John Collins

John Collins coordinates the international drug policy project at LSE IDEAS. He is the editor of the latest report to call for an end to the drugs war, but the analysis from this expert group of economists points to a more realistic, incremental approach than sweeping legislative change. Interview by **Harry Shapiro**

So why another report about the failed drug war?

This report is slightly different, in that we are not saying that the war on drugs has failed. There is a cacophony of voices saying that. We are not saying we have a silver bullet solution to fix global drug policy. What we are saying is that there are specific things that we can now do towards de-escalating the drugs war, towards reallocating resources, towards making sure that in a few years time, we don't get a new generation of politicians coming in at the international level saying, 'let's push harder, let's have another drug war, this time we can actually do it, all we need is more political resolve and see it through to its conclusion'. This is all about drawing a baseline above the war on drugs and starting thinking about a post-war drugs framework.

The core focus is reallocation of resources. Rhetoric has changed at the UN level; if resources now follow that change in rhetoric, we could see a shift in institutional inertia. We have got to start taking money out of things that shouldn't be funded to the level they are and putting money into things that should be scaled up in funding. And looking further ahead, it's a matter of seeing what happens in Washington State and Colorado and Uruguay and learning from those situations. We can't extrapolate much further than that, but we can see what happens, and then decide our next steps. So that's why this report is slightly different.

There is a wearying level of simplicity in the public debate – get tough or sweep it all away. Do you see a way of pushing past this to something more sophisticated and nuanced?

The debate does tend to be very country specific. In the UK, there isn't much low hanging fruit in terms of drug policy. We can drastically improve cannabis enforcement which is essentially a means to control minority youth in poor neighbourhoods. And that is probably it in terms of low hanging fruit; harm reduction is well established and integrated into the NHS. You could move into more heroin-assisted treatment, but there are large cost questions around that. So the end of the drug war in UK drug policy terms is far more problematic as to what that actually means because policy isn't that extreme.

But when you get into the world of international drug cooperation, there is really low hanging fruit here. We can't even use the term 'harm reduction' at the UN in a consensual way. At the CND conference in Vienna this year, Japan stood up and criticised nations for implementing needle exchange – the equivalent of going to an AIDS conference and saying that condoms were contributing to the spread of HIV.

The UK should not be gearing all its cooperation at the international level on enforcement, because it is a total fantasy that it will have anything other than a marginal impact. In the US, everybody is talking about ending the war on drugs, but have budgets really shifted? There is de-incarceration because there is less money at the state level to pay for prisons. But the DEA is still stuck in this drug war mindset: somebody has to break that institutional inertia. Why? Because when the reform narrative begins to lose momentum, which is very possible because lots of reports say 'end the war on drugs' but how do you actually do it – the DEA will still be doing what it's doing and somebody has to challenge that, to say we are not giving you the money to pursue this policy the way that you were.

So do you really think the reform narrative could lose momentum?

I think eventually we'll see a new equilibrium reached in the policy discussions, where the reformers will find it harder to get airtime for their case. A useful way of thinking about the evolution of the international control system is 'punctuated equilibria'. Periods of stability are broken by periods of upheaval, before a new period of stability is reached. We're clearly in a period of upheaval and the reform narrative is winning at the international level. It won't continue indefinitely, so one of the ways to ensure specific change is to change how money is spent. Otherwise, when the discussion dies down, we'll find that institutions are still operating in the same ways they did before.

To what extent then has the drug war become unaffordable in an era of global austerity?

Well, I have some sympathy for the notion that what nations actually spend on executing the drug war is not enormous. For example, if you look at the international aid budget, the global drug war budget is far smaller. Something like Plan Colombia was a counter-insurgency budget – it was framed in drug war rhetoric and there was a huge drug policy component, but it wasn't specifically a drug policy intervention. But whatever money is allocated at the international level, put those resources into more effective interventions and you will see more effective outcomes. I don't think that the money spent on international level drug policy is breaking budgets; internationally, the USA spends about 5% of its total drug policy spend. At the national level, of course the picture is quite different for some countries. The US spends a fortune implementing its national drug war and this is something which is being scaled back by austerity. Further, the social costs (in many ways unquantifiable) are not captured by these kinds of figures. So although the international drug war budget isn't enormous, the social costs of bad policies – think increased murder rate in Latin America – are extreme, yet not liable to fall victim to austerity.

It is an interesting report in that, despite the title, it does give a role for prohibition.

We can only extrapolate so far – this is an economic report and so it has to be evidence-based and the evidence base around the impact of enforcement is pretty minimal; what will happen under a regulated market is largely conjecture. We can make extrapolations based on economic modelling. The best of this I have seen is that prohibition in and of itself raises prices significantly. If we take it that drug use responds to price, then it makes sense that if prohibition is raising prices, it is probably also reducing consumption. But can the damages that prohibition causes be sufficiently managed so that the costs of prohibition to society can be reduced to the point where it makes sense?

Spending huge amounts of money chasing everybody around who might be dealing or selling in that commodity has no proven value. Peter Reuter and Jonathan Caulkins calculate that you could roll back enforcement in the US by 50% and not see any significant increase in drug use. So the outcomes remain the same, but the social and economic costs are drastically reduced. We have to see if we can set limits on prohibition, see if

there is a workable model of prohibition. Personally, I am highly skeptical, but we are not going to get to a post-prohibition world immediately. And in any case, we don't want to run too quickly in the other direction; just because the drug war has been such a disaster, you don't run towards complete legalisation and commercialisation. As Mark Kleiman says in his chapter, then you will get an industry with lobbyists trying to sell more cannabis. So that's why we need to take an incremental approach.

Can you expand on the idea of the UN consensus breaking down?

Particularly after 9/11, the US became marginalised in a number of multi-lateral institutions. Russia quietly strengthened its hand in a lot of these, like the UN. The US has been scaling back on its global commitment to the drugs war since Obama took office; he said the US was not going to spend vast amounts of bi-lateral political capital enforcing its interpretation of the prohibitionist regime. The consensus began to beak down and you could see the fracturing. Russia sort of stepped in, in some ways took control of UNODC, but now you have the Ukranian crisis – so there is now a diplomatic freeze against Russia. That's having a huge impact on the degree to which Russia can control the narrative of international drug policy. In Vienna this year, the Russian foreign minister didn't show up. The Russian drug czar is not allowed into the US because he's on the sanction list. So the only other nation that could take a leadership role in the years ahead is China. But the Chinese are not going to expend political capital on this at an international level because Chinese policy is non-interventionist. So there is a power vacuum at the UN level.

So where should the UN be heading?

On the drugs issue, the questions should be – are we doing the right things to help prevent the spread of HIV and hepatitis? Are we protecting human rights? Are we preventing the blanket criminalisation of people who use drugs? We are doing all the wrong things at the international level, looking at all the wrong indicators.

Currently none of these things are enshrined at the UN strategic level apart from some grudging acceptance of a balanced approach. But the effort is still toward shrinking markets, shrinking demand and supply. What I hope to see in 2016 is a focus on public health and population security – and an acceptance that some states will experiment with cannabis legalisation and others won't. This will represent an important shift in the strategic trajectory away from the 'drug free world' mentality.

And where do the UN Conventions sit in this evolving landscape?

Far too much is made of the Conventions. They were written in a purposely vague manner. Going by the letter of the law, you would say that states can't legalise cannabis, but states have always interpreted the Conventions in relation to other international commitments, for example around human rights. The only part of the international system that the UN should say states adhere to is the control of the licit global market in opiates, because if they don't, the whole thing falls apart. But as far as national policies are concerned, if a country wants to legalise cannabis, so long as they are not exporting it, then in my view, it is debatable whether they are in contravention of the 1961 UN Convention. The US and Uruguay have claimed they are not in contravention and I have an awful lot of sympathy for that view. Overall, the point is that the Conventions are what states decide to make of them. They should never be seen as a barrier to states improving international drug policy, even if that goes against previously held interpretations.

You are quite critical of the role of the INCB in your report.

States are the executors of the treaties. There is some bizarre notion that INCB is the executor of the treaties. INCB was created as a technocratic body to receive from states the numbers relating to the amount of licit opiates they require. INCB looks at those numbers and then determines what the supply is on the international market and they report back to the Commission on Narcotic Drugs. The idea that INCB are somehow 'the guardians of the Conventions' is a purely political creation – not mandated under any international agreement.

Do you think we have reached any sort of tipping point in relation to the execution of international drug policy?

I think 'the revolution will not be televised' is the way it will happen. It is a quiet evolutionary process; the rhetoric has changed dramatically in just a few years. The Russian head of UNODC said that he doesn't understand how Uruguay can say they are not in breach of the Convention, he doesn't understand the logic, but accepts it because they are a member state. This is the kind of shift we are seeing at the UN; Yuri Fedotov is acknowledging that all he is, is a functionary – a lot of UN rhetoric was paper tiger stuff; it pretended it could enforce the system.

With UNODC resource allocation, I think we have to see a democratisation of the budget. It's not sustainable that the most conservative states fund UNODC. It results in an international focus on the wrong kinds of policies – all those efforts to reduce supply. There is no evidence that they work at the margins and there is a large body of evidence highlighting the damage they cause and the destabilisation, yet enormous efforts and resources are directed towards them.

To read the full report, go to: http://www.lse.ac.uk/IDEAS/publications/reports/pdf/LSE-IDEAS-DRUGS-REPORT-FINAL-WEB01.pdf