

IDPC BRIEFING PAPER

ANTONIO COSTA'S SPEECH TO THE HIGH LEVEL SEGMENT OF THE 2009 COMMISSION ON NARCOTIC DRUGS (CND)

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 organizations about particular drug-related matters, and offers expert consultancy services to policymakers and officials around the world.

Member states and NGOs look to Antonio Costa, as the Executive Director of the United Nations Office on Drugs and Crime (UNODC), to provide objective leadership in presenting the latest evidence on global drug problems, and in stimulating the debate on how best to tackle them. His speech to the High Level Segment of the 2009 Commission on Narcotic Drugs was therefore much anticipated. Delivered in the opening session on 11th March, the speech drew heavily on a discussion paper published by the UNODC shortly before the meeting – ‘Organised Crime and Its Threat to Security’ (V.09-81081). This speech, and the paper on which it is based, continues a trend in which Mr Costa presents some interesting and helpful arguments that member states should seriously consider, but sometimes undermines the strength of his analysis with unnecessary rhetorical flourishes and the inaccurate use of data and evidence.

The theme of the speech is the threat posed to communities and society by the growing wealth and power of organised crime, which is built on profits from the trade in controlled drugs. This develops the analysis of one of the ‘unintended consequences’ listed in Mr Costa’s speech to the 2008 CND. While this is welcome, it would have been helpful if this year’s speech had given more prominence to some of the other areas of collateral damage of the system that also cause huge harm to society: the stigmatisation and social marginalisation of people who use drugs, and ‘policy displacement’ – the expenditure of huge amounts of public resources that could be better invested elsewhere.

Mr Costa estimates that the illegal global drug trade is valued at over \$300 billion per year, greater than the Gross Domestic Product of all but the largest 20 national economies. There are no available estimates of the proportion of this market that is controlled by organised crime (for example, a growing proportion of cannabis consumed in Western Europe is produced and distributed through social networks), but it is reasonable to assume that high profit margins for those who control the major trafficking routes ensures that the resources available to organised crime groups can be measured in the tens of billions, giving them unparalleled power to corrupt and undermine legitimate authority.

Mr Costa rightly calls on the international community to give greater attention to this threat, and identifies areas where more impact may be achieved in tackling it – greater integration of the activities of donors, governments,

and law enforcement agencies; a focus on anti-poverty and social inclusion programmes to strengthen community resistance; and greater use by governments of their powers conferred under the UN Conventions on crime and corruption. These are all reasonable requests, but Mr Costa refrains from addressing the most difficult dilemma that this raises – that, in order to prioritise the objective of reducing the power of organised crime, law enforcement authorities may need to lose their singular obsession with eliminating or reducing the scale of the drug market. Currently, law enforcement success is measured in terms of the number of arrests and the scale of seizures, irrespective of whether these lead to an overall reduction in criminal activity. Similarly, it is conceivable that certain operations may be successful in reducing corruption or violence, without necessarily reducing the scale of the illegal drug market – moving the trade in a certain drug from the hands of large scale producers into domestic or social networks is one example.

Notwithstanding these outstanding questions, it is a positive development that the UNODC is encouraging attention to these new ways of thinking. There are other aspects of the speech that we find equally constructive:

- Mr Costa repeatedly states that health should be the priority of the drug control system ('drug dependence is an illness', 'place health at the centre of drug control', 'put addicts in the hands of doctors rather than policemen', and 'the challenge is to re-integrate marginalised segments of society and draw them into, rather than push them out of, the law'). This leadership is very welcome, but he must realise that this exhortation will require a major refocusing of UN and national government programmes to become a reality – the balance of resources invested by governments is still massively weighted in favour of enforcement activities, and the CND itself remains deeply uncomfortable with the idea that it should be responsible for improving the health of mankind. This is evidenced by the CND's repeated difficulties with finding a rational position on HIV prevention and harm reduction.
- Mr Costa emphasises the potential for prevention, treatment and harm reduction activities to be integrated and mutually reinforcing, rather than being seen as distinct alternative belief systems. In a truly integrated system, law enforcement actions should be careful not to further stigmatise and marginalise drug users, prevention and treatment services should recognise the complex set of factors that lead to drug use and dependence, and harm reduction services should be seen as a mechanism to keep users alive and healthy, and to start them on the path to recovery.
- Mr Costa recognises the limitations of simplistic responses to drug problems – eradicating crops is ineffective without addressing the poverty that drives growers; criminalising drug use is ineffective without addressing the complex health, social and emotional factors that are involved; and disproportionately harsh punishment of those involved 'abdicates the state's duty to protect its citizens, and violates human rights'. We agree completely with this analysis, and call on all governments (and the UNODC) to reflect such sophistication in their policies and programmes.

But now we need to turn to our disappointments with the speech. In our responses to several recent publications from the UNODC, we have bemoaned their willingness to make confident statements on the state of the global drug market, or the impact of the drug control system, based on data collated through the ARQ and BRQ reporting system. In this fashion, Mr Costa confidently claims in his speech that:

- '40,000' tons of opium were produced a century ago. In fact, this figure, which is based on a report of the Chinese delegation to the Shanghai International Opium Commission in 1909, was questioned at the Commission itself. In reference to the Chinese delegation's report, an article in the *British Medical Journal* of January 8, 1910 noted, "The statistics in this report are of very little value... They were challenged by the British delegates, with the result that the Chinese delegation has represented to the Government the necessity of obtaining more reliable data. The figures dealing with the growth of the poppy and the consumption of opium are, as a rule, nothing more than rough estimates or mere expressions of opinion."¹ The figure certainly cannot be used as a baseline against which current efforts can be measured.
- 'Coca cultivation in the Andes is down by almost a fifth since 10 years ago'. In fact, this is a highly selective statistic. We assume that Mr Costa is referring to the total amount of hectares under cultivation, which peaked at 221,300 in 2000, according to the World Drug Report 2008. The same source reports the

1 See Transnational Institute, *Rewriting History: A Response to the 2008 World Drug Report*, Drug Policy Briefing 26, June 2008. <http://www.ungas-sondrugs.org/images/stories/brief26.pdf>

2007 area under cultivation as 181,600 hectares. The well publicized discrepancies between these UN data and those provided by the US government highlight their chronic unreliability, and the caution with which they should be approached. Moreover, WDR figures show that the area under cultivation has been rising in the last couple of years, and has reached its highest level since 2001. Most significantly, illicit cocaine production techniques have improved greatly over the last 10 years, with the result that estimated production climbed from 879 metric tons in 2000 to 954 in 2007 despite the alleged shrinkage in hectares under cultivation.² Hardly the ‘elimination or significant reduction’ sought by the international community at the 1998 UNGASS.

- ‘Our statistics are as robust as they could possibly be’. In fact, all the figures used by UNODC are based on government returns through the Annual and Biennial Reports Questionnaires, a system acknowledged by all observers, and by Mr Costa’s own staff, as far from robust – how can a data source that relies on governments reporting on their own achievements, that has no independent data checking mechanism, that has a return rate of less than 50%, and to which only a small number of returns contain real data (as opposed to estimates made by officials), be described as ‘robust as they possibly could be’?
- ‘UNGASS must have played a role in this’ (the limitation of illicit drug use to an estimated 5% of the global adult population). In fact, no attempt is made to demonstrate a causal link between the supply and demand reduction activities promoted at the 1998 UNGASS, and the apparent stabilisation in levels of drug use in some parts of the world. We have repeatedly urged caution on the assessment of global ‘containment’ of the scale of the illegal drug market – the available data come overwhelmingly from rich western countries, with no clear data trends in much of Africa and Asia, nor such populous countries as Russia and China, where other indicators suggest that the problem may be growing. Furthermore, the factors driving these trends are poorly understood – it may be that any stabilisation is a result of the natural ebb and flow of social movements, or socio-economic factors that are nothing to do with drug policy.
- ‘The largest share of the world’s drug trade and abuse can be traced to a few blocks in a few neighbourhoods in a few big cities.’ In fact, there is no evidence provided to back up this claim, and it doesn’t seem to correspond with the evidence available. General population surveys show that drug use exists across all social classes, both genders, and almost all ethnic groups. It is prevalent in urban and rural areas. If there is sometimes a concentration of the market, this is most likely to arise from the natural coming together of sellers and customers – if, as is being suggested, our actions were focussed on those concentrated markets, we would surely need to consider the balloon effect that Mr Costa rightly warns us about.

These specific instances of over-interpretation lead Mr Costa to a major, and potentially calamitous, conclusion – that ‘humanity has made measurable progress’ in reducing the world drug problem, and by implication that our current strategies are effective. We find no evidence to support such an upbeat and complacent conclusion. Indeed, a much more extensive research study into the nature and scale of the global drug market, commissioned from the RAND Corporation and Trimbos Institute by the European Commission and published during the 2009 CND, concludes that the most reasonable inference to be drawn from the available data is that no evidence has been found to show that “the global drug problem was reduced during the UNGASS period from 1998 to 2007. For some nations the problem declined but for others it worsened and for some it worsened sharply and substantially. The drug problem generally lessened in rich countries and worsened in a few large developing or transitional countries.”³

Apart from one fleeting mention, Mr Costa chose to avoid using his speech to contribute to the most contentious debate of this review – that of harm reduction. This is in some ways understandable, as it would be easy for member states from either side of the argument to criticise him if they felt his comments were helpful to their opponents. But he could at least have made it clear that the fight against HIV/AIDS epidemics amongst injecting drug users is an urgent priority for the drug control system, and that the positions taken by the member states should not undermine his office’s responsibilities in this regard under the UNAIDS system. As it turns out, the lead responsibility within the UN division of labour for responding to HIV/AIDS transmission through injecting drug use falls to the UNODC. To this end, it manages a \$200 million programme of HIV/AIDS prevention

2 Data are drawn from World Drug Report 2008, pp.66-67

3 Peter Reuter and Franz Trautmann (Eds) *A Report of Illicit Drug Markets 1998-2007*, European Commission, 2009, p. 9.

and care, which is at risk of being seriously undermined by the decision of the CND to exclude harm reduction from its political declaration, in direct contradiction of the policies and programmes pursued by all relevant UN agencies, including the UNODC itself. Other UN leaders (the heads of UNAIDS and the Global Fund, the High Commissioner on Human Rights, and the UN special rapporteurs on torture, and on the right to health) were unequivocal in their calls to the CND to recognise the importance of HIV prevention, and to support proven harm reduction and human rights approaches – Mr Costa was silent. At the end of the CND, Mr Costa confirmed his determination to stay out of the harm reduction argument by referring to the previous week's controversies (in which 26 countries had formally registered their disagreement with how harm reduction had been handled the political declaration) as a 'storm in a teacup'. More active leadership on this issue will be required in the future, if UNODC is to continue to be trusted with its allocated responsibilities under the UNAIDS programme.

Finally, Mr Costa once again used this speech to repeat some extremely injudicious and offensive remarks directed at individuals and organisations who believe that the legalisation of drugs will lead to less health and social harm to individuals and communities. Mr Costa refers to these groups as 'the pro-drug lobby', a deliberate attempt to equate a particular policy view with the promotion of drug use. He compounds this error by going on to compare such an attitude to the acceptance of paedophilia, an absurd but genuinely offensive statement that we can only presume is born from a wish to demonise those whose policy opinions he disagrees with. This is a level of disrespect and name-calling that should be beneath someone in a position of high office at the United Nations and we hope that we do not have to witness it again. Moreover, in once again articulating the policy options as a polarised choice between prohibition and legalisation, Mr. Costa fails to acknowledge the reality that there are a wide range of alternative policy options -- including a harm reduction approach to both demand and supply side issues -- which ought to be considered in formulating more effective and humane drug control policies.

As we have stated above, much of what is contained in recent UNODC speeches and discussion papers shows a genuine willingness to grapple with complex and difficult policy dilemmas. This is the constructive leadership - free from bias, misinformation, and personal attacks – that we need in the coming years if real progress in drug control is to be achieved.