

## Modernising Drug Law Enforcement Report 6

# Drug markets, security and foreign aid

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### Key Points:

- Through the delivery of aid, some countries have tried to export their preferred drug control policies and have leveraged the recipients' need for aid to influence their policy approach.
- The approaches adopted in many aid agreements seem to be insulated from the advances in the global debate about alternative drug policies and harm reduction and remains heavily focused on law enforcement.
- Counter-narcotics aid can become a tool to divert attention from ineffective domestic strategies, and to refocus international attention towards the challenges faced by drug producer and transit countries.
- Even if aid projects benefitting drug law enforcement were continuously effective, it would not prevent a shift or adaptation of the drug market, and it would not decrease demand in consumer countries.
- The negative consequences of the aid investment in traditional drug policies, such as displacement (the so-called the balloon effect), the fragmentation of drug trafficking organisations, and turf wars, have increased levels of violence in some countries, while not substantially affecting drug supply.
- The investment in foreign aid for fighting the drug market and reducing violence in other countries is, at times, a difficult measure to explain to voters: the line between an investment in security and reckless spending is a fine one in the public eye.

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- While long-term measures, such as prevention (including institution building, social programmes and public health measures), and harm reduction- market management, tend to be cheaper and are arguably more sustainable and beneficial over time, short-term measures, such as a traditional law enforcement dominated supply reduction approach, has a more immediate and easily quantifiable impact and is therefore politically attractive.
- Policy makers need to go beyond their focus on drug law enforcement and consider holistic approaches to supply reduction policies, particularly in the realms of social policy, public health, and justice.
- To increase the effectiveness of aid, donors should improve the absorption of funds by carefully selecting appropriate recipients and strengthening aid distribution structures in the recipient country.

## Introduction

When it comes to dealing with foreign aid to countries impacted by drug production and trafficking, donors' preferences are greatly influenced by their own stance on counter-narcotics. Evidence shows that countries favouring a predominantly law enforcement oriented approach, such as the United States and the Russian Federation, shape their aid packages to Latin America or Afghanistan, to use two examples, according to their own domestic priorities. They strongly emphasise drug eradication, interdiction and the strengthening of local law enforcement and military capabilities. These practices are usually implemented at the expense of – often – development initiatives, and – almost always – demand and, broadly defined, harm reduction measures (see Box 1). In some cases the so-called 'war on drugs' provides a cover for military intervention beyond what is truly required on the ground or for fostering foreign policy priorities that, in reality, are unrelated to drugs. Even donors that in principle commit to balanced investment across drug policy domains, such as the European Union and its member states, have traditionally framed their aid packages predominantly in terms

of stopping the flow of drugs into their territories. These approaches, in turn, lead to an array of negative consequences in terms of both the supply and consumption side of the issue; most notably breaches of human rights, increasing the crime and violence associated with drug markets, and disregard for public health.<sup>1</sup> Within this context, this report will argue, there should be an urgent re-think of the concept of drug control 'aid' and of the role of national and multinational donors alike.

A contentious aspect of the donor-recipient relationship is one of conflicting priorities. This challenge was clearly identified during the first event of the Modernising Drug Law Enforcement (MDLE) project in March 2013. Experts agreed that while the transnational nature of drug trafficking implies the need for cooperation among countries, there is the risk of a clash of objectives, most notably between developed countries mainly concerned with stopping the flow of drugs through their borders, and developing nations whose prime preoccupation is the impact of production and trafficking at the national level and on local drug consumption. Yet, recipients cannot ignore the priorities of donors as long as they remain recipients of aid.<sup>2</sup>

**Box 1. Harm reduction**

Traditionally, the term harm reduction has been used to refer to policies, programmes and practices that aim to mitigate the negative health, social and economic consequences of using legal and illegal psychoactive substances, without necessarily reducing drug use.<sup>3</sup> Key harm reduction interventions include needle and syringe programmes, opioid substitution therapy, drug consumption rooms, controlled heroin prescription, HIV testing and counselling, antiretroviral therapy, condom programmes for people who inject drugs and their sexual partners, targeted information, education and communication for people who inject drugs and their sexual partners, etc. More recently, the term has also been used to refer to a change in policy priorities towards reducing the harms related to the illicit market and drug law enforcement, such as drug related violence, corruption, or environmental damage, without necessarily reducing the scale of the market. This can include retail markets and those within traditional producer states.

To substantiate these claims, this report first outlines some of the key patterns in international aid looking at examples of US, British, and Russian initiatives as well as aid routed through the United Nations (UN). In doing so, the report explores the rationale behind aid distribution vis-à-vis counter-narcotics and emphasises some of the geopolitical reasoning often underpinning the delivery of aid packages. Second, the authors assess the impact of foreign aid on both the security and drug markets of traditional consumer states, and on countries on the drug supply side. The third section of the report tackles the challenges of introducing demand and harm reduction practices into the design of aid packages and assesses competing narratives highlighting the juxtaposition of development and counter-narcotics priorities, and the clash between long-term objectives and benefits on the one hand and short-term ones on the other. Finally, the report ends with some recommendations including how to apply harm reduction principles to supply side issues.

**The distribution of aid: Key concepts and evidence**

The way in which aid is conceived and distributed never develops in a vacuum and is symptomatic of donors' priorities and interests that, at times, have proved unrelated to what is, in fact, desired or needed at the receiving end. Testament to this is the recognition that, through the delivery of aid, some countries have tried to export their drug policies and have leveraged the recipients' need for aid to influence their behaviour. Other times the behaviour of some donors has neared diplomatic blackmail as they threatened recipients with the suspension of loans and trade agreements in case of failure to comply with the donor's counter-narcotic policies. Noteworthy is that aid strategy is sometimes characterised by great hypocrisy: evidence shows that donors can adopt contradictory counter-narcotics approaches depending on what else is at stake. In practice, this has meant that while eliminating drugs supply in South America has been deemed paramount for the USA, for broader geopolitical reasons Washington has to some extent tolerated illicit drug production in Afghanistan. By doing so, the donor sends very contrasting messages and undermines its own credibility as well as that of its drug policies.

Moreover, in some instances donors' strict, highly securitised approach to counter-narcotics in drug producing countries has been a reflection of the donor's failure to address domestic problems such as increasing drug demand and HIV prevalence. In other words, it might be argued, counter-narcotics aid can become a tool to divert attention from ineffective domestic strategies, and to refocus international attention towards the challenges faced by producer and transit countries.

What is additionally striking about counter-narcotics aid is the extent to which the approaches still adopted in many aid agreements and ongoing programmes seem to be insulated from the advances in the global debate about alternative drug policies and harm reduction. Furthermore, there appears to be little capacity on the donors' side to learn from experience. When a new region of concern for increased drug trafficking emerges, strategy repeatedly focuses on the same law enforcement programmes that have had limited impacts in other regions, regardless of how low levels of drug-related violence may be or how acute other problems – such as health and social harms resulting from drug use – are.

The case studies that follow will help illustrate these concepts.

### **The USA in Colombia**

The complex link between foreign policy, aid and the approach to drug markets is well exemplified by the relationship between the USA and Colombia. Most notably analysts have described American foreign policy towards Colombia as having undergone a process of 'narcotisation', meaning that almost every aspect of Washington's involvement with the Latin American country since the 1980s has to a large extent been related to (or justified by) narcotics, the 'war on drugs' and America's desire to solve its domestic drug

problem by tackling narcotics at the source.<sup>4</sup> Similarly, the level of Colombian cooperation on the drugs front has determined the US posture: the greater the commitment on the Colombian side, the more favourable the US stance became with regards to, for instance, trade relations. In this regard, during the years of the Ernesto Samper administration (1994-1998) relations effectively froze as a result of Colombia being perceived as not doing enough to fight drugs and of speculations indicating that Samper's presidential campaign had been sponsored by the Cali 'cartel'.<sup>5</sup> The US response was to blacklist Colombia via its certification mechanism. This is a unilateral process whereby sovereign states are effectively scored on their drug control efforts. If Washington feels that a nation is not operating at an appropriate standard and is failing to cooperate fully with US counter-narcotic efforts it risks losing US aid and support in multilateral lending institutions.<sup>6</sup> It is worth noting that President Clinton later apologised for the decertification of Colombia during this period, arguing that it actually did much to undermine the Colombian government's fight against the Revolutionary Armed Forces of Colombia (FARC). That said, and while refined in recent years, certification remains a very real and deeply unpopular framework through which the USA can project its influence on drug policy within Latin America.

The narcotisation shift in Colombia had gone hand in hand with a substantial increase in US funding from US\$2.8 million in 1982 to US\$26 million in 1994 to then rise to US\$800 million in 2000 entirely devoted to counter-narcotics assistance.<sup>7</sup> Colombia's strategy to curb drug production, and cutting off the key funding stream for armed groups such as the FARC and the National Liberation Army (ELN), came in the form of Plan Colombia, a six-year strategy that ended in 2005. The US government estimates that between Financial Year 2000 and Financial Year 2011 over US\$8 billion had been made available by the

US for the implementation of Plan Colombia and subsequent programmes.<sup>8</sup> In addition, Colombia's national defence budget increased from representing 3.9 per cent of GDP in 1999 to being equivalent of 5.1 per cent of GDP at its peak in 2009, including the budget for the 160,000-strong National Police.<sup>9</sup>

When Andres Pastrana became Colombia's president in 1998 he pledged to bring to an end the on-going 40-year conflict with the guerrillas. In this context, he envisaged a series of economic and social initiatives aimed at rural areas – similar to a Marshall Plan for Colombia – and sought America's financial support to implement Plan Colombia. As stressed by Acevedo, Bewley-Taylor and Youngers, in its initial conception, the plan hardly had a military component and counter-narcotics was certainly not on the agenda. However, as a result of the endeavours of US drug officials, the plan became part of a broader strategy to fight drug trafficking and emphasised the counter-narcotics role of the Colombian military.<sup>10</sup>

The US Drug Enforcement Administration (DEA) played an active role in the planning and implementation of projects in the context of Justice Sector Reform – a US\$88 million-component of Plan Colombia – including 'the multilateral case initiative, the enhanced and expanded Colombian specialized vetted unit program, the cellular telephone interception facility, enhanced and expanded forensic programs, and a variety of prosecutor and police training programs'.<sup>11</sup> One key DEA goal has been the strengthening of local law enforcement's investigative capabilities through financial support and the supply of computer software.<sup>12</sup>

To date, Colombia remains a key recipient of US funds, primarily through the US-Colombia Strategic Development Initiative (CSDI) that, together with security-oriented counter-narcotic initiatives, now includes

social development projects as well as support for judicial sector reform.<sup>13</sup> Yet, in spite of increased focus on development, and substantial improvements in Colombia's security situation, a request was made for \$114 million in International Narcotics Control and Law Enforcement (INCLE) funding to be designated to drug supply reduction efforts for Financial Year 2013.<sup>14</sup>

### **Competing approaches in Afghanistan**

The USA (and NATO) involvement in Afghanistan is often cited in contrast to Washington's role in Colombia as evidence of a double-standard approach on the part of the Americans. Indeed, whereas in Colombia fighting the drug trade had become the US number one priority, in Afghanistan – the world's top opium producer – in the early years after engagement in the country in October 2001, counter-narcotics amounted to little more than an after-thought.<sup>15</sup>

The Afghan experience also sheds light on tensions between policy priorities of donor countries and, most specifically, on the difficulties in carrying out counter-narcotics alongside counter-insurgency. The latter in fact is undermined by eradication and other counter-narcotics actions that target the population, hence making 'winning hearts and minds' – the key concept of modern counter-insurgency strategy – an almost impossible task.<sup>16</sup>

At its peak in 2007, the opiate business in Afghanistan was worth a staggering US\$3 billion a year.<sup>17</sup> Often analysts and policy makers have stressed the link between narcotics and the insurgency indicating that the Taliban and other al-Qaeda-related groups had been funding their activities primarily through drug proceeds. Dr. Julien Mercille from University College Dublin, however, points out that only a small proportion – 3 per cent in fact – ended up in the hands of the



Taliban. A question arises: who pocketed the rest? Mercille, relying on UN data, suggests that around 75 per cent of narcotic revenues were captured by state officials, the police, and various power brokers and, of course, traffickers. In other words, a remarkable amount of illicit, drug-related revenue was seized by actors either tolerated or even supported by the USA and NATO-ISAF.<sup>18</sup> Indeed, those actors profited from, in some cases, direct involvement in the drug trade and, other times, from receiving bribes to stop eradication and from encouraging the targeting of rival opium producers by law enforcement. This poses an additional question as to how this approach is reconciled with the US four main drug control policy strategies, namely combating production at source, combating trafficking, dismantling networks and fostering international cooperation on drug control.<sup>19</sup> Interestingly, it was only in 2004 that the DEA opened an office in Afghanistan – a further indicator that counter-narcotics was not on the military or White House's agenda in the initial years of the intervention and, as Vanda Felbab-Brown puts it, 'until 2003, US counternarcotics in Afghanistan was essentially laissez-faire'.<sup>20</sup> Indeed, it would have been counterproductive to try to eradicate a business that benefited so many Afghan allies and it would have made it impossible to collect intelligence on the insurgents. Therefore, drug policy became subordinated to security concerns.

When, in 2002, the United Kingdom became the lead nation on counter-narcotics under the United Nations Assistance Mission to Afghanistan (UNAMA), drug policy became a higher priority. Following a short-lived compensated eradication programme, in 2004 Britain turned to interdiction. However, these efforts were manipulated by local partners. Some of the Afghan strongmen controlling opium production and trade took advantage of foreign support to target competitors in the drug market by facilitating interdiction of

poppies controlled by rivals.<sup>21</sup> Between 2004 and 2009 manual eradication became common practice but, while so much effort was put into supporting local Afghan units carrying out this task, the highly anticipated developmental and alternative livelihood programmes only reached a very small number of farmers, most of whom found themselves in deep poverty.<sup>22</sup> Some even joined the ranks of the insurgents. Moreover, eradication suffered from the same level of corruption that had characterised interdiction.

Even though these were officially UK-led counter-narcotics efforts, the US became the driving force behind them. Beginning in 2003 the US State Department established a police training centre in Kabul under the leadership of the Bureau of International Narcotics and Law Enforcement Affairs (INL) which was heading the US police assistance programme in the country; and in 2005 it provided US\$782 million to assist law enforcement, alternative livelihood programmes and crop eradication. In particular, Washington was responsible for the creation of several specialized counter-narcotics police forces that led to the establishment of the Counter Narcotics Police of Afghanistan (CNPA) in 2004 including a National Interdiction Unit. None of these initiatives led to a reduction in opium production nor did they prevent drug use among Afghan National Police.<sup>23</sup>

In 2009 the Obama administration, recognising the adverse impact of eradication, greatly reduced funding for this practice and refocused the counter-narcotic strategy towards interdiction of Taliban-linked traffickers and rural development – both elements that would enhance counter-insurgency capacity. Yet, evidence shows that while jobs have been created through stabilisation programmes funded by USAID, very often projects such as the cleaning of canals and the distribution of fertilisers came to a halt as soon as foreign funds were depleted, pointing to the limited sustainability of such initiatives.<sup>24</sup>

It is important to note that of the US\$225.4 million requested for Financial Year 2013 by the US INL and designated for Afghanistan, only US\$65 million were allocated to economic support while the remainder had been earmarked for narcotics control and law enforcement.<sup>25</sup>

### **The Russian 'rainbow' approach**

Since the early days of the ISAF operation in Afghanistan, Russia had shown great scepticism vis-à-vis NATO's achievements on the counter-narcotics front and in 2010 it designed the Rainbow 2 plan in which it identified Afghan opium production as 'a threat to global peace and security'.<sup>26</sup> The plan was primarily centred on eradication (in spite of having been abandoned by the Afghan, UK and even US governments), intelligence exchange, the sanctioning of landlords on whose land poppies were grown, and training for the Afghan drug police,<sup>27</sup> The latter involved the training of counter-narcotics officials in Russia and the donation of thousands of weapons, including 20,000 Kalashnikov assault rifles.<sup>28</sup> As of April 2013, Moscow confirmed that between 50 and 100 counter-narcotics police officers were trained every year at various locations within Russia in addition to on-site training provided by Russia in Afghanistan, Turkmenistan, Kyrgyzstan, Tajikistan and Pakistan.<sup>29</sup>

Critics argue that Moscow's decision to place the issue of drug production firmly within a security framework was made at the expense of any concern for other drug-related issues such as public health. This underpins the thesis that Russia wished to shift blame for domestic drug dependence and HIV epidemics (primarily as a result of drug injection) by focusing on – and blaming – external actors.<sup>30</sup> In terms of budgetary allocation, this means that on the one hand Russia continues to disburse significant funds internationally to tackle organised crime and trafficking and

to influence the international drug policy debate. US\$7 million were pledged to the UN Office on Drugs and Crime (UNODC) in 2010,<sup>31</sup> and President Putin recently offered to implement 'breakthrough steps'<sup>32</sup> to reduce trafficking into Russia and its neighbours. Yet, on the other hand domestic medical facilities for people dependent on drugs and HIV patients remain severely underfunded, and health-oriented interventions based on harm reduction principles continue to be rejected, as is the case, for example for needle and syringe programmes (NSP) and opioid substitution treatment (OST).<sup>33,34</sup>

Speaking at the National Institute of Criminal Law in Mexico in March 2012 the Director of the Russian Federal Service for Drug Control Viktor Ivanov reiterated Russia's commitment to the war on drugs through plan Rainbow 3 for Central America.<sup>35</sup> Again, similar to the Afghan case, the underlying message was to raise narcotics trafficking to the level of a security threat to be considered in the context of the UN Security Council. Whereas Russia has presented its plan by highlighting differences with US initiatives such as Plan Colombia and the Merida Initiative in Mexico which have been criticised for being too military-driven and lacking substantial economic development programmes, a large component of Rainbow 3 consists of fully Russian-funded special training and custom-tailored courses for Central American police forces and is geared towards greater judicial cooperation to tackle narcotics and other forms of illicit trafficking, corruption and kidnappings.<sup>36</sup> This cooperation has resulted in the Russian-funded Managua counter-narcotics training centre inaugurated by Ivanov in Nicaragua in the spring 2013 which is to provide training for regional police officers. The centre is part of a move by Russia to turn Nicaragua into the driving force behind the fight against drug trafficking in Central America.<sup>37</sup> Besides, greater Russian involvement in counter-narcotics is a reflection of strengthening

relations with left-leaning countries across Latin America and may also serve broader Russian interests, namely increasing sales of Russian weapons in Central America.<sup>38</sup>

### **West Africa: A relatively new problem, but old solutions**

Most West African countries have long been recipients of foreign aid aimed at thwarting fragility and promoting prosperity and security. Problems related to weak governance, corruption and poverty persist and have provided the ideal context for West Africa to become a hub for drug traffickers looking at alternative routes linking Latin America to the European market.

Alongside trafficking and, more recently, the manufacturing of narcotics, local drug use has been growing. This, coupled with poor health systems and almost non-existent evidence-based drug dependence treatment facilities, has translated into growing public health concerns in West African countries.<sup>39</sup> Worth noting in this context is that unlike other drug trafficking regions such as Central America, and in spite of the absence of comprehensive statistics, levels of drug market-related violence in West Africa appear to be typically low.

The region is another clear illustration of a context where priorities of foreign donors, i.e. preventing drugs from reaching their own local markets, clash with the needs of developing countries, such as the challenge of preventing and containing the spread of drug dependence and drug-related health harms. It is also representative of the tendency to implement re-active short-term solutions, e.g. police training, as opposed to longer-term preventative measures including institution building, education, social programmes and public health measures which may require a longer commitment, but that are more likely to produce long-lasting results as they address the underlying structural issues, e.g. socio-

economic conditions, that lead individuals to become involved with the drug trade.

In addition, as argued in a 2013 study for the UK Department for International Development (DFID), donors' eagerness to strengthen local law enforcement agencies often fails to acknowledge the lack of absorption capacity at the receiving end. Hence, specialised training by Western law enforcement agencies such as the DEA, the British Serious Organised Crime Agency (SOCA), Interpol, and Europol or UNODC may be wasted. Moreover the training is imparted from a conservative standpoint that does not take into account developments in the global drug policy debate. Also, lack of monitoring and post-training reach-back have meant that in some cases newly trained specialised units had themselves turned to criminality.<sup>40</sup> So, all in all, larger amounts of resources are withheld from health, social and educational initiatives in order to support law enforcement, even if the latter is not developed or supported as effectively as expected, and the strategies behind such initiatives are flawed.

Since 2008, UNODC has cooperated with Guinea Bissau, one of the worst affected countries, to set up specialised units within the judicial police and has provided specialised training for judges, supported the strengthening of the rule of law, and promoted prison reform.<sup>41</sup> In 2011, UNODC launched the Joint Airport Interdiction Task Force at Dakar airport as part of the US\$7.6 million Airport Communication Project (AIRCOP) aimed at promoting intelligence sharing among major airports in Africa, Europe, Latin America and the Caribbean. G8 justice and interior ministers drafted a declaration<sup>42</sup> as well as an action plan that, among other points, designated Dakar and Accra (Ghana) as intelligence sharing hubs and encouraged greater sharing and interaction with other operational centres to improve maritime interdiction. The action plan included several provisions for additional funding for counter-



narcotics initiatives, the strengthening of maritime and law enforcement cooperation, and local capacity building – but it remains to be seen how these plans will be implemented given the voluntary basis of the initiative.<sup>43</sup> A further example is the US\$60 million inter-agency West Africa Cooperative Security Initiative (WACSI) initiated by the USA in 2011 which has resulted in the creation of a specialised counter-narcotics police unit in Ghana trained and vetted by the DEA.<sup>44</sup> These initiatives are typical in that they focus on the strengthening of law enforcement responses to emerging drug markets, but it is hard to see how they will make significant impacts on the multi-billion markets, or the associated security, social and health problems. Indeed, interviews with local NGOs in Ghana indicate a high level of frustration that law enforcement seem to be the main, often the only, tool used to deal with people dependent on drugs, which is also a reflection of the disproportionate foreign funding going into policing compared to health programmes.<sup>45</sup>

## Impact and negative consequences

The impact of foreign aid in which a law enforcement oriented approach is privileged (often as part of a militarised response to the drug issue) on the security situation within recipient countries is mixed, but in the main largely negative. There are cases that may in some respects be regarded as successful, such as the US-sponsored Plan Colombia. Today, for example, many parts of Colombia, particularly urban regions populated by the upper and middle classes, are safer than they were at the beginning of the Plan in 1999. However, as the Washington Office on Latin America pointed out at the Plan's tenth anniversary in 2010, 'claims of success don't stand up to scrutiny' and as such it should not be regarded as a model for emulation elsewhere.<sup>46</sup> Indeed,

for many poor Colombians living in rural areas, little has improved with militarisation, and anti-drug law enforcement activities actually ended up undermining human and civil rights.<sup>47</sup> Moreover, while it is difficult to attribute the significant decline in the influence of the FARC and its control of some phases of the drug trafficking business in recent years to any single event or policy, it is unlikely that Plan Colombia was a major contributing factor. Rather, this needs to be seen more in terms of the group's lack of political coherence and popular support.<sup>48</sup> Most importantly, with regards to the drug trade itself – in which the FARC is just one actor – it should also not be forgotten that while the nature of the drug trade has evolved, it remains entrenched. The demise of the larger 'cartels' has led to an atomisation of market actors; a situation that makes counter-narcotics efforts more complex. Additionally, while there remains dispute around the data on coca crops and potential cocaine production,<sup>49</sup> Plan Colombia appears to have had no real impact upon the cocaine market in traditional consumer countries. Writing in 2010, the Colombian economist Daniel Mejía concluded that the amount of cocaine reaching these nations (principally the USA and increasingly countries in Europe) remained relatively stable, with the price of cocaine at different stages not rising.<sup>50</sup> Indeed, any 'successes' at reducing coca production within Colombia have been largely off-set by increases in neighbouring countries, particularly Peru.

Other cases, for instance the US-sponsored Merida Initiative, also give countries such as Peru and Bolivia, as well as West African states with their newly emerging drugs markets, reason to fear. In Mexico, an estimated 60,000 people have fallen victims to drug-related violence during the administration of Felipe Calderón (2006-2011). Much of this violence is to be attributed to the so-called kingpin strategy of the Calderón administration, which aimed at arresting key drug 'cartel' leadership figures in Mexico with the help of the training

and technical assistance for federal, state, and local police funded by the Merida Initiative. While the approach as such was successful in its operational objective – of the country's 37 most wanted criminals in 2009, 25 had been captured or killed by late 2012 – headless organisations split and proliferated, causing in-fighting, fragmentation, and turf wars between the factions and new groups.<sup>51</sup> At the same time, drug production and trafficking in and through Mexico continues at high levels, and efforts to improve the weak institutions in Mexico, particularly the justice system, have not yet taken effect.<sup>52</sup>

In Afghanistan, the security situation also remains precarious. The east of the country especially grapples with the ongoing Taliban insurgency, official and unofficial militias remain active in the region, and there is an increase in crime.<sup>53</sup> However, it is not so much the prevalence of drugs and organised crime that impacts the security situation in the country. Rather, the failure of the international forces to stabilise it and build effective judicial institutions inhibits the effectiveness of the counter-narcotics efforts. As long as conflict and instability prevail, a legal economy will have difficulties in taking hold and the illicit economy will remain more attractive and necessary for the population to maintain their livelihood.

In terms of outcomes, the effects of contributing money to counter-narcotic efforts have, not yet paid off for consumer countries. According to UNODC's 2012 World Drug Report, 'Throughout the world, illicit drug use appears to be generally stable, though it continues to be rising in several developing countries'.<sup>54</sup> While, according to the available data, global heroin and cocaine production and the cultivation and production of other plant-based drugs destined for the illicit market appear to be decreasing in the long term or have stabilised, synthetic drugs in particular are on the rise.<sup>55</sup> This allows for the conclusion that even if aid projects to the benefit of drug

law enforcement were continuously effective, it does not prevent a shift or adaptation of the drug market, for example geographically or towards new substances, and it does not decrease demand in consumer countries.

## Challenges of reducing the harm of drug markets

In order to increase the security and public safety in producer, transit, and consumer countries alike, much of the foreign assistance to affected countries has focused on supply reduction measures, such as eradication, interdiction, alternative livelihoods, and domestic law enforcement. While supply reduction aims at reducing the physical amount of drugs available for illicit consumption and driving up the street-level price of narcotics to reduce demand, domestic law enforcement seeks to disrupt production and trafficking networks and prevent and deter consumption, for instance through the threat of punishment and incarceration – although the deterrence effect of drug law enforcement has proven to be ineffective in reducing levels of drug use.<sup>56</sup> Both sets of measures are short-term oriented. The destruction of crops through eradication, as well as the dismantling of processing labs, the disruption of supply routes, and the arrest of smugglers through interdiction are methods where success is prone to be short lived, and to cause negative consequences on the level of poverty of subsistence farmers and the environment. Crops can be re-planted elsewhere, and processing labs can be rebuilt, supply routes moved, and smugglers replaced. Accordingly, street-level narcotics prices have plummeted over the last 30 years instead of being driven up. Moreover, alternative livelihood measures have often demonstrated to be unsustainable and fail as soon as the financial aid for the programme runs out.<sup>57</sup> Often, this is due to donor pressure for quick implementation and poor sequencing of

programmes.<sup>58</sup> Additionally, law enforcement of prohibitionist-oriented drug policy has led to two main trends without effectively disrupting the market. First, a number of countries are experiencing a steep increase in their prison population. For instance, in Mexico, 60 per cent of inmates are serving sentences for drug-related crimes, such as trafficking, possession, sale, and consumption; a staggering 80 per cent of the female prison population has been arrested in relation to drug crimes.<sup>59</sup> At the same time, drug-related crime in the country has surged. Second, the high value targeting of drug trafficking organisations by drug law enforcement bodies, while creating large publicity for both the number of arrests and the volume of drugs seized, has led only to a short-term disruption of the market as top managers are replenished.

To achieve a long(er)-term effect on levels of violence and crime in recipient countries, international organisations increasingly advocate for a harm reduction approach that no longer focuses on the levels of drug availability. Instead, relatively harmless forms of drug markets are tolerated, while efforts are being directed at those markets that are public, concentrated, and prepared to make use of violence, intimidation, and corruption.<sup>60</sup> The rationale is based on an acceptance that drug markets will always exist and on the decision to focus on the violence and crime they produce, rather than on the market itself. Two approaches are exemplary for harm reduction strategies:

(1) Law enforcement units, trained, equipped, and supported with the assistance of foreign aid, expel drug trafficking organisations from a specific territory. This approach may consist of four steps. In cases where the drug trafficking organisations have not gained control over a territory, such as in many inner city retail markets, the first two steps may be incidental. First, military and military-style law enforcement units retake control of the

territory under the control of a drug trafficking organisation. Second, the military maintains control over the territory until it is stabilised and can be handed over to specialised police units. Third, the police units establish a system of community policing that re-establishes the rule of law in the territory. This may be advanced and maintained by 'creating swift and certain consequences by "banking" existing drug cases', allowing law enforcement to arrest repeat offenders immediately and without further investigation.<sup>61</sup> Fourth, socio-economic programmes support the relationship between the community and the specialised police units. Such programmes would emphasise 'addressing racial conflict between communities and law enforcement, setting strong community and family standards against dealing; involving dealers' family members, and offering education, job training, job placement, and other social services'. This strategy has notably been adopted by the Pacification Police Units (UPP) in the *favelas* of Rio de Janeiro in Brazil.<sup>62</sup>

However, the application of a harm reduction approach to supply reduction measures with the support of the military and military-style law enforcement units has in the past left community members with a sense of militarisation and of being subject to tight police control, arbitrary search, seizures, and harassment.<sup>63</sup> For instance, as touched upon above, in Colombia the military has accrued a record of recurring human rights abuses, particularly in the years between 2004 and 2008. Additionally, even with international support through financial aid, it remains questionable whether military forces are able to tackle drug-related violence extensively, leaving the possibility for drug trafficking organisations to migrate to neighbouring areas not under the supervision of the military or specialised police units.

(2) Producing, trafficking, and consumer countries enter a strict and coordinated

relationship to combat levels of violence, excluding crime levels from their initial agenda altogether. The approach suggests selecting specific targets, such as the most violent drug trafficking organisations or the most violent regions within producing and trafficking countries. Their business relationships in consumer countries will then be systematically targeted. For instance, after a specific drug trafficking organisation or region in Mexico has been identified, US law enforcement would target organisation- or region-specific revenue outlets and wholesale dealers in the USA. This would increase the incentive for demand-side organisations and individuals to cease the business relationship with that drug trafficking organisation or region, communicating that 'violence is bad for business'.<sup>64</sup>

However, such an endeavour would require a high degree of logistical flexibility and potentially expenditure, as well as efficient and effective cooperation between the local, state, and federal law enforcement units in all participating countries. At the same time, the approach may give the impression of a carte blanche for those criminal groups responsible for lower levels of violence that remain off the list.

## Political dilemmas

The investment in foreign aid for fighting the drug market and reducing violence in other countries is, at times, difficult to justify to citizens and voters. While the fear of drugs and violence spilling over into donor countries remains a strong rationale for foreign aid, the line between an investment in security and reckless spending is a fine one in the public eye. For instance, in the United Kingdom, the annual cost of proactive drug law enforcement has been estimated at around £300 million (US\$ 464 million); the cost for total reactive government expenditure on

drug-related offending across the criminal justice system has been calculated at £3.355 billion (US\$ 5.190 billion), more than ten times this figure.<sup>65</sup> In the United States, the federal budget request for international support in fiscal year 2014 totals over US\$1.4 billion. Support operations are focused on or conducted in areas outside of the USA and aim at the disruption or dismantling of the most significant international drug organisations, and the increase of demand reduction and drug enforcement capabilities of partner nations.<sup>66</sup> Not surprisingly, the constant cost of the 'war on drugs' and its sometimes questionable results has increasingly evoked calls for a fundamental reform of drug policy, including proposals for the legal regulation of drugs. For others, harm reduction (broadly defined) and market management approaches are, in many ways, seen as a remedy for the current state as they promise to save money and reduce violence, health, social and environmental harms in the long term by rooting out illegal behaviour with lower-cost, sustainable, and community enforced measures.

At the same time, the shift away from established supply reduction measures, such as eradication, interdiction, and local law enforcement, may interfere with domestic priorities. Law enforcement is based on the assumption that streets are safer if criminals are securely behind bars; the more criminals behind bars, the safer the streets. This rationale can be found in foreign assistance to drug producing and drug trafficking countries as well as in spending in consumer countries. The political dilemma lies in the responsibility to the taxpayer as well as the efficiency and effectiveness of policies and programmes. While long-term measures, such as supply-side harm reduction and market management tend to be cheaper, more efficient at reducing harms and are arguably more sustainable in the long-term, short-term measures, such as traditional supply reduction measures, have a more immediate and easily quantifiable

impact, albeit often being unsustainable. Additionally, hybrid policies between supply-side harm reduction measures and market management efforts are still in the design and experimental phases, with scenarios for moving beyond the drug prohibition regime altogether only just surfacing.<sup>67</sup>

Moreover, foreign aid as a proxy for reducing the drug problem in donor countries also presents a practical dilemma. Donors rely on recipients to invest the aid given to them in programmes that are feasible, efficient and effective, and in the interest of the donor countries. Doing so requires functioning recipient governments that have the ability to execute programmes and the control over functioning support structures, such as law enforcement and justice agencies, as well as shared interests between recipients and donors. Furthermore, other aspects of the link between donor countries and recipients may influence the aid relationship, such as neighbourhood relations, economic ties, and national security and counterinsurgency interests. Accordingly, financial and technical aid alone may not lead to the desired effects, and issues related to the supply and demand of drugs may not always be on the forefront of the relationship.

Concurrently, the unintended consequences of the aid investment in traditional drug policies, such as the balloon effect, the fragmentation of drug trafficking organisations, and turf wars, have increased levels of violence in some countries, while not substantially affecting the drug supply.

## Conclusions and recommendations

Foreign aid towards prohibitionist-oriented drug policy is decidedly politicised. Spending by donor countries follows their own priorities and interests, which may be unrelated to the

needs of recipient countries to effectively address drug production, trafficking, and use. Often, prohibitionist foreign drug policy has simply been an extension or 'export' of a domestic policy to grapple with a domestic, demand problem by means of tackling a foreign, supply issue. Recipient countries in the past have been induced or even blackmailed to comply with specific counter-narcotics policies in exchange for aid, loans, and trade agreements. Colombia under the Ernesto Samper administration stands as a case in point. Other initiatives appear to aim at diverting attention from ineffective domestic strategies, as seen in the budgetary allocation for Russia's Rainbow 2 and 3 relative to what is spent on its domestic drug programmes. This politicisation of drug policy has resulted in inconsistent international attitudes and policies towards drug producing and trafficking countries, most visible in the comparatively low level of attention accorded to counter-narcotics by the international forces in Afghanistan. While some countries have been pressured into intensive and intrusive measures to enforce international drug prohibition, the rampant drug market in Afghanistan has been all but tolerated in order not to jeopardise other priorities and interests. More importantly, politicisation has often led to ineffective and even counterproductive drugs policies.

Foreign aid has concentrated predominantly on forms of law enforcement as a means to address production and trafficking as well as use. Public health, social policies, and the development of a functioning justice system to prosecute criminal offences often have not had sufficient impact on policy design. Accordingly, social issues that may contribute to drug problems, such as lack of education, low investment in health, and high levels of unemployment, remain prevalent and drug dependence treatment and other health programmes are slow to adapt to new evidence, in some cases leading to



concerning and inhumane interventions, such as compulsory detention.<sup>68</sup> At the same time, security measures continue as the principal outlet for funding, independent of the local levels of violence. The current situations in West Africa, Mexico, and Afghanistan reveal these policy deficiencies.

A further deficiency is the concentration on short-term policies, such as police training, seizure and arrest operations, the destruction of crops through forced eradication, the dismantling of processing labs, the disruption of supply routes, and the arrest of smugglers, over long-term policies, such as public health and social policies, supply- and demand-side harm reduction interventions, and properly sequenced sustainable livelihoods programmes. The non-specific application of a policy mould, designed from the outside without adaptation to the characteristics and needs of the recipient country and based on the donors' priorities and interests, has led to ineffective and wasteful policies that lack appropriate absorption of funds, monitoring, and post-training follow-up. Several cases have backfired because of this. In Afghanistan, for example, anti-drug units trained as part of foreign aid packages have been known to turn towards criminality); and crudely manipulate foreign-led interdiction efforts to eliminate their market competitors).

Moreover, negative consequences, such as the balloon effect affecting Colombia, Peru, and Bolivia and the splits, in-fighting, and fragmentation of drug 'cartels' in Mexico, have led to increased violence, drug production, and trafficking in these and other countries, without affecting the global drugs market and the levels of drug use in consumer and donor states. On the contrary, production and trafficking has increased particularly with regard to new synthetic drugs, demonstrating the flexibility and adaptability of the global market. Additional negative consequences include human rights abuses, extra-judicial killings,

forced displacement of subsistence farmers and an exacerbation of poverty, as well as environmental damage in drug producing areas.

In light of these issues and aware of a variety of political considerations within which foreign donors operate, a number of specific recommendations can be made:

- Donors should separate foreign aid projects from domestic demand reduction policies and goals. Both should be given full attention, albeit with different, appropriate and evidence-based measures.
- Supply reduction policies need to be in tune with local conditions. Aid policy needs to be adjusted to the individual needs of the recipient country in order to be effective.
- Policy makers need to go beyond their focus on drug law enforcement and consider holistic approaches to supply reduction policies, particularly in the realms of social policy, public health, and justice, in full respect of human rights principles.
- Donors need to make clear distinctions between short-term and long-term goals. To affect drug production and trafficking in recipient countries in a sustainable manner, both immediate, security enhancing measures, and long-term evidence-based drug dependence treatment and alternative livelihoods programmes need to be funded.
- To increase the effectiveness of aid, donors should improve the absorption of funds by carefully selecting appropriate recipients and strengthening aid distribution structures in the recipient country. Monitoring and post-training follow-up programmes are essential to assure effectiveness and sustainability.

- Donors should increase their efforts in detecting trends, trajectories, and developments. Negative consequences can be avoided by monitoring not only programmes and policies in the recipient country itself, but how developments in the recipient country affect the entire region.
- Similarly, donors should be mindful of developments in the market. Market adaptation and the shift to new drugs may otherwise negate the progress made with regard to more traditional drugs, such as plant-based substances.

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## Modernising Drug Law Enforcement

***A project by IDPC, with the participation of the International Security Research Department at Chatham House and the International Institute for Strategic Studies***

Drug law enforcement has traditionally focused on reducing the size of the illicit drug market by seeking to eradicate drug production, distribution and retail supply, or at least on the stifling of these activities to an extent that potential consumers are unable to get access to particular drugs.

These strategies have failed to reduce the supply of, or demand for, drugs in consumer markets. Given this reality, and a wider policy context where some governments are moving away from a 'war on drugs' approach, drug law enforcement strategies need to be adjusted to fit the new challenge – to manage drug markets in a way that minimises harms on communities. A recognition that law enforcement powers can be used to beneficially shape, rather than entirely eradicate, drug markets is being increasingly discussed.

The objective of this project, led by IDPC, with the participation of the International Security Research Department at Chatham House and the International Institute for Strategic Studies, is to collate and refine theoretical material and examples of new approaches to drug law enforcement, as well as to promote debate amongst law enforcement leaders on the implications for future strategies.<sup>101</sup> For more information, see: <http://idpc.net/policy-advocacy/special-projects/modernising-drug-law-enforcement>.

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- 69 Dave Bewley Taylor is the editor of the Modernising Drug Law Enforcement project publication series

The International Drug Policy Consortium (IDPC) is a global network of NGOs and professional networks that promotes objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and supports evidence-based policies that are effective in reducing drug-related harms. IDPC members have a wide range of experience and expertise in the analysis of drug problems and policies, and contribute to national and international policy debates.

This briefing paper explores the rationale behind aid distribution vis-à-vis counter-narcotics and emphasises some of the geopolitical reasoning often underpinning the delivery of aid packages. Second, the authors assess the impact of foreign aid on both the security and drug markets of traditional consumer states, and on countries on the drug supply side. The briefing paper then focuses on the challenges of introducing demand and harm reduction practices into the design of aid packages and assesses competing narratives highlighting the juxtaposition of development and counter-narcotics priorities, and the clash between long-term objectives and benefits on the one hand and short-term ones on the other.

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