

International Drug Policy Consortium Memorandum To House of Commons Home Affairs Committee: 'Cocaine Trade'

Executive Summary

1. Repressive strategies to reduce the demand and supply of cocaine have failed and have resulted in unintended negative consequences in the UK. In many 'producer' or 'trafficker' countries international collaboration or outside pressure towards repressive strategies have also contributed to violence and drug related crime, politicized crime, and corruption at intolerable levels such that democracies have been undermined.
2. An objective and open debate of alternative paradigms is now required, not least with regards to law enforcement approaches.
3. Any new paradigm should involve: users being treated as a matter of public health; efforts to reduce consumption taking the form of information, education and prevention schemes, and proportionate repression being limited to organised crime.
4. All policies should be evidence based and further resources should be allocated to a cost-benefit analysis and an impact assessment of current strategies.

Introduction to the Submitter

5. The International Drug Policy Consortium (IDPC) is a global network of NGOs and professional networks that specialise in issues related to illegal drug production and use. The Consortium aims to promote 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 harm. It produces occasional briefing papers, disseminates the reports of its member organisations about particular drug-related matters, and offers expert consultancy services to policymakers and officials around the world. This memorandum draws on the work of our members.

Terms of the Inquiry

6. Because of the high-level focus of IDPC this memorandum is limited to those terms of inquiry appropriate to our expertise.
 - Whether cocaine powder is now a street drug rather than just one used recreationally by the relatively well-to-do:
7. Both in the UK and abroad, cocaine powder straddles both the street drug and the recreational market.
 - The Influence of 'celebrity cocaine culture' as criticised in the UNODC's critical report on the UK last year:
8. The influence of celebrity drug offenders was actually criticized in the report of the International Narcotics Control Board ('INCB') in 2007. Whatever the merits of this criticism, IDPC noted with

much disappointment the absence from this report of more pertinent issues. For example, an essential aspect of the role of the INCB is to ensure the adequate supply of licit “medical and scientific” uses of substances controlled under the 1961 and 1971 treaties, yet the report made no comment on the shortage or illegality of methadone or buprenorphine treatment for addiction (both essential medicines according to the World Health Organisation) in countries across the former Soviet Union and Asia. Likewise, despite its mandate, the INCB remained silent in this report on the human rights abuses perpetrated in Thailand in the preceding years as well as the many deaths caused to children and others unconnected with drug-trafficking that resulted from police incursions into Rio’s favelas to fight Brasil’s ‘war on drugs’.

9. Unfortunately, international collaboration on drug policy cannot be safely delegated to the United Nations. The high level review of international drug policy which took place between 2008 and 2009 under the auspices of the United Nations Office on Drugs and Crime was extremely disappointing, notwithstanding the best efforts of the UK delegation and a small minority of others. In particular, there was a total unwillingness to confront the real policy dilemmas or acknowledge the situation on the ground with respect to the drug problem. The resulting political declaration was weak and inconclusive and belied the system wide incoherence of the UN. Individual states must therefore take individual responsibility for their part in causing as well as for resolving the cocaine and other drugs problems.

- The effectiveness of advertising campaigns in deterring use:

10. There is a desperate scarcity of research or evidence on this topic and indeed on other prevention methods, nevertheless huge amounts of money are spent on advertising and other such schemes. On the other hand, enforcement efforts having failed and the only hope of solving the drug problem lies within reducing consumer demand. Rectifying this problem by way of commissioning research and impact assessments of prevention strategies (and allocating appropriate resources for this task) is therefore imperative.

- Trends in the use of crack cocaine:

11. In the UK, the retail trade in crack at low street-prices has been a fixture since the early 1990s; a decade that saw a rapid increase in users which now appears to have slowed. Crack use and trade takes place in 3 main contexts: crack houses, delivery markets, and open street dealing. Vulnerable users who are tenants can have their homes taken over by dealers or engage in sex work or low-level dealing to fund their addictions. These abusive situations, which are also detrimental in public health terms, are a clear example of the negative unintended consequences of the repressive strategies in the UK. Vulnerable people are criminalised by virtue of their addiction and are therefore unable to obtain support without fear of recrimination.
12. High levels of violence surrounding crack markets and houses have been reported by the media and others. This is a logical connection because of the nature of crack and its use as well as the black-market trade and correlating efforts at repression by police. This is another example of one of the negative unintended consequences of the repressive drug control strategies in the UK.
13. On the other hand - drawing on the Beckley Foundation Drug Policy Programme Report *Drug Markets and Urban Violence: Can Tackling One Reduce the Other?* - closed markets (i.e. less crack dealing from fixed locations and dealers preferring to sell only to people that they already know) have been seen to significantly reduce the violence associated with the trade and use of crack. Also as socio-economically deprived neighbourhoods and individuals are more susceptible to crack related

problems, gentrification / community development schemes have been seen to have a beneficial effect on the problems associated with cocaine trade and use.

14. The effectiveness of the relatively recent UK diversion scheme for crack users into treatment via the criminal justice system and the closure order facility is yet to be assessed or subject to a cost-benefit analysis. Such assessment should be undertaken and should also include a human rights and civil liberty impact assessment, particularly as these schemes raise concerns about informed consent, proportionality, and the right to a private and family life.

- International collaboration: the responses of the producer countries:

15. The disaggregation of countries into the categories of producer, consumer, or trafficker must be undone. Such disaggregation belies a lack of understanding that where trafficking is disrupted or difficult, consumer demand is such that production is displaced and will appear in a country that might otherwise consider itself a consumer (including production of precursor chemicals). In addition, where supply reduction measures such as crop eradication are stringently employed, cultivation will move to another area (this is known as the 'balloon effect' – squeezing a balloon in one place makes it expand in another). Such measures have been shown not to reduce the supply of cocaine on the world market but simply to displace cultivation away from targeted areas.

16. What is required is an understanding that responsibility is shared between the different actors of the production, traffic and supply country-chains.

17. There is no doubt, that the 'producer countries' have sought to meet their side of this responsibility, prioritising it, in many cases, over environmental, democratic, and human rights concerns – see Plan Colombia. Despite these many sacrifices, the countries involved have not seen a sustainable reduction in their production and export of cocaine.

18. IDPC has long called for a shift in attitude as to the merits of international collaboration, focused as it currently is on the goal of eliminating or significantly reducing the cultivation of coca leaf. There should be instead:

- a. An alternative livelihoods approach which puts socio-economic development and human rights protections at the core of international efforts. These efforts should be 'main streamed' into the broader development agendas of national and local governments, donor countries and international financial institutions for both improving overall quality of life (access to health care, education, etc) and promoting economic development to increase opportunities for employment and income generation.
- b. A long term international commitment to address the root causes that are driving illicit crop cultivation, such as armed conflict, human insecurity and poverty, in order to achieve sustainable alternatives for communities in the affected areas.
- c. Support for the decriminalization of farmers involved in the development of coca-crops and willingness to work in partnership in development with them
- d. An end for forced eradication (including aerial spraying) and for the adoption of the principle that development assistance should not be made conditional on reductions in illicit drug crop cultivation. Once alternative livelihoods are in place, then work can begin in collaboration with local community organizations and members to reduce and if possible eliminate crops destined for the illicit market.

- e. Recognition of the traditional cultural and beneficial attributes of the coca leaf and support for its continued use for such purposes.
- f. An assessment of the impact of international trade agreements, high tariffs and national subsidy schemes to identify obstacles for legal agricultural products from illicit drug producing countries to enter the international market.

19. IDPC therefore supports the call of Bolivia at the 2009 Commission on Narcotic Drugs that coca should be removed from Schedule One of the 1961 Convention on Narcotic Drugs as well as the findings of the Latin American Commission on Drugs and Democracy.

- International collaboration: the EU's external borders:

20. With reference to the EU drug strategy 2005 – 2012, the EU remains the only region in which a defined, and relatively strong, structure exists for comprehensive drug policy development and review and this is welcome. Nevertheless, the 2007 Report of the Annual Report of the European Monitoring Centre on Drugs and Drug addiction reveals that despite a significant increase in drug seizures and arrests in the EU in recent years, drug supply and use in the EU has remained generally stable since 2004, and there have been worrying increases in other areas, particularly with regards to cocaine.

21. The movement of drugs to markets in Europe is associated with very high levels of violence in the transit regions and lessons should be learned from the experience of others. For example, we know that the collaboration between Mexico and the United States (the military crackdown on the back of the promised Mérida initiative) has led to a very high death toll from extreme drug related violence and has caused the opening up of new trafficking routes via West Africa. The problem has not been resolved, merely (at best) displaced and this is not, therefore, a responsible strategy.

- The police response: possession and dealing:

22. Looking to other jurisdictions, it is clear that repressive models have not been effective in reducing crack / cocaine use or the harms caused by the drug. Certainly efforts which fill prisons with low-level crack dealers and users make little impact on the drug trade and cannot be justified. Indeed, it is clear that state action itself can be a major contributor or cause of urban violence and human rights abuses. Furthermore, heavy handed policing can undermine confidence in the state as well as reduce the collective ability of communities to control disorder. The police response must therefore be proportionate and combined with efforts to reduce socio-economic disadvantage, as well as harm reduction and prevention strategies.

23. IDPC has initiated a project whereby senior law enforcement professionals are brought together from different jurisdictions to discuss and develop more effective drug law enforcement programmes. The preliminary conclusions of this project are that:

- a. A consequence of current policing strategies is the creation of a massive and lucrative black market that can be and is exploited by organized crime, significantly increasing its power and reach. Law enforcement actions against these markets can create the conditions that favour the most violent and ruthless criminals;
- b. Successful operations against a particular dealing network leads inevitably to an upsurge in violence as new dealing groups fight over the turf left vacant (the balloon effect);

- c. Finite resources are wasted on ineffective strategies and tactics – the result, of course, is that there are fewer resources available for more effective actions;
- d. Drug users are marginalized. Law enforcement action against users, and the surrounding social disapproval of their behaviour, is often counterproductive to our objective of reintegrating them into mainstream society. Criminalising, arresting and imprisoning drug users has not been shown to deter drug use, but does have the effect of breaking up their positive family and community ties, and undermining their access to health services, jobs and education.

24. The IDPC effective drug law enforcement project therefore recommends a new set of objectives and priorities for law enforcement action against drug markets and drug use which focus on outcome indicators, measuring drug related crime, and its contribution to health and social programmes. In particular, priorities should be to refocus the fight against organized crime; reduce market market-related violence; refer dependent drug users into treatment; and support public health programmes.

Recommendations

25. Further to the recommendations contained in the discussion of the terms of inquiry above, IDPC would echo some of the recommendations of the European Commission mid-term evaluation of EU drug strategy:

- a. The evidence base regarding supply reduction interventions needs to be strengthened, and law enforcement actions that aim to reduce the negative consequences of the drug trade, as opposed to its scale, need to be given more emphasis.
- b. All engagement with other countries (through multilateral forums and funding programmes) should emphasise the EU commitment to a balanced approach to drug policy, based on adherence to fundamental human rights standards.
- c. More effort should be made to address the current gaps in information and policy analysis, to ensure that future policies are based on sound evidence.

26. IDPC would further recommend:

- d. A clear framework be created for analyzing the effectiveness of law enforcement activities in reducing the supply and availability of cocaine;
- e. Investment in statistical research to test reports of cocaine and crack related violence;
- f. Government should seek to reduce the levels of economic disadvantage and inequality in UK cities, especially within those most affected by the drug trade, as well as abroad in 'producer countries' in order to meet its duties of alternative development.
- g. The focus of efforts should shift from reducing the cocaine trade to reducing the harms caused by the cocaine trade.

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