

The War on Drugs: More toxic than drugs themselves?

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Introduction

In July 2010 Vienna hosted the XVIII International AIDS Conference convened by the International AIDS Society. Sessions were brimming with good news. By the end of 2009 an estimated 5.2 million people had initiated treatment, up from 500,000 in 2003. Increase in funding allowed to scale up country level programmes and contributed to a 17% decrease in infection rates since 2001. Studies from Switzerland, Canada and elsewhere added to growing evidence that universal access to anti-retroviral therapy –ART– helps stem the human immunodeficiency virus –HIV– epidemic by lowering viral loads in people infected, thus reducing transmission. Research findings released right before the conference showed that broadly neutralizing antibodies can be identified and perhaps elicited by vaccine candidates, reinvigorating the vaccine field and bolstering the rationale for continued vaccine research funding. Furthermore, basic science data on viral latency renovated interest in pursuing a functional cure, rather than a sterilizing cure that calls for complete eradication of the virus from the body (International AIDS Society, 2010: 3).

Session reports regarding political leadership and accountability, however, were not as encouraging. In contrast with the global trend of decreasing infection rates and diminishing drug use and improved health outcomes as a result of evidence-based strategies to reduce drug-related health and social harms in countries such as Portugal and Spain, countries in Eastern Europe and Central Asia opposing harm reduction interventions in conflict with legal dispositions criminalizing drug use, sex work and homosexuality are showing rapid expansion of the epidemic, particularly among people who use injection drugs. To spotlight the absence of evidence for repressive policies, which tend to overrate legal prohibition and intensification of penalties as means to significantly reduce drug use prevalence (Dengenhardt et al, 2008; Bewley-Taylor et al., 2009), the conference launched the Vienna Declaration calling for a more scientific approach to international drug policy (Wood et al, 2010).(2)

The declaration contends that policies based on the current international legal conventions that support drug prohibition have resulted in increased HIV risks, human suffering, exacerbated human-rights violations and contributed to a range of other unintended negative consequences, including the enrichment of organized crime, fuelling of drug market violence, and record rates of incarceration of non-violent drug offenders (ibid.).

Similar calls regarding the risk related to transnational criminal organizations that have consolidated around the world during the past half century as an outgrowth of the present

international drug policy environment are increasingly being heard in different corners. Repressive drug policies maintain a price structure for illicit drugs that jumps by 100 fold between rural opium and coca production areas and final urban consumption markets for heroin and cocaine (Kilmer and Reuter, 2009), allowing criminal organizations wide profit margins that allow them to accumulate massive economic and political assets, which increasingly translate into political power and influence over local and national governments (Naim, 2011).

In step with the spirit of the Vienna Declaration, this article seeks to bring evidence from Colombia on how drug policies in the framework of the international legal conventions are reproducing enhanced conditions for the expansion of criminal groups in different areas of the country.

Prohibition and the empowerment of transnational criminal organizations: the case of Colombia

In March of 1961 the Single Convention on Narcotic Drugs was opened for international ratification as a universal system to limit strictly for medical and scientific purposes, the cultivation, production, distribution, trade, use and possession of plants like cannabis, opium poppy and coca as well as substances derived from them such as heroin and cocaine. By then counterinsurgency outfits in Indochina –initially trained and supported by the U.S. Central Intelligence Agency -CIA- during the late 1950's in order to help fund covert anti-communist operations through production and trafficking of heroin from the 'Golden Triangle'–, were already on their way to become the South East Asian empire that presently controls the global synthetic drug traffic (Marchetti and Marks, 1974; UNODC, 2003). (3)

Such contradictions have plagued the worldwide control system of the production and trade in narcotics since the establishment of the Single Convention. By imposing criminal offences for those who would not respect the rules, the Convention laid the international law basis for the 'war on drugs' declared by Richard Nixon ten years later, in 1971. But the disproportion between the means used to fight illicit drug business and their consequences to vulnerable groups, which as in the case of eastern Europe and Central Asia are as bad or worse than the problems which these measures aim to solve, have since undermined the legitimacy of the 'supply and demand reduction' strategies, to no avail in terms of reaching the desired goal of a 'drug free world'. And as one of the world's major theatres of operations of the 'war on drugs' for the past 25 years, Colombia serves well to illustrate how the epidemic of criminal organizations expands as a result of policies that are not aligned with evidence about the economic, social and political realities of a globalized world.

As the Nixon administration created the Drug Enforcement Agency -DEA- in 1973, in Colombia the ruling coalition reached a political agreement known as the *Pacto de Chicora* which put an end to the agrarian reform in course and substituted it instead with a policy of 'supervised colonization' to expand the country's agricultural frontier. Thousands of households were shipped to marginal tropical lowlands where illicit marihuana and coca crops soon became a major income source. Many of the colonized areas during this period coincided with guerrilla safe havens, so by the 1980's these outlaw armed groups were regulating and profiting from

considerable areas under illicit crop in Colombia's expanding agricultural frontier (Jaramillo et al., 1986).

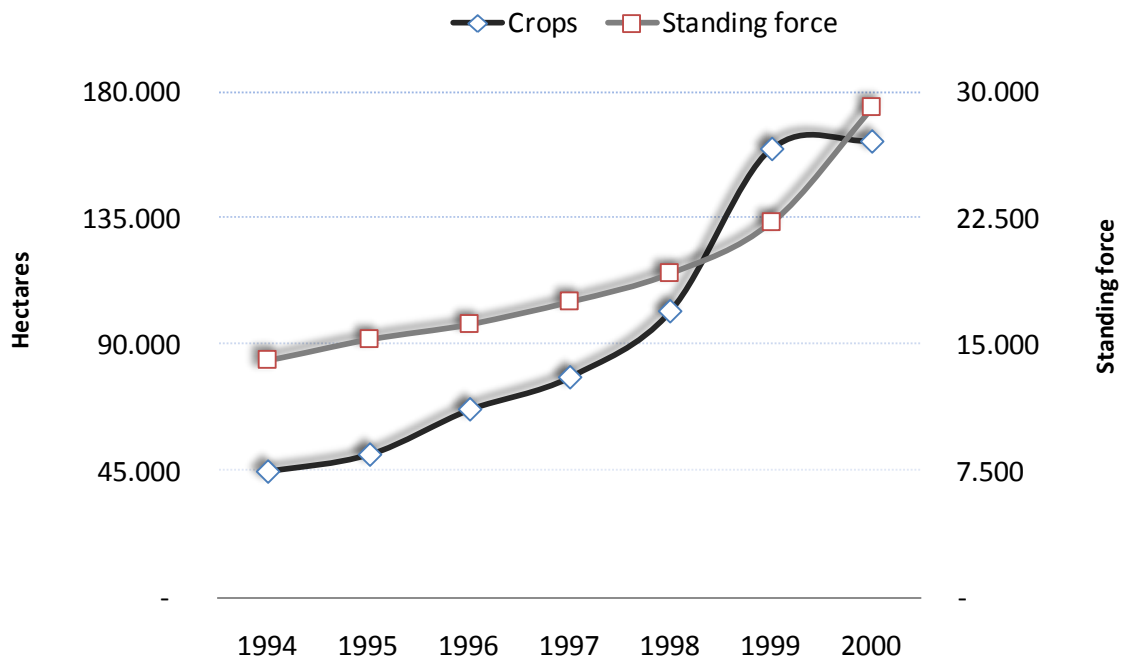
The 80's also saw the surge of Colombian criminal organizations such as Pablo Escobar's *Medellin Cartel* that dominated international drug trafficking during that period. Yet Colombia only became a major coca and opium poppy crop producer after Escobar's death in 1993. Before then Peru had produced nearly two thirds of the estimated global coca paste volume and Bolivia a quarter of the total. (UNODC, 2010: 32).

Most of this production was smuggled into Colombia in small aircrafts, where it was refined and routed to U.S. markets. But in 1993, US counter-narcotic efforts shifted from stopping cocaine as it moved through the Mexican and Caribbean transit states, to tackling the problem 'at the source', reasoning that croppers and refiners represented the weakest link in the overall cocaine industry chain. It was assumed that by disrupting both crop production and air shipments, overhead costs in the cocaine chain would increase and so would consumer prices, thus reducing street demand in the U.S. Consequently, vast crop eradication campaigns were conducted in Peru and Bolivia while the Colombian National Police's air intervention capabilities were enhanced to attack the so called 'air-bridge' that connected Bolivian and Peruvian crop growers with Colombian refiners (Rabasa and Chalk, 2001: 20).

However this strategy simply prompted Colombian refiners to establish their own crops, boosting further expansion of the agricultural frontier and incentivizing diversification into opium poppy cultivation in high altitudes of the Andes (ibid.: 21-22). The coca cropping area in Colombia rose from 40.000 in 1994 to 163.000 hectares in 2000 (UNODC, 2010:16). Illegal paramilitary groups in the country reacted to the growing economic and military power of insurgent forces in cropping zones and began to compete violently for control of these areas in order to finance their own expansion. (Dudley, 2008).

In short, as the following chart illustrates, the supply reduction strategy implemented in Colombia succeeded in increasing by four-fold the area of illicit coca crops and by two-fold the standing force of illegally armed groups in the period between 1994 and 2000.

COLOMBIA: COCA CROP AREA vs. STANDING FORCE OF ILLEGALLY ARMED GROUPS 1994- 2000



Sources: 1. Coca crop area estimates: US State Department / National Monitoring System supervised by UNODC; 2. Standing force of illegally armed groups in Colombia: Ministry of National Defence.

Effects on consumer markets in the U.S. were also opposite to what was predicted by the supply reduction doctrine, as retail prices continuously fell from roughly US \$177 per pure gram in 1988 to US \$139 in 1995, and fluctuated around that price level until the end of the 90's (Rhodes, et al. 1997: 6; Walsh, 2008: 7). Simultaneously surveys in the U.S. showed that prevalence of drug consumption in the past 30 days among 12th graders grew from 14% in 1992 to 25% in 2000 (National Institute on Drug Abuse, 2008: 205).

By the beginning of the 21st century Colombia's National Police had been forced by guerrilla attacks to abandon nearly one fifth of Colombia's major towns. In 2002, more than 200 mayors had received threats from the guerrillas demanding them to step down from office and 48 had been forced to seek protection in departmental capitals in order to continue with their business (Noticieros Televisa, 2002; El Universo, 2002).

In response U.S. counter-narcotics efforts shifted to explicit support for military operations against trafficking organizations –mainly guerrillas in major cropping areas–, emphasizing equipment transfers, crop eradication and militarized counter-narcotics training (Rabasa and Chalk, 2001: 64-70). This new 'policy shift' introduced a US \$5 billion aid package that was delivered through the decade ending in 2010, which included efforts to fund Colombian rule of law, human rights and judicial programmes as part of the 'supply reduction' strategy.

Eradication campaigns peaked in 2002, when more the 140.000 hectares of coca crops were sprayed. The overall standing force of illegally armed groups decreased from an estimated 28.100 in 2004 to around 10.000 in 2009, and municipalities affected by the presence of illegally armed groups fell from 530 in 2004 to 329 in 2009. Yet during this period the presence of illegally armed groups persisted in between 140 and 150 municipalities where major coca cropping areas have been resilient to eradication efforts. The average standing forces of illegally armed groups in these municipalities rose from an average of 100 in 2004 to more than 250 in 2009 (UNODC / Government of Colombia, 2005: 41; UNODC / Gobierno de Colombia, 2010: 71).

Concluding remarks

UN officials frequently indicate in defence of the existing drug policy framework that drugs are not dangerous because they are illicit; rather they are illicit because they are dangerous. They are also fond of stating that the policy in place has been successful in 'containing' the drug problem at a worldwide scale; otherwise a 'public health disaster' would have taken hold of the planet (UNODC, 2010: 5). Nevertheless, in the light of the results of the 'war on drugs' in case of Colombia, both of these statements are contrary to fact.

After almost two decades of 'supply reduction strategies', Colombia lists an area of approximately 68.000 hectares under coca cultivation, nearly 70% more than what was registered before crop spraying and interdiction were first implemented 'at the source'. Today Colombia produces approximately half of the estimated global cocaine production which is more than twofold its market share in 1994 (UNODC, 2010: 16, 66). Additionally an estimated 100.000 landmines have been planted by illegally armed groups mainly in illicit cropping areas to resist manual clearing eradication activities implemented by the government since 2005, with an annual count of between 400 and 800 fatal accidents and between 1.000 to 2.000 injuries related to landmines (República de Colombia, 2009: 21).

Furthermore, the 'supply reduction strategy' in Colombia absorbs nearly 97% of annual budgets appropriated for drug control, which in 2006 totalled more than half a billion dollars (República de Colombia, 2008: 20-27). This share is controlled mainly by the armed and police forces and other law enforcement agencies, which are naturally reluctant to give up their present budget share to allow funding for programmes such as drug treatment or the protection of human rights of vulnerable population groups as is the case of small croppers and displaced persons affected by the 'war on drugs', many of whom have been morally lapidated by governments and the mass media for decades in Colombia.

In the 'demand reduction front', efforts to curb drug demand by imprisoning users and small street dealers have also been unsuccessful in Colombia as in the rest of the world. Annual detentions by police due to drug related offenses peaked at about 80.000 during the decade ending in 2010, accounting for 1/4 of all detentions reported by the police (Policía Nacional, 2008, 541-548). Simultaneously, Colombia is becoming a 'drug consuming' country. Recently the World Health Organization conducted a study in 17 countries in six continents to measure lifetime exposure to alcohol, tobacco, marihuana and cocaine among adolescents under 15 and youths under 21. Findings indicate that prevalence in Colombia is approaching the median

calculated for the sample in marijuana consumption and is above the median in cocaine consumption among adolescents under 15 years of age (Degenhardt et al., 2008). (4)

In the face of recent developments highlighting transnational criminal organizations' capacity to create social and political upheaval and challenge the sovereignty of states in West Africa, the Sahel and parts of North and Central America, the outgoing executive director of UNODC, Antonio María Costa, expressed concern about the threat posed by these criminal organizations as well as by critics calling to "dump" the three UN drug conventions which they hold responsible for their present standing. In Mr. Costa's view, this criticism is jeopardizing the incumbent drug control system as it could lead to undo the progress that has been made in drug control over the past decade. (UNODC, 2010: 5).

Drugs are harmful and can be dangerous. But as evidence coming from the cases examined here, legal prohibition, repressive policies and intensification of penalties have visibly failed in reducing drug supply and use, and instead have brought significant harm to the most vulnerable groups in drug producing, transit and consumer countries. This is why the UN conventions mentioned by Mr. Costa must be "dumped" and replaced by other more flexible international law mechanisms, as called for in the 2010 Vienna Declaration, in order to incorporate lessons based on scientific evidence in regard to what works and what does not in reducing drug supply and consumption and associated harms. As Moises Naim pointed in a recent working paper prepared for the Global Commission for Drug Policies

Fighting drug trafficking is no longer about drugs. It is about government. The main focus of the fight should not be about stopping addicts from using drugs. It should be about stopping criminals from taking over governments around the world. Yes, drug use is a problem. But one that pales in comparison to the threat posed by the proliferation of mafia states (Naim, 2011: 4).

Notes

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(2) As of 1 October 2010 over 17.000 scientists and other supporters had signed the Vienna Declaration www.viennadeclaration.com

(3) These outfits were by no means confined to Southeast Asia: in the 1980's the civil war in Lebanon as well as the counterinsurgency war in Nicaragua, were largely funded through income from illicit drug trafficking. Afghan-Pakistani alliances orchestrated by the CIA in the war against the Soviet Union were also permeated with drug traffickers. Even after the end of the Cold War, in the late 1990's in the former Yugoslavia, the Kosovo Liberation Army boasted about close ties to heroin traffickers (Labrousse, 2003). Today transnational criminal organizations in South East Asia control the annual distribution of about 800 million doses of amphetamine in the U.S., Europe and the Far East, an illicit market that the United Nations considers among the most dynamic in the global economy over the coming decades (UNODC, 2003).

(4) Countries included in the study were: Colombia, Mexico, USA, Belgium, France, Germany, Italy, The Netherlands, Spain, Ukraine, Israel, Lebanon, Nigeria, South Africa, China, Japan and New Zealand.

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