIS POPULATION FROM THE ORGANIZED CRIME DISCUSSION**

Decriminalization of drug offenses is typically understood as the removal of criminal sanctions for offenses of drug possession for personal use. Administrative sanctions – such as fines and referral to treatment programs – or no penalty at all may take their place. Higher-level offenses such as trafficking remain criminalized and decriminalization does not create a legally regulated market for drugs. Decriminalization offers states the opportunity to unburden overwhelmed criminal justice systems of cases of minor non-violent drug offending, allowing law enforcement and judicial authorities to focus resources onto violent and organized criminal actors. More countries than ever have adopted a decriminalization model in the last decade, either for all drugs or specifically in relation to cannabis.<sup>112</sup>

Portugal decriminalized possession of all drugs for personal use in 2001. The proportion of the prison population incarcerated for drug offenses fell from forty-four percent in 1999 to under twenty-one percent in 2012.<sup>113</sup> Analysis suggested that policing costs for detection of drug law offenses reduced across non-specialist police forces between 1999 and 2010, but increased in the case of the specialized police force responsible for major drug offenses, suggesting a reorientation towards major disruptive criminal groups in the market. Testimony from law enforcement officers reported that relations between authorities and people who use drugs and those engaged in low-level illegal activity improved, facilitating intelligence gathering and targeting of larger-scale drug trafficking organizations.<sup>114</sup> Evidence suggests that decriminalization of drug possession in Czechia, which took place in 2009 following an in-depth government evaluation of the impact and cost of criminal penalties, has likewise had a positive impact on health outcomes for consumers.<sup>115</sup>

As we have argued previously,<sup>116</sup> alternatives to incarceration must be applied to drugs offenses more broadly than consumption and possession for personal use (which should be subject to no criminal, administrative, or civil punishment), to include low-level actors in the drug trade.



Convicted women behind bars in a communal cell in the Angeles District Jail, The Philippines  
Contributor: Friedrich Stark / Alamy Stock Photo

## CRIME-SPECIFIC DEVELOPMENT STRATEGIES AND INSTITUTIONAL SHIFTS

Development strategies may seek to curtail facilitating environments around organized crime, such as the legitimacy and support organized crime groups achieve within the community, and the ability for criminal actors to operate within the economy and institutions undetected.<sup>117</sup> Financial integrity initiatives, anti-corruption strategies, and support for the role of civil society to monitor both states' activities and those of organized crime groups are important.

The flow of profits generated by drug markets through the legal financial system illustrates a major systemic problem, whereby insufficient oversight and information sharing allows criminal actors to launder profits with impunity.<sup>118</sup> Reforming secrecy jurisdictions and introducing transparent beneficial ownership legislation would tackle impunity and lack of oversight.<sup>119</sup> A range of intergovernmental and regional bodies are supporting partner countries in strengthening anti-money laundering legislation and strategies, establishing financial intelligence units, and facilitating mutual evaluations across states.<sup>120</sup>

Other interventions aim to break the nexus between politics, state institutions, and organized crime. The establishment and empowerment of anti-corruption agencies is an essential strategy, though they cannot be effective in isolation, but must be reinforced by public institutions and specialized oversight bodies.<sup>121</sup> Such institutions face challenges where the necessary political support, resources, and legislative frameworks are lacking, and where they may be exploited as a means of targeting political opponents. Lack of transparency in party-political and electoral finance systems are key means for criminal groups to influence democratic processes.<sup>122</sup>



## BOX 5 Countering organized crime as a mainstream development response

Thinking and practice on approaching drug markets as a development challenge has evolved considerably in recent years. While concerns were initially raised within the development community about the “securitization” of development and deviating from the core aims of the international development agenda,<sup>123</sup> as evidenced by the inclusion of Goal 16.4 as part of the SDGs framework and alternative development forming a key part of the outcome document of the 2016 UNGASS, a new consensus is emerging that recognizes that the drivers and facilitators of organized crime, drug production and trafficking – poverty, inequality, lack of access to effective governance and justice – are a central part of global development and institution-building.

Some development agencies have begun to build “crime sensitivity” into the design of their standard programming, developing tools to guide practitioners in designing integrated responses encompassing both security and development.<sup>124</sup> This includes pre-emptive political economy analysis, which considers how programs could impact local organized crime.<sup>125</sup> Many observers have welcomed this shift towards the mainstream of development practice,<sup>126</sup> while others have pointed towards a paucity of skills, experience, and actual viable development strategies to propose, which has led in some cases to institutional resistance.<sup>127</sup> These concerns illustrate the need to continue building the evidence base, and to share experiences in national and international forums.<sup>128</sup>

Civil society and free media can provide an independent mode of monitoring and critique.<sup>129</sup> Investigative journalism is one of the most important sources of awareness-raising on corruption and a source of detection of new corruption cases.<sup>130</sup> There are specific legislative actions which states can undertake in order to facilitate this civilian oversight.<sup>131</sup> Protections offered to whistle-blowers<sup>132</sup> and legislation allowing for freedom of information requests give journalists the tools and protection needed to conduct investigative work.

## RECOMMENDATION

States must develop targeted and realistic deterrence strategies to counter organized crime, and focus their response on the most dangerous and/or highest profiting elements in the criminal market. States must also reinforce interdepartmental cooperation to address criminal markets in a broad sense, not solely drugs, and develop effective transnational coordination against trans-border criminal groups and international money laundering.

There are no obstacles under the current international drug control regime to decriminalize personal consumption, to implement proportionate sentencing and to develop alternatives for low-level drug-related offences.





# ANTICIPATED ORGANIZED CRIME ACTIVITY IN REGULATED DRUG MARKETS

*Calls for legal regulation of drugs as the next step in disempowering organized crime and managing these markets under state oversight have come from civil society, law enforcement<sup>133</sup> academics,<sup>134</sup> and health professionals.<sup>135</sup> Concerns remain about how criminal groups might adapt to a regulated drugs economy, and engage in new predatory and violent activities. The current evidence is fragmented, given that the majority of legal cannabis markets have come into being within the last few years, and regulation of other prohibited drugs has not yet taken place. However, bringing together the experiences of jurisdictions which have already created regulated markets for cannabis, and an understanding of the structure and behavior of criminal networks, may help assuage doubts and help states craft evidence-based approaches to regulation.*

## PROSPECTIVE IMPACTS OF LEGALIZATION AND REGULATION ON ORGANIZED CRIME

Organized criminal groups may adapt to the legal regulation of drugs markets in several ways. Many lower-level participants in illegal markets may move into regulated markets as legitimate entrepreneurs if legislation allows. Other actors may continue operating illegally in black markets which compete with regulated legal markets on price and potency. There is further potential for criminal actors to maintain footholds within regulated markets, through exploiting corrupt links, intimidation, or extortion to undermine regulatory safeguards.

Criminal groups may also redirect their activities into supplying drugs to remaining illegal markets in other jurisdictions. If legal regulation in traditional consumer countries succeeds in shrinking these countries' illegal drug markets, transnational criminal networks may seek to adapt their strategies and proactively promote demand in other countries which may, in previous years, have been primarily "transit" or "producer" countries, but where a consumer market is now emerging. The social and political repercussions of this shift may be severe, as rising demand for illegal drugs, met with harsh legal repression, drives corruption and urban violence, and serves to reinforce cycles of marginalization for people who use drugs and their surrounding communities.<sup>136</sup>

Similarly, criminal organizations within jurisdictions which have taken steps to establish regulated markets in certain drugs may move towards supplying other drugs or forms of drugs for which demand is not met through regulated markets. Thirdly, as organized crime groups tend towards diverse portfolios of illegal activity, it is reasonable to expect that decreased profitability of drug trafficking will lead them to focus on other illicit economies.<sup>137</sup>

Criminal groups will aim to maximize profits elsewhere, and to maintain power and influence, though some may lack the requisite skills, connections, capacity, or inclination to make the transition to new forms of drugs markets and other criminal activity.<sup>138</sup> Any shift in criminal activity post-regulation would take place within a landscape of reduced opportunities and lower profits. The removal of even part of the vast illegal drugs market – which has been estimated at around 500 billion USD (426 billion to 652 billion USD)<sup>139</sup> – would be a significant blow to organized crime.

How organized crime groups may respond to regulation will be shaped by how regulation is implemented and the local markets structured. This underlines the need to address illegal drugs markets through holistic and integrated approaches to counter the structural vulnerabilities which enable all forms of organized crime, as outlined in previous chapters of this report.

Existing regulated markets provide some key lessons. Firstly, the presence of a legal market does not preclude illicit trade, and many forms of criminal activity may proliferate alongside and within legal markets. Secondly, failures of regulation and over-commercialization, and abuse of political and lobbying power by market actors not only risk public health, but also risk empowering organized crime. Thirdly, strategies to suppress parallel illicit markets should not only be centered on tax, but target other institutional weaknesses that facilitate illicit trade, and minimize the damage for society and institutions.

## **BOX 6 The intersection between the legal economy, regulation, and organized crime: the US opioid-related crisis**

The opioid-related overdose epidemic in North America, which claimed 47,600 lives in the US in 2017 alone (67.8 percent of all drug overdose deaths)<sup>140</sup> and contributed to three consecutive years of life expectancy decline in the US, has been attributed to aggressive marketing by pharmaceutical companies which pressured healthcare providers to prescribe opioid painkillers more widely. This crisis demonstrated the need for independent regulation and oversight that sets up equitable relationships between drugs industries, the healthcare profession, lawmakers, and consumers.<sup>141</sup>

The failure of regulation has, in this instance, also served to empower organized crime. Mexican drug trafficking organizations have become major players in the trafficking of opioids such as fentanyl into the United States and poppy cultivation for heroin production.<sup>142</sup> Analysis suggests that criminal organizations experienced in importing precursors for methamphetamine production from Asia are advantageously placed – through trafficking capacity and strategic connections – to capitalize on rising demand for opioids.<sup>143</sup>

We have long argued, and explained in detail in our 2018 report *Regulation: the Responsible Control of Drugs*, that the introduction of regulation should be cautious, incremental, and evidence-based; guided by the principles of protecting human rights, public health, sustainable development, and peace and security; and not profit-oriented.<sup>144</sup> It should also be subjected to rigorous monitoring processes, bringing in multidisciplinary civil and scientific expertise to evaluate performance and identify unforeseen negative consequences. We have also argued that the scope of regulatory frameworks must be adapted to specific economic, political, and cultural contexts, as well as to the differing risks and characteristics associated with particular drugs and their use.<sup>145</sup> The profile of criminal groups and structures is also of importance in creating context-specific regulatory frameworks, and positioning law enforcement pressure on promising areas.

### **ORGANIZED CRIME DYNAMICS IN REGULATED CANNABIS MARKETS: EVIDENCE**

The evidence for the impact of the legal regulation of cannabis on the broader picture of organized crime is mixed. In the US for example, violent and property crimes have increased in Colorado since legalization (a fourteen percent increase in violent crime on average from the period 2009-2012 to the period 2013-2016), yet it is unclear if and how this trend is associated with organized crime groups.<sup>149</sup> There is also evidence that legalization has led to decreased violent crime in states bordering Mexico, with the strongest effect for counties close to the border and for crimes that relate to drug trafficking,<sup>150</sup> suggesting that cannabis markets traditionally associated with organized crime groups in the region are becoming less violent as they are moved into the legal sphere.

Legalization in the US has led to declining demand for cannabis trafficked by Mexican organized crime groups. The average volume of cannabis seized by US border forces from 2013 to 2018 has seen a seventy-eight percent reduction.<sup>151</sup> Simultaneously however, it has been argued that the increasing dominance of Mexican drug trafficking organizations in the supply of black-market fentanyl to the US is linked not only to rising extra-legal demand for opioids, but to the reduced opportunity for these groups to capitalize on cannabis markets. In such terms, regulation of cannabis may have caused a shift in the modus operandi of organized crime and towards a more potent and damaging illegal trade.<sup>152</sup>

In South Africa, where personal use and possession of cannabis was legalized by a Constitutional Court ruling in 2018, drug-related arrests decreased by 28.1 percent in the year April 2018-March 2019, reducing police and therefore judicial expenditure on these offenses.<sup>153</sup> However, possession and consumption outside of private homes, as well as dealing cannabis, remains a chargeable offense. Reports of police disproportionately targeting people who use drugs (including cannabis) continue to emerge, connected to issues of police corruption and extortion of those using drugs.<sup>154</sup> Observers have argued that government-mandated arrest target statistics are actually incentivizing police to disproportionately target areas with known drug use.<sup>155</sup> Therefore, despite legalisation, some of the oppressive characteristics of the “war on drugs” remain unchanged.



## **BOX 7 Organized crime dynamics in regulated cannabis markets: limitations of the evidence**

The data available on the responses of organized crime groups to regulated cannabis markets is constantly evolving, as authorities, institutions, and criminal groups adapt to the new regulatory landscape. The earliest legal cannabis markets were only established slightly over five years ago, meaning the data is still preliminary.

Interpreting the data poses some key challenges. Firstly, newly-available data sources may differ considerably from pre-legalization data; partly because of the wider range of resources available from the legalized industry, but also because decreasing stigma and legal risks around cannabis use can impact rates of reporting and willingness of consumers to share information.<sup>146</sup> Secondly, the implementation of a shift in legal framework may prove challenging for criminal justice systems, which may have implications for crime reporting and data collection. According to the DEA and the Colorado Justice department, “law enforcement officials and prosecuting attorneys continue to struggle with the enforcement of complex and sometimes conflicting marijuana laws.”<sup>147</sup>

Thirdly, in a majority of contexts where legalized cannabis markets have been introduced, pre-existing markets – for example, in Canada and Uruguay – were not dominated by organized criminal actors, much less characterized by the high levels of violence, corruption, and deprivation which have come to define regions or states worst-affected by the harms of drug trafficking.<sup>148</sup> Finally, there has not yet been any systematic study to understand the impacts of legalization outside the jurisdictions themselves, which have primarily been wealthy destination drug markets, and the implications for transit and production further “upstream” in drug trafficking chains.

Future evaluation and monitoring must take these impacts into account, because it is in developing countries affected by drug production and trafficking where the most pernicious harms of organized crime and prohibition have been centered. Changes in demand for illegal drugs will impact on organized crime, both within and outside jurisdictions with regulated markets, in potentially different and not immediately foreseeable ways.

Finally, clear caution must be taken in extrapolating the experiences of regulating cannabis into the potential impacts of regulating other substances which are supplied by very different criminal networks.

## **THE PERSISTENCE OF ILLEGAL MARKETS**

Shifting consumer behavior away from established sources of illegal cannabis to legal supply relies on both the availability and price competitiveness of legal sources.<sup>156</sup> Authorities have sought to dissuade continued reliance on black market supply by experimenting with tax rates. Calculating the appropriate rate of tax in a nascent and growing industry with significant price volatility is an ongoing challenge.<sup>157</sup> While Oregon, Colorado and Washington in the US have all reportedly had to reduce tax rates after legalization to shift customers towards the legal market,<sup>158</sup> Uruguay by contrast has been deemed a “success story”<sup>159</sup> as its state-sanctioned product remained competitive with black market alternatives and is reportedly of higher quality than illegal cannabis imported from Paraguay.<sup>160</sup>

Some commentators voiced concerns that, in the void between cannabis demand and restricted legal supply, criminal actors have been emboldened to operate openly and occupy the “grey market” space, mimicking legal retail, but not adhering to licensing regulations. This essentially blurs the lines between legal and illegal to the point where it becomes difficult to distinguish between the two for consumers.<sup>161</sup> Estimates have suggested there are around 4,000 such grey market dispensaries operating in California, as opposed to just 200 fully legal and licensed cannabis retailers.

While the challenges of dissuading illicit trade are significant, such challenges are “a reality of cutting-edge public policy,”<sup>162</sup> and can be overcome as legal markets gradually displace illicit actors. Estimates for the proportion of black market sales in US contexts support this assertion, as states which have longer-established cannabis markets boast lower proportions of black market transactions. In California, 82.3 percent of cannabis sales in 2018 were estimated to be on the black market, as opposed to 33.4 percent in Colorado, 39 percent in Washington and 48.2 percent in Oregon, where regulated markets were introduced earlier.<sup>163</sup> In addition, the emergence of grey markets, while a concern for effective regulation, does serve to “shift the goalposts” to an issue of taxation and financial penalties, rather than violence and territorial disputes more commonly seen in fully illegal markets.



Alphonso “Tucky” Blunt was arrested for illegally selling weed in 2003. Fifteen years later, he owns his own marijuana business.  
© Martin E. Klimek, USA TODAY

## DIVERSION AND THE EMERGENCE OF NEW CRIMINAL OPPORTUNITIES

There have been reports, specifically in the US, that the divergence in approaches to cannabis between jurisdictions (a “patchwork of laws”) has created new opportunities for criminal groups. Reports from Oregon and California suggest a large proportion of cannabis produced in-state is diverted elsewhere. Estimates from Oregon state police suggest that between three and five times the amount of cannabis consumed within the state is produced in the state, with the discrepancy between production and consumption attributed to illegal diversion.<sup>164</sup> 2018 data from the California Department of Food and Agriculture similarly show that while 15.5 million pounds of cannabis is produced within the state annually, just 2.5 million are consumed in-state.<sup>165</sup> Diverted Oregon cannabis has been reported across the US and further afield, with regulatory authorities raising concerns that criminal groups are exploiting loopholes in regulations for medical cannabis supply.<sup>166</sup> Suggestions that transnational criminal organizations, including major Mexican cartels, have been directing these operations in several states<sup>167</sup> have not been backed up by credible evidence.<sup>168</sup>

Diversion is also not universally reported across legalized cannabis markets. Canadian authorities have expressed confidence that smuggling of Canadian cannabis to US markets does not pose a major risk (due in part to a plentiful supply within the US itself)<sup>169</sup> and diversion has not been noted as a major trend in Uruguay.<sup>170</sup>

## **SOCIAL JUSTICE APPROACHES IN REGULATED CANNABIS MARKETS**

The creation of new legal and policy frameworks around regulated drugs markets poses complex questions of social justice, and how to empower and support communities which have primarily borne the harms of drug prohibition. A social justice-oriented approach to regulation can also aim to reduce the power of organized crime and bring previously criminalized and marginalized actors back into society.

Regulatory frameworks in California and Massachusetts illustrate this approach in action. This includes the cancelation of criminal records related to non-violent cannabis supply and production; allowing former holders of criminal records related to cannabis to receive retail licenses in priority; and focusing on the revitalization of communities that were most impacted by mass incarceration, criminalization, and marginalization. For example, California has allocated ten million USD annually, to be increased to fifty million annually as the legal market settles, for programs including job training and placement, mental health services, legal services for formerly incarcerated people, economic development, and restorative justice.<sup>171</sup>

Innovative thinking is needed around social justice frameworks for traditional cultivators and farmers in low- and middle-income countries, whose livelihoods are centered around cultivation and who have largely borne the brunt of prohibition, drug law enforcement, and supply reduction efforts.<sup>172</sup>

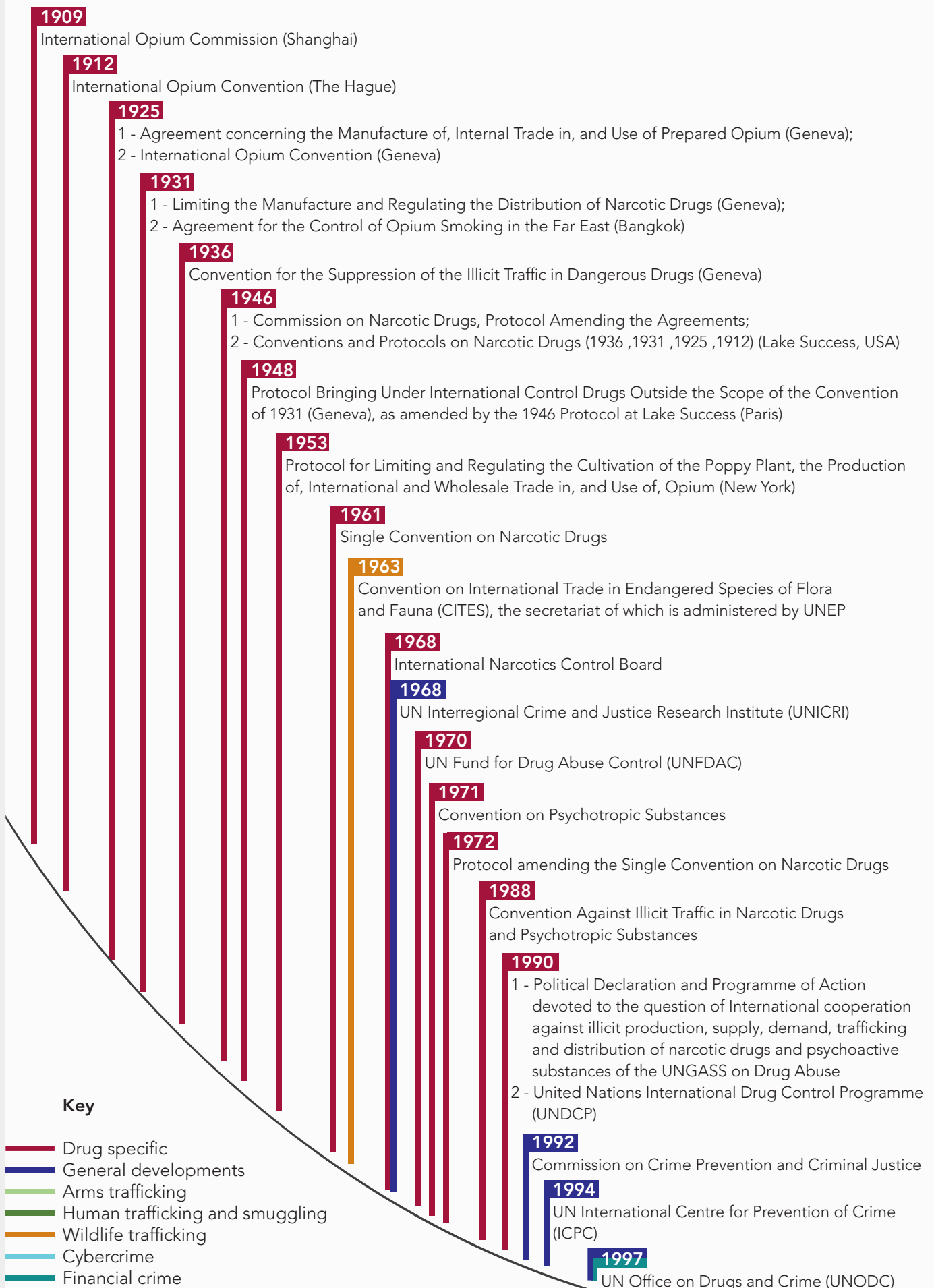
### **RECOMMENDATION**

**States must consider the legal regulation of drugs as the responsible pathway to undermine organized crime.**

Building on current regulation models, states must monitor the gradual implementation of their regulatory frameworks, ensuring they will not create new “unintended” consequences that could profit criminal organizations. The evidence basis from regulated cannabis markets is constantly growing, with promising suggestions, of an incremental decline of the market share of illegal trade. However, there are difficulties in extrapolating experiences from these markets into other contexts with different challenges. The resilience of transnational organized crime and its hostility towards seeing its available workforce transit to legal markets are not to be underestimated, and could counteract the potential trust these policies can create between law enforcement and marginalized communities. When aiming to disempower organized crime by creating legally regulated markets, these broader questions of justice, development, and social and economic inclusion need to be considered.



**FIGURE 2** Key developments in the international response to organized crime



**1998**

Political Declaration of the UNGASS on the World Drug Problem

**2000**

UNTOC convention along with the two first protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air

**2001**

- 1- Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol);
- 2- UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)

**2003**

United Nations Convention Against Corruption

**2005**

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI)

**2009**

Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem

**2010**

Global Plan of Action to Combat Trafficking in Persons

**2010**

International Consortium on Combating Wildlife Crime (UN Interagency working group)

**2011**

Intergovernmental Expert Group on Cybercrime

**2013**

Arms Trade Treaty

**2014**

Joint Ministerial Statement, High-Level Review by the Commission on Narcotic Drugs of the Implementation by Member States of the Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem

**2015**

SDG target 16.4: 'By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime'

SDG target 3.5: 'Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol'

**2016**

Outcome Document of the UNGASS on the World Drug Problem  
'Our joint commitment to effectively addressing and countering the world drug problem'

**2017**

High-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons

**2018**

Global Compact for Safe, Orderly and Regular Migration, which includes the objective to 'prevent, combat and eradicate trafficking in persons in the context of international migration'

**2019**

Ministerial Declaration on strengthening our actions at the national, regional and international levels to accelerate the implementation of our joint commitments to address and counter the world drug problem





High-level debate on Transnational Organized Crime, in observance of the twenty-fifth anniversary of the assassination of Italian Judge Giovanni Falcone, 19 June 2017 (UN Photo). A more holistic, multisectoral and less siloed approach to organized crime and drug policy is urgently needed.



# MOVING AWAY FROM A SILOED INTERNATIONAL RESPONSE TO TRANSNATIONAL ORGANIZED CRIME

*Drugs policy has long been at the forefront of the international agenda, to the extent that efforts to fight organized crime in its broader sense have been eclipsed in comparison. This has manifested in the structure, organization, and influence of the international bodies tasked with dealing with drug policy and organized crime respectively. The approaches of the international drug control regime – focusing ideologically on suppressing illegal drug production, trade, and use – have often unintentionally undermined international cooperation on countering the systemic weaknesses that allow organized crime to flourish. These approaches have also put the emphasis on low-level actors in the criminal trade, and blurred definitions and levels of responsibility within the criminal chain. This has been exacerbated by the ineffectiveness of the multilateral system to lead international cooperation against illegal drug proceeds and crime.*

The Vienna-based member states' bodies, the CND, and the convention-mandated International Narcotics Control Board (INCB) have been central in promoting the global narrative of "drugs as threat" which has underpinned "war on drugs" policies around the world. The influence of these multilateral bodies is substantial. The CND is the central drug policy-making body within the UN; UNODC (United Nations Office on Drugs and Crime) is the operational agency implementing the mandated role of the UN Secretary-General; and the INCB the semi-judicial body ensuring countries' compliance with the conventions.<sup>173</sup> However, UN mandates and responses to organized crime cut across the system, with seventy percent or more of UN departments having some mandate or initiative related to organized crime (see figure 4). Despite this, there is no strategic framework or inter-departmental coordination body on organized crime within the UN system as there is, for example, on terrorism.<sup>174</sup>

**FIGURE 3** Snapshot of international and regional anti-organized crime agencies



To better understand the challenges of international cooperation against organized crime, there is a need to step back to the reconsolidation of the drug control regime in the late 1990s. UNODC was established in 1997 (and called United Nations Office for Drug Control and Crime Prevention (UNODCCP) until 2002), through a merger between the UN Drug Control Programme and the Centre for International Crime Prevention, and is one of the rare UN entities to have two governing bodies, the CND and the Commission on Crime Prevention and Criminal Justice (CCPCJ).<sup>175</sup> This merger was suggested by the late Kofi Annan, member of the Global Commission, in his 1997 reform program for the UN during his tenure as UN Secretary-General. Another suggestion that was made in this same report, and that was overlooked by Member States, stated: “that the functions of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs be consolidated into a single Commission under arrangements that will fully preserve the treaty-based functions entrusted to the latter. The International Narcotics Control Board would report to the new Commission.”<sup>176</sup> The dismissal of this needed merger of Member States’ Commissions impacted massively on the outcomes of drug control by further ingraining them in criminal law enforcement and resulted in the marginalization of equally important dimensions, such as health and human rights.

This results in no common narrative, nomenclature, or analytical framework for transnational organized crime issues at the policy level, or to guide programming, technical assistance, or cooperation efforts. The 2000 UN Convention against Transnational Organized Crime (UNTOC) itself provides limited assistance in this regard. For example, it defines what constitutes an organized crime group, but not what constitutes organized crime itself. As a result, UN operations and organizations are left to their own devices when deciding how transnational organized crime might impact their own mandated areas of work, and in turn their relationship to the state at hand, as well as other field-based developmental or humanitarian priorities on which they are working, as well as how to react. For example, while over sixty percent of all UN Security Council resolutions between 2012 and 2017 mandated a response to some form of transnational organized crime, integration of this response into peacekeeping operations has been limited.<sup>177</sup> Between 2000 and 2018, 110 resolutions have made specific reference to drug trafficking.<sup>178</sup>

#### **BOX 8 The impotence of regional responses and their membership**

The fragmentation and lack of leadership shown within the UN system is paralleled by the inefficacy of regional organizations. Regional cooperation and integration in matters as complex as “drug control” have often proven too challenging as many regional responses lack the institutional, financial, and human resource capital necessary to monitor and govern the regional partnership.

Most operate on tiny budgets and/or with the in-kind assistance of member states, on a consensus model of governance, and none possess any regulatory oversight or implementation authority unless it is provided to them by consensus decision of their constituency. State sovereignty has, and will continue to be, the regional “red line” for these approaches. Regional approaches to drugs and organized crime may convene and create consensus positions among their members, and can develop implementation guides, plans, and strategies for this membership. Yet the implementation and enforcement of compliance with such commitments or positions remains captive to sovereign will.

At the Global Commission, we are not calling for a centralization of the response to transnational organized crime. We believe in the benefits of flexibility for those involved in the fight against organized crime at all levels and through different mandates and organizations. However, a functioning and better-coordinated system is still needed, and better use of other treaties (UNTOC and the 2003 UN Convention Against Corruption) is crucial.<sup>179</sup> The Vienna-based mechanisms failed to allow an effective and coordinated response to transnational organized crime and have proven incapable of achieving any of their objectives in the last two decades.

The multilateral system has approached drugs as a politically charged standalone issue, losing the broader context of other criminal threats, and neglecting that criminal organizations in all markets are facilitated by connected factors: corruption; lack of financial transparency, state capacity, and legitimacy; and criminal groups operating in multiple illegal markets at once. This has put the achievement of key development goals into question for countries, affecting millions of people. The achievement of Universal Health Coverage is challenged by the lack of equity and quality of services for people who use drugs; the end of HIV as a public health epidemic among people who inject drugs is unreachable when they are denied harm reduction and treatment services; the attainment of sustainable agriculture and land degradation reversal seem difficult when forced crop eradication is ongoing in the Andean region, the Golden Triangle and the Golden Crescent<sup>180</sup> sometimes using dangerous products; or the realization of gender equality before 2030 appears unlikely when the incarceration of women for low-level and non-violent drug offenses is progressing at alarming rates globally.

Drugs are easily the most longstanding crime-related issue on the international agenda at the UN, as the early dates of establishment of the international conventions and of UN bodies working on drugs attests. Today, at least one third of the entities within the UN system count themselves as being involved in the development of drug policy in some capacity,<sup>181</sup> and thirty of them adopted a UN System common position on drug-related matters.<sup>182</sup> Drugs should not continue to be treated by the international community as an exceptional political commodity which happens to mingle in expanding global criminal marketplaces. We must acknowledge that illicit economies are significant components of global and national economies – and drugs are one aspect of them.<sup>183</sup>

To address these governance issues with real life impacts on the fight against transnational organized crime and in the inefficiency of current drug policies, we suggest a few reform ideas to be considered by UN Member States. We believe the time to review the mandates and focus of the different UN entities dealing with drugs is overdue.

**FIGURE 4** UN System departments focusing on each type of organized crime



**Source** Summer Walker, 'The UN System's Mandate and Response to Organized Crime', The Global Initiative Against Transnational Organized Crime (July 2019). <https://globalinitiative.net/un-response-toc/>



Such an endeavor requires the establishment of a high-level expert group, to study and analyze different paths for reform of the system. This includes repositioning the mandate of the CND to focus it on legal access and limitation of diversion of drugs to the illegal market, while allowing for policy discussions inclusive of diverse control options, including legal regulation for recreational purposes as it is effectively ongoing on the ground; considering the merger of the 1961 and 1971 Conventions, complemented by the psychotropic substances precursor control currently devoted to the INCB by the 1988 Convention; considering the termination of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in order to group discussions on crime at the CCPCJ and use the existing articles of UNTOC against organized crime that traffics drugs; allowing WHO to implement its constitutional mandate for the highest attainable health standards and to reduce drug-related mortality; promoting the systemic inclusion of the Human Rights Council mechanisms into addressing human rights violations in drug control; allowing the Special Political Missions of the UN to analyze illicit financial flows in conflict areas, and to provide the world with solid data and not anecdotal rumors linking drugs and crime; establishing Issue-Based Coalitions on drug policy for a coordinated UN System approach within the ECOSOC Regional Commissions (ECA, ECE, ECLAC, ESCAP, ESCWA); and focusing the work of the INCB on ensuring access to essential controlled medicines for people suffering pain. Such bold steps that might garner broad political backing could support the fight against transnational organized crime without jeopardizing the health, wellbeing, and cohesion of our societies.

## RECOMMENDATION

**UN member states must revisit the global governance of the international drug control regime in order to achieve better outcomes in public health, public safety, justice, and greater impact on transnational organized crime.**

The siloed and uncoordinated responses currently provided only add to the existing challenges. There is no justification in addressing drugs at the CND from a pre-dominant perspective of crime. Only a comprehensive approach to drugs such as that recommended by the “UN System common position on drug-related matters” can address organized crime without further increasing harms. UN member states must consider merging the 1961 and 1971 Conventions complemented by precursor control, and terminating the 1988 “UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances”. This would broaden the mandate of the CCPCJ as the functional commission on crime and provide coherence to the fight against organized crime.

# TESTIMONIES



**DICK MARTY | Former state prosecutor of the canton of Ticino**  
**Switzerland**

As a young prosecutor, I was convinced that criminalizing the consumption of illicit substances was the right way to go, and embraced the official position that this turned young people away from drugs and allowed law enforcement to track down traffickers. Faced with reality on a daily basis, however, I quickly understood that this approach was a dead end.

Criminalizing consumption actually constitutes a major impediment to effective prevention, because it is difficult to confide in someone and ask for help when you know that you have committed an offense. In fact, repression is a failure by every measure. For the most part, it only affects small-time dealers and therefore actually strengthens organized crime: a quick turnover of “retailers” makes it even more difficult to identify in whose hands the power really lies, and props up street prices, which further fuels profits for those at the top.

The failure of repression is even more obvious when one considers the massive funds that are invested in sustaining it: the correctional system is completely overwhelmed by a task for which it is not suited; furthermore, it has never been easier to acquire illegal substances. By its size, drug trafficking has, in effect, become Too Big to Fail, of considerable economic and geostrategic importance. A specialist working at the UN acknowledged that drug money might even have served to save banks during the 2008 financial crisis. It contributes to the livelihood of a sizeable population and finances in a meaningful way a number of armed conflicts.

The warrior-like statements used by many politicians to talk about the drugs problem (“War on Drugs”, Nixon, 1971) are not at all appropriate in framing the issue – in fact, they are counter-productive. We need to acknowledge that it is first and foremost a health issue and must therefore be treated as such. There is no such thing as a drug-free society, and there never has been. The primary challenge must be to learn to live with them.

Criminal drug trafficking can only be addressed on its own terms, in other words taking control of the market (supply) and regulating it, while investing much more in prevention (demand). This requires developing a coherent and credible strategy that encompasses all psychoactive substances that can lead to dependency, taking into account, of course, the degree of potential harm of each product.

The message that we are conveying to young people today, particularly through advertising for alcohol and tobacco while demonizing cannabis, is contradictory, unjust and hypocritical – and seriously harms the credibility of public prevention campaigns. Young people need models that are coherent and that make sense. This is cruelly lacking today, yet it should be an essential element of prevention.

**MUAZU UMARU | Director of Policy and Research, Inter-Governmental Action Group against Money Laundering in West Africa (GIABA)**  
**Nigeria**

My background is in demand reduction, drug law enforcement, countering money laundering and terrorism financing. Back in Nigeria, where I worked with the National Drug Law Enforcement Agency (NDLEA) from 1997 to 2009, first as a drug demand reduction officer before moving to law enforcement, I came face to face with the stark reality of the failure of enforcement as the solution to the drug problem.

Hundreds of young people were being arrested every day for loitering around drug joints or for having been caught with a small wrap of marijuana. They were herded with hardened criminals. Some of them were forced into counselling and psychological treatments, but the majority helplessly wasted their lives in the NDLEA pre-trial cells scattered around the country. National discourse on policy options was stifled by the voices of enforcement champions. No-one was willing to talk about the reality of drug use as a social issue that requires a sociological rather than a criminal justice approach to tackle.



Working in law enforcement brought the startling reality even closer. It was very clear to me that the lives of drug users matter very little to the system. Parents were not willing to show up for fear of being associated with the “crime” or having to bear social shame. Over time, Nigeria’s drug problem escalated from the use of illicit substances to licit substances; from young unemployed men to married women. The voice of the members of the commission, especially President Olusegun Obasanjo, sounded loud and clear: decriminalization of drug use is the way to go – drug users need help, not imprisonment.

In 2011, GIABA published a Typologies Report on Laundering the Proceeds of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances in West Africa, which I coordinated. That report clearly shows that the region is being exploited by criminal networks – the bulk of the money made from the trafficking linked to the region does not return to the region. Imprisoning drug users was a double jeopardy and we needed to change course.

At the sub-regional level in West Africa, the authorities have responded with the adoption of a political declaration and an action plan to deal with both drug demand and supply. Although implementation has been slow, progress has been made. Decriminalization has now found space and a voice in the drug policy environment of the region. However, more voices like that of President Obasanjo need to sound louder and into the right ears – the political authorities have to be sensitized to recognize that the current drug policies in the region are failing youths, women, and children. With over fifty percent of the population of West Africa under the age of thirty-five, we have no choice but to prevent the future catastrophe staring at all of us – a future population without hope and direction.

I have no doubt that the will exists and the means can be found with the good will of the world. The Global Commission on Drug Policy is changing the narratives on drug use and I urge it to stay the course.

## ALEJANDRA SÁNCHEZ INZUNZA | Journalist

### Mexico

In December 2011, I took a trip from Mexico to Chile with two colleagues in an old Volkswagen to study the impact of drug trafficking in Latin America. For almost three years, I dedicated myself to telling the stories of the people involved in the drug trafficking chain: Peruvian farmers who plant coca leaves, Chilean couriers who smuggle drugs across borders, people addicted to crack in Brazil, Mexican military personnel who fight the war on drugs, Colombian traffickers who reinvent themselves, the police who follow an obsolete policy, people who use marijuana and who end up in jail. All these people’s lives are governed by prohibition.

We had no experience covering drug trafficking or organized crime, but we were immediately attracted by the possibility of writing about the continent from an overarching perspective that would somehow explain the deaths, the disappearances, the corruption. Through drug trafficking, one can see everything that fails in a state. And prohibition is the policy that simulates that something is being done to remedy it.

In all countries that we visited, the prohibitionist approach prevailed, and in many countries such as Brazil, El Salvador, Colombia, and Mexico there was an open war through militarization. In every country, organized crime was strong and replaced the functions of the state. In places like Bilwi in Nicaragua, for example, drug packages arriving from the Atlantic had allowed several communities of indigenous Miskitos to supply their basic needs. In lost villages from Mexico to Brazil, the local capo built roads or invested in medicines to help his community, since the authorities had forgotten them.

During the last eight years, I have covered the consequences of prohibition. Latin America is the most violent region in the world. In the United States alone, the war on drugs has cost some 25.5 billion dollars. Prisons across the continent are filled with consumers and minor traffickers, while the big bosses are still free and benefit from a business that relies on the free market. Uruguay is the only country in the continent that has changed its policy by regularizing marijuana.

Although it is clear that other alternatives need to be explored, the prohibition trend remains. In my country, President Andrés Manuel López Obrador envisages to persecute addictions with the full force of the state – something similar to what Richard Nixon declared in 1971 – while we live the deadliest year in the country's modern history, with 22,000 murders up to September 2019. The legalization of marijuana was stalled because the bill in the senate benefited transnationals and not Mexican farmers. A few weeks ago, in Culiacán, the Sinaloa cartel showed all its power when it defeated the Mexican Army, avoiding the arrest of Ovidio Guzmán, the son of Chapo Guzmán.

As a journalist, I have seen and continue to see the ravages of prohibition: more deaths, more consumers, more human rights violations. The question I ask myself today is why, despite all the evidence, have public policies barely changed? What else is needed to end prohibition?

**PAVLO SKALA | Former Senior Detective of the Drug Enforcement Department, Senior Inspector of the National Interpol HQ, Ministry of Interior**  
**Current expert on drug policy, Associate Director of the Alliance for Public Health**  
**Ukraine**

The first time I faced a truly serious organized drug crime was twenty years ago when, as a young detective of the Drug Enforcement Department of the Ministry of Internal Affairs, I was involved in the US Drug Enforcement Administration investigation of a number of cases of trafficking of large quantities of cocaine from Latin America by sea vessels to the United States and Western Europe.

It was tens of tons of cocaine, worth billions of dollars. The end of the 1990s, after the collapse of the Soviet merchant fleet, were very difficult years for Ukrainian sailors; whole crews were hired for little money by intermediary companies for old Greek ships, which, among other things, carried extremely doubtful goods, including large batches of drugs.

Dozens of Ukrainian sailors, most of whom organized drug business had used as “black labor”, received long prison terms. Detentions by law enforcement officers of entire ships with large batches of drugs were significant losses for drug businesses (which were far from “drops in the sea”), but this only increased the risks and cost of drugs for end consumers, and the real organizers usually escaped justice.

The law enforcement system, in which billions of billions of dollars of resources were poured into the fight against organized drug businesses, simply “cut off” crumbs from a huge pie. The hopelessness of the “war on drugs” in the countries of the former Soviet Union was strengthened by the fact that organized drug businesses were everywhere protected by high officials in law enforcement agencies.

Unfortunately, after twenty years, the situation in Ukraine and elsewhere in my region has changed only a little. Almost all illegal businesses, including the black drug market, are now controlled by corrupt law enforcement officials, who are at the same time adamantly opposed to any attempt to decriminalize and legally regulate individual psychoactive substances.

Therefore, I am convinced that in countries with high levels of corruption, the “war against drugs” will always bring high incomes to the organizers of the drug businesses and numerous victims among the civilian population, especially drug-dependent people. Addressing the causes and conditions of corruption against the background of establishing state control over the illegal market of psychoactive substances (as in the cases of alcohol and tobacco) will definitely be able to radically change the situation.

## NANG MAI KHAM | Opium farmer

### Myanmar

#### Tragedies of opium eradication in Myanmar

My name is Nang Mai Kham and have been growing opium poppy since twenty years ago, when I was a little girl helping my parents in the fields. I am now a mother of five children and still have to rely on income from opium farming to cover our family expenses: food, shelter, education, health care, religious donations, cultural rituals, and other social activities.

Opium cash cropping was introduced to Myanmar almost two centuries ago. Since then, the cultivation of opium has become the major livelihood of the people who live in the remote highland areas of eastern and northern Myanmar, i.e. Shan and Kachin States. The inaccessibility of this mountainous region, combined with extreme weather, makes it difficult to grow other cash crops. However, the scattered fertile spots of limestone soil in these areas are ideal regions for poppy cultivation.

Opium is a variety of short-term crop that harvests within one hundred days after sowing, requires only primitive agriculture techniques, is resistant to extreme weather, causes least depletion of soil nutrients, is easy to carry and store, has high value and with a ready market. Therefore it is also known as “gift from heaven” for farmers living in armed conflict zones.

I live in a remote highland village in southern Shan State; the area is under the control of the Pa-O National Organization (PNO), an ethnic armed group which signed a ceasefire agreement with the Myanmar Army in 1991, and then was transformed into a local militia group in 2009. The PNO collects taxes from opium farmers for the protection of opium fields from being eradicated by government law enforcement agencies. We also had to bribe the police to reduce the area of eradication when it happened.

We receive no development support for alternative livelihoods, either from the Myanmar government or from the PNO, although they asked us to stop opium cultivation. We have limited access to public services, such as healthcare, water supply, electricity, and public transport, etc. The government assigned teachers to our village primary school with low salaries and incentives, to keep teachers in the village; villagers have to provide them with housing, food, and some kind of additional salary that we can afford. All these expenses have to come from the parents' opium farming income. It used to be rare that opium fields in our village were eradicated before 2009, as the PNO was able to negotiate with the army and law enforcement agencies to reduce the frequency of eradication. However, after 2009, our opium fields were often eradicated due to the PNO having less negotiation power since it was transformed into a local militia group and put under direct control of the army.

My opium field was eradicated two years ago by a combined team of police and soldiers. I begged for their mercy in vain and my opium field, which would be ready for harvest within one week, was totally destroyed. I lost all my investment, labor and time dedicated to taking care of the field. I felt like all my dishes were smashed when ready to serve on the table. It was a really hard time for my family: we had to sell our farming assets, reduce our food quality, reduce donations and contributions to social events, and took two of my sons out from school, who were halfway through middle school in nearby town, as I could not support their education expenses any more without the income from opium. Anyhow, I still had to decide to do opium farming again, as there was no alternative – neither economically viable crops nor employment opportunities that we could identify so far. I borrowed money from one of the well-off farmers from our village, at a considerably high interest rate, to invest in opium farming. I moved the field to somewhere which is far away and difficult to reach from the main road, to avoid eradication.

Eradication without development support and offering livelihood alternatives is pushing our lives from bad to worse, driving us into vicious trap of debt cycle and misery. I calculated that it would take my family three years of opium farming to be able to pay back our debt.



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## ADDITIONAL RESOURCES

[www.anyoneschild.org](http://www.anyoneschild.org)  
[www.beckleyfoundation.org](http://www.beckleyfoundation.org)  
[www.countthecosts.org](http://www.countthecosts.org)  
[www.druglawreform.info](http://www.druglawreform.info)  
[www.drugpolicy.org](http://www.drugpolicy.org)  
[www.hri.global](http://www.hri.global)  
[www.hrw.org](http://www.hrw.org)  
[www.intercambios.org.ar](http://www.intercambios.org.ar)  
[www.globalinitiative.net](http://www.globalinitiative.net)  
[www.idhdp.com](http://www.idhdp.com)  
[www.idpc.net](http://www.idpc.net)  
[www.inpud.net](http://www.inpud.net)  
[www.incb.org](http://www.incb.org)  
[www.menahra.org](http://www.menahra.org)  
[www.ohchr.org/EN/HRBodies/HRC/Pages/WorldDrugProblem.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/WorldDrugProblem.aspx)  
[www.politicadedrogas.org/PPD](http://www.politicadedrogas.org/PPD)  
[www.sdglab.ch](http://www.sdglab.ch)  
[www.talkingdrugs.org](http://www.talkingdrugs.org)  
[www.tdpf.org.uk](http://www.tdpf.org.uk)  
[www.unaids.org/en/topic/key-populations](http://www.unaids.org/en/topic/key-populations)  
[www.unodc.org](http://www.unodc.org)  
[www.wola.org/program/drug\\_policy](http://www.wola.org/program/drug_policy)  
[www.wacommissionondrugs.org](http://www.wacommissionondrugs.org)  
[www.who.int/topics/substance\\_abuse/en/](http://www.who.int/topics/substance_abuse/en/)

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## REPORTS BY THE GLOBAL COMMISSION ON DRUG POLICY

<http://www.globalcommissionondrugs.org/reports/>

War on Drugs (2011)

The War on Drugs and HIV/AIDS: How the Criminalization of Drug Use Fuels the Global Pandemic (2012)

The Negative Impact of the War on Drugs on Public Health: The Hidden Hepatitis C Epidemic (2013)

Taking Control: Pathways to Drug Policies That Work (2014)

The Negative Impact of Drug Control on Public Health: The Global Crisis of Avoidable Pain (2015)

Advancing Drug Policy Reform: a new Approach to Decriminalization (2016)

The World Drug Perception Problem: Countering Prejudices against People Who Use Drugs (2017)

Regulation: the Responsible Control of Drugs (2018)

Classification of Psychoactive Substances: When Science Was Left Behind (2019)

## POSITION PAPERS BY THE GLOBAL COMMISSION ON DRUG POLICY

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The Opioid Crisis in North America (October 2017)

Drug Policy and the Sustainable Development Agenda (September 2018)

Drug Policy and Deprivation of Liberty (May 2019)

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## GLOBAL COMMISSION ON DRUG POLICY

The purpose of the Global Commission on Drug Policy is to bring to the international level an informed, science based discussion about humane and effective ways to reduce the harm caused by drugs and drug control policies to people and societies.

## GOALS

- Review the base assumptions, effectiveness and consequences of the punitive drug policies
- Evaluate the risks and benefits of different national responses to the drug problem
- Develop actionable, evidence-based recommendations for constructive legal and policy reform.