10 Years

TNI Drugs & Democracy Programme

1998-2008

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Introduction

TNI began working on the drugs question in 1995. We have been doing so largely from the vantage point of poor peasant farmers, many living in war zones in developing countries without any viable alternative sources of livelihood and most growing crops with an ancient cultural history, who are being further victimised by a draconian and highly militarised 'war on drugs' waged largely from the USA. Not only is it patently obvious even to the enforcers that the 'war on drugs' has been an abysmal failure, but there is a strong case to be made that it has caused more harm than that which it ostensibly set out to prevent. On this, we have found common cause with many organisations concerned with the drugs issue from the vantage point of users.

Since its establishment in the 1970s, TNI has always believed in the need to find global answers to global problems, been a strong defender of multilateralism and an advocate of a well-functioning United Nations which stands as the guarantor of universal human rights. On the drugs question, our position is straightforward: drug control should respect human rights. We defend the rights of farmers caught in the illicit economy to live a life in dignity. We favour decriminalisation of use and other minor offences. We defend harm reduction approaches where they are proven to save lives. We advocate differentiation among substances on the basis of health concerns.

In 1998, TNI began to work at the international policy level, attending the United Nations General Assembly Special Session (UNGASS) on Drugs that year. We quickly learned that effective advocacy involves getting the right information into the right hands at the right time. Now, ten years on, we have established ourselves as a respected and grounded knowledge resource for anyone interested in policy alternatives on the drugs question, and a non-governmental organisation worth engaging with on the policy front. We have built an extensive network of influential policy contacts, producing over 50 publications directly aimed at and very well received by policy makers. We have won the respect of policy-makers in many countries, even among those who do not necessarily agree with all our positions. This is borne out by our capacity to co-organise successful policy dialogues at national, regional and international levels, involving policy makers from over 30 countries and many international agencies and the access we now have at the highest levels. Unusually perhaps, we have also managed to maintain both direct contact and the trust on the ground among the farmers' organisations with which we first began this effort. It is this combination of credibility both on the ground among those most directly affected by current policy and among those with power that has not only enabled TNI to achieve the impact it has, but has ensured that we have maintained our integrity throughout.

Ten years on, the UNGASS review is now due. TNI felt it was time for us to take stock of how we have been working and what we have achieved. We do this both for our own internal purposes and to share these reflections with other NGOs that will attend the 'Beyond 2008' global NGO forum on the 1998-2008 UNGASS review, in Vienna in July 2008 – in the interests of improving the knowledge and capacity of NGOs engaged in the policy process. We do it, too, to provide all the policy officials with whom we have worked over the past decade with insights into the unique role TNI has played and further elaboration of how we have positioned our advocacy. This exercise is also a follow up to a broader evaluation of TNI's work in which our partners and bigger network of contacts have been consulted by an external consultant on perceptions of our value added. The feedback regarding the Drugs & Democracy programme has been overwhelmingly appreciative – even from those who are not necessarily our allies. The one area of criticism has been that we need to more regularly do the exercise that this document now reflects.

We trust that our efforts to document TNI's modus operandi as regards drug policy engagement can make a constructive contribution to discussions about the value of an enhanced role for grounded civil society organisations in international policy making. We hope too that all who read this document will pay special attention to the chapter on Challenges for the Future, which attempts to lay out the principles for a way forward and the context for assessing prospects for progress on these. Some progress has been made over the past ten years in this direction, but it will require a concerted effort on the part of all those who are committed to the principles outlined to ensure that the UNGASS review does not result in regression.

TNI's thanks go to all those who have worked closely with us over the past thirteen years – the farmers' organisations – particularly in Bolivia, Colombia, Peru; our NGO partners – particularly the Washington Office on Latin America, Acción Andina, the International Drug Policy Consortium and its member organisations, and the Andreas Papandreou Foundation; our publishers in Ecuador, Thailand, Colombia; and our donors, who have had the foresight and the courage to support our work – in particular the Samuel Rubin Foundation, the Open Society Institute, the Dutch Ministry of Foreign Affairs, and the GTZ on behalf of the Government of the Federal Republic of Germany. Support in the earlier stages of the programme was also received from Oxfam-Novib, Trocaire, the European Commission, the Network of European Foundations and the Heinrich Böll Stiftung. We thank too, all those policy officials within countries and within UN bodies who have either directly assisted us in giving us access to information and policy circles, participated in our policy dialogues or been otherwise willing to engage with us. We thank them all for their openness, their trust, and their respect. We thank, too, the academics and journalists who have helped TNI make a serious contribution to better public knowledge of the complexities of the drugs issue and help shift the discourse towards a more sensible, holistic and humane approach in dealing with the drugs question.

As Director of TNI, I would like to pay special tribute to our staff and our brave researchers on the ground in some of the most dangerous places on earth, for their dedication and unfailing integrity, their courage in the face of adversity, and their tenacity in what can be a very slow and tedious process of change. The ever lucid, carefully considered strategic leadership of our Martin Jelsma deserves special mention.

Fiona Dove
Executive Director
Transnational Institute

Chapter 1

Our mission, our vision

Transnational dialogue: Local dynamics, global context
Martin Jelsma

The beginning: Spanning the divides

Since its inception in 1974, the Transnational Institute (TNI) has maintained an international network of committed scholars, spanning the divides between activists and intellectuals, as well as the divide between the North and South. The overall mission of the institute is to promote research, analysis and advocacy in support of those movements pursuing a democratic, equitable, peaceful and environmentally sustainable world. Keeping clear of any specific ideology, TNI is an independent, international organisation guided by a vision of emancipation from poverty and injustice. Different programmes have focussed on international trade issues, regional integration processes, global security issues, energy and water policies, carbon trade and agro-fuels, etc. Connected to social movements in the South, TNI's primary focus is on global issues and on 'transnational' dialogue.

The TNI Drugs & Democracy programme was created in this context - in 1995 - and originated from previous work with farmer's organisations in Latin America, the continent where most of the programme's activities took place in the early years. The main objective of the programme was 'emancipation from poverty and injustice' for those people caught up in the illegal drugs economy and victimised by a repressive 'war on drugs'. A major concern was that the still fragile transition in Latin America from the era of military dictatorships and civil wars to democratisation and peace building was under a dual threat. On one hand, powerful drug trafficking groups added a new chapter to the history of violence in the region and were corrupting state institutions and security forces. On the other hand, the intensifying war on drugs provided the military apparatus in the region with a renewed mission that ran counter to the post-dictatorship demilitarisation attempt and re-legitimised a continued US military presence in the entire region.

To the point, unpompous and useful

For the last five years I have been engaged in research on the world heroin industry. For hard-to-study countries such as Burma, there has simply been no source so valuable as the publications of the TNI Drugs & Democracy programme.

They are both objective and compassionate, reflecting a sense of the realities on the ground and an understanding of the policy constraints. Policy positions are argued fairly, no-one else's views are caricatured and there is a dignity to the effort that is unusual in the field of drug policy research in any country.

The TNI Drugs & Democracy programme offered me an unusual opportunity to interact with policy makers as a member of its delegation to the Commission on Narcotic Drugs in 2007. I was again impressed with the seriousness of their effort to combine analysis and policy effectiveness. The two conferences I have attended have been to the point, unpompous and useful, an adjective that I suspect TNI very much approves of.

Peter Reuter
School of Public Policy and Department of Criminology, University of Maryland

TNI mission meeting with UWSP leaders in Panghsang, capital of the Wa region in northern Burma, September 2003

In line with the overall TNI mission, the initial stage of the drugs programme therefore focussed on networking across Latin America with farmers groups, human rights activists, academics and politicians, and on analysing the destabilising impacts of the illegal drugs economy and the war on drugs on the attempts to steer Latin America in a democratic, equitable, peaceful and environmentally sustainable direction. A regional network was established, papers and books were written, and many seminars and conferences were held.

Expanding our scope: A global vision

Soon we were drawn into urgent and specific issues that were high on the agendas of our partners and colleagues in the region. The dramas caused by chemical spraying in Colombia; the establishment of new US military anti-drug bases in Ecuador, El Salvador and the Dutch Antilles after the closure of the Panama base; the threat of the start of a biological war against coca and opium crops; stepped-up forced eradication operations in Bolivia and Peru with human rights violations and deepening social conflicts; the difficulties of implementing alternative development projects in the region based on community participation and without interference from eradication forces; Plan Colombia and the drug-related obstacles in the Colombian peace talks between FARC guerrilla and the government; and the legal market for natural coca products and the options for expansion and export. In all these issues we became deeply involved, working closely with our newly established network in the region.

At the same time, and true to the nature of TNI, we started to 'transnationalise' the scope of our programme. It is clear that all these issues with their local dynamics and specificities have a global context. Drug control policy is rooted in a set of multilateral codes embedded in the 1961, 1971 and 1988 UN drug control conventions. The coca leaf is included as a prohibited narcotic drug in the 1961 UN Single Convention. In Europe drug policies had been evolving in a different direction, diverging from the US-inspired strict zero-tolerant attitude that has dominated so much developments in Latin America. Contestation of the predominant model of a militarised war on drugs in Latin America could well benefit from the European and global debates around harm reduction and alternative development representing more humane approaches towards drug users and farmers. Comparisons with similar situations in Southeast Asia and Afghanistan were another logical step to take because, however different the historical context, lessons learnt in one region of the world can often be applied in another.

Inspiring team commitment

Drugs have become defined as simply a 'problem' related to public health – addiction - and of public disorder – deviance. Due to these connotations the policy and its institutions have adopted a repressive approach to them. Institutions create and re-create social constructions through legislation and policymaking. Ironically, despite failing in eliminating drugs, institutions argue for increased resources in order to persist in this strategy, without wondering about its worthiness.

It is vital that activists, researchers, experts, academics, concerned citizens and committed politicians challenge this anachronistic state of affairs. Challenging such obsolete social constructions about drugs will take time, effort and cultural awareness. Likewise, changing political decisions in Colombia requires social participation and political will. However, war and intolerance continue to diminish any attempt to question the current status quo.

During 2001-2002, I worked as a research assistant for the TNI Drugs and Democracy programme. The team commitment and generosity were very inspiring. This experience encouraged me to further my education and last year I completed my PhD about cannabis policy in the United Kingdom. There are lots of things still to do in this field, and I believe that the work of the programme around the world has contributed to a better understanding of this complex topic. Happy Birthday!

Dr. Beatriz Acevedo
International drug policy researcher

The UN level of drug policy making became an important arena for our programme, especially since the General Assembly devoted a special session to the global drugs issue in 1998 in New York. The particulars of our 'love-hate' relationship with the UN drug control system and its Vienna-based agencies are described in detail further on.

Keeping close connections to the ground

TNI programmes are not academic exercises to study interesting and complex issues in the world. We do research and organise events for a purpose. To put it simply, we want to make the world a better place and everything we do should be a meaningful contribution to that end. Problems are easier to identify and to study than solutions, and the most difficult part of all is to design a workable strategy for change. Once the root causes of problems are analysed and an outline of possible alternatives is envisioned, the real challenge only starts: the strategy and tactics required to move reality into the desired direction. While working on the many urgent local actions, we developed a global vision. Simultaneously, local visions also led to global actions. A series of operational principles evolved that are fundamental for the strategy for change that we pursue.

It is essential to closely keep in touch with the daily realities on the ground for many reasons. To start with, if our prime motive is to contribute to 'emancipation from poverty and injustice' we must fully understand the problems people are facing who have become addicted to drugs, who are involved in the illicit economy or who are victimised by repressive drug control efforts. We also need to know how they themselves think how their situation can best be improved. This, we feel, is always a better starting point than any 'solution' we may be able to think of from our central office in Amsterdam. It has also proven beneficial to our own commitment and motivation. Maintaining a balance between spending time on the ground and moving around in the comfort of international academic or policy conferences helps us keep sight of the reasons why we got involved in these issues.

Maintaining a close connection to the ground also reminds us of the urgent need to work hard for more humane alternatives. A visit to a just-sprayed coca farm in southern war-torn Colombia, an Afghan farmer indebted for the rest of his life after his opium field is destroyed, Burmese drug users working in the sex industry or dealing heroin in China, or visiting a prison in Bolivia, are all quick reminders of our basic mission. Coming back from such visits and then entering the conference halls in Vienna sometimes can be a surreal experience that feels like flying to the moon. Maintaining a close connection to the reality on the ground not only involves certain choices for field visits by our Amsterdam-based team, but also means a preference to involve local researchers in our projects who have trusted relationships with farmer communities, drug users or dealers.

'If only those with power... would listen and incorporate the experience of those who have first hand knowledge of the reality of the situation on the ground – the results would transform the ideas of leadership and decision-making'.
Mary Robinson, Former UN High Commissioner for Human Rights, 1996

Non-judgemental, open-minded in all directions

We talk with everyone, avoiding any prejudice. The illicit drugs economy is prevalent and there are many different reasons for people to become involved. We want to understand these reasons because only from there one can begin to think of how to address and reduce the problems related to illicit activities. With regard to drug consumption, there are few reasons to start from a judgemental attitude at all. A large group - probably the majority - uses psychoactive substances to enhance performance or joy in life. The choice of drug is often related to cultural or subcultural circumstances or to a preference or desire for stimulation or relaxation. Then there are those who use illicit drugs as self-medication or to cope with or escape from social or psychological problems. While most drug use is not recommendable from a health perspective and is better prevented, only a minority of users gets into serious problems. They need assistance to break the habit and address the problems that led them to take drugs in the first place.

There is a huge grey area between licit and illicit substances. Today's distinction is artificially created by the UN conventions. Alcohol - still strictly prohibited in several Islamic states - is freely available in most countries in spite of significant health and addiction problems. Only recently, multilateral norms for tobacco control have been established by the WHO. Pharmaceuticals with their public image of 'medicines' are widely used for non-medical purposes and there are expanding black markets for prescription drugs, in several countries now overtaking

Tom Kramer in opium field in Nangarhar Province in eastern Afghanistan, 2007

the market of illicit drugs. The use of coca - strictly prohibited outside Bolivia, Peru, Argentina and some indigenous reserves in Colombia - is comparable with coffee, only less harmful. Many other psychoactive plants - such as khat, kava kava, guarana, ephedra, kratom, salvia divinorum, ayahuasca, hallucinogenic mushrooms - are somewhere in the twilight zone between licit and illicit, depending on national legislation. This wide diversity of substances and consumption patterns leaves little space for moral judgement or criminalisation. Rather, it requires wise and differentiated policies of harm reduction, prevention, treatment and care.

We take a similar non-judgemental approach to farmers cultivating drug-linked crops, harvesters, those employed in illicit processing, dealers and couriers. After all, most are caught up in the illegal economy because of a lack of legal income opportunities that enable them and their families to live a life in dignity. In absence of sufficient survival options, many people from poor marginalised areas migrate to regions or countries where they hope to find better opportunities. Others 'migrate' into illegality. We talk to all of these people without condemning the choices they had to make given circumstances and dilemmas that we fortunately never have to face ourselves.

When violence and human rights violations come into the picture, obviously the 'relationships' aspect of our programme becomes more complicated. Still, we firmly believe that conflicts can only be resolved by a thorough understanding of their root causes and through a process of dialogue. So, yes, we regularly talk privately with the FARC in Colombia, with warlords in Afghanistan, ceasefire and armed groups or military authorities in Burma, 'comandos' in the favelas of Rio de Janeiro and drug traffickers elsewhere if we have the opportunity. Over the course of the years we met several people high on the US list of extradition requests. And, no, we do not feel compromised by talking to people even if some of them may have blood on their hands. Understanding - which is not the same as condoning - and dialogue are indispensable for de-escalation and for moving forward with a peace building agenda. After more than a decade of experience, we know of no examples where it has proven possible to shoot, eradicate, demonise or imprison a group or a country out of these problems.

Thorough understanding of policy dilemmas

An essential component of our strategy is to understand in detail the dilemmas policy makers are facing. The drug policy field is highly politicised and it is the policy terrain with maybe the highest discrepancy between personal opinions of government officials and the things they - have to - say in diplomatic arenas. For TNI to operate effectively in such an arena requires comprehensive knowledge about how exactly these decision making processes work, what the obstacles are for a change of course, who the powerful players are and where cracks are opening in the predominating discourse. To obtain that insight we need trusted relationships with insiders. Over the years, we have built an extensive network of 'good friends in strange places'. Confidentiality is an essential element to maintain such contacts, which need to be able to trust us having access to internal documents or share information about delicate matters without fear of 'leaking'. We have learned much from these sources and our work would be impossible without them. Sometimes we wish we could thank them all by name, a gesture few would appreciate. Still, a large part of our research and analysis of policy-making processes and dilemmas is based on public sources.

The insight in the functioning of the UN drug control machinery has become one of TNI's specialisations. We probably can claim that there are not that many others in the world today with such an accumulated body of knowledge about the workings of the UN drug control system, its history, the three Conventions, the Commission on Narcotic Drugs (CND), the Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB). We have often been referred to as a 'watchdog' of UN performance in this area. This particular attention of the TNI drugs programme to the UN level of decision-making is also rooted in the broader TNI vision. Since its establishment in the 1970s, TNI has always been a strong defender of multilateralism, the importance of defining international norms for

Coca paste laboratory in Caquetá, Colombia

Opium harvest in the Wa region in northern Burma, May 2004

the common good, the need to find global answers to global problems and to have a well-functioning UN system. On many other issues besides the drugs issue, TNI has maintained good relations with UN agencies and is actively involved in reform efforts that aim to improve and strengthen a UN role in many fields.

No doubt TNI has sometimes been a nuisance to some UN drug control officials as we offer a critical perspective on the performance of the system as it operates today. There are fundamental issues, in the treaty system and the functioning of the agencies, that we think require urgent improvements. We have even expressed an angry tone on moments we felt the UN drugs agencies were out of step with established UN principles. Moments of sharp confrontation have been when UNDCP (UNODC's predecessor) became involved in developing mycoherbicides (fungi) to 'wipe out coca and poppy from the planet', when UNODC and INCB were obstructing a harm reduction agenda that could save millions of lives and UN-wide system coherence was at stake, when UNODC tried to downplay poverty as one of the drivers behind Afghan opium production, when the INCB took a harsh position against traditional coca uses, or when key UN publications such as the World Drug Report were tainted with politicised statements.

Our critique on such moments has always been made with evidence-based arguments and accompanied by constructive recommendations for policy improvements. The spirit behind our critiques towards UNODC has been meant to improve its functioning, reduce its unbalanced donor dependence (including by actively promoting donors to step in and support certain programmes) and to assist its role as a centre of expertise and neutral arbiter amidst drug policy developments around the world. We maintain good relations with various field offices and staff in Vienna. We are also working with the Vienna NGO Committee on Narcotics Drugs to improve conditions for a constructive dialogue and for civil society participation in CND sessions and the UNGASS review process. It is precisely our firm belief in the relevance of a well-functioning UN system and our sense of urgency to contribute to improve the performance of the drugs-related part within it, that leads us to sometimes harshly criticise current shortcomings and inconsistencies.

Policy dialogue process: An increasingly valuable asset

Out of our analysis of policy dilemmas and obstacles to change, we developed a format for informal policy dialogues. The discrepancy between diplomacy and corridor talk convinced us of the relevance of facilitating 'Chatham House Ruled' informal meetings, in a sense structured corridor talk in a confidential round-table setting. Our involvement in the Greek EU Presidency drug policy conference in Athens in 2003 presided by then Foreign Minister George Papandreou and the subsequent disappointing outcomes of the mid-term UNGASS review triggered a process of closer collaboration between the Papandreou Foundation (APF) and TNI and formed the beginning of a series of informal drug policy dialogues.

In an address on drug policy in 2002 in Brussels, Greek Foreign Minister George Papandreou said: *'If we do not speak openly, if we do not discuss these issues without taboos, we shall not be able to achieve effective solutions. The more open and frank we are, I believe the more easily we shall be able to arrive at certain joint positions.'* Noting a 'polarisation' between countries with more lenient policies and those favouring existing international drug conventions, Papandreou called for rising above rhetoric, *'ascertaining what works and what must be changed.'* In an article in a Greek newspaper he added: *'A first step in seeking new ways to approach drugs, should consist of a thorough evaluation of the international drug treaties. We must verify their effectiveness, shortcomings must be brought into the open and proposals must be tabled to find new ways for formulating and applying drug policies'.*

Since the first TNI/APF informal drug policy dialogue hosted by the Orthodox Academy on Crete, Greece, in June 2004, the policy dialogue process has become an increasingly valuable asset to the TNI drugs programme. Now, by 2008, there are many levels where we facilitate dialogues to create spaces for informal and open debates about possible future directions of drug control, many of them organised in collaboration with governments.

Round-table settings, free exchange of thoughts

In 2008, the fifth international dialogue session of the TNI/APF series will take place in Berlin, co-hosted by the German government. Previous sessions have been co-hosted by Greek (June 2004), Hungarian (October 2005), Swiss (November 2006) and Italian (November 2007) Ministries. In 2008, we will also convene a global dialogue with parliamentarians hosted at the European Parliament. TNI was involved in organising various national dialogue events with experts and policy makers in The Netherlands and APF did the same in Greece and in the Balkan region. In 2007, TNI initiated a Latin American Informal Drug Policy Dialogue in collaboration with the Washington Office on Latin America (WOLA). The first phase included a three-fold series of regionally oriented meetings, in Uruguay, Mexico and Ecuador in collaboration with

Ministries in these countries; preparations are ongoing for sessions in Bolivia and Brazil. In 2008, TNI and the German Society for Technical Cooperation (GTZ) started preparations to jointly organise a first informal dialogue for the Southeast Asia region to be held in Bangkok.

The character of all these dialogues is similar: collaboration with governmental officials in the host countries, round-table settings, and guided by the Chatham House Rule to encourage both a free exchange of thoughts and confidentiality at meetings. Participants are free to use the information and views discussed in the conference, but no individual speaker or participant can be quoted - nor their identity or affiliation revealed - without their explicit permission. The format of the meetings is as informal and interactive as possible, a number of people are requested to provide brief introductory remarks to spark a round-table discussion. Most of the time is devoted to an open discussion between all participants in an atmosphere in which anyone's arguments or position can be challenged, including of course our own.

On a complex and wide-ranging issue such as drug policy, nobody can claim to have the monopoly on truth. The challenge is to share ideas, principles and visions and to brainstorm about options and strategies for improvement together. So far, government officials from more than 30 countries as well as members of international institutions like UNODC, WHO, OAS-CICAD, European Commission and the EMCDDA have participated in the dialogue process. All were invited in their personal capacity without the obligation to necessarily represent the views of the governments or institutions they belong to. On average, two-thirds of the participants come from Ministries or intergovernmental bodies, and one-third are academic or other non-governmental experts. These informal dialogues provide unique opportunities to interact directly with civil servants and policy makers, and for them to discuss among themselves outside of the formal structures of the EU Horizontal Drugs Group in Brussels, the CND in Vienna or the CICAD meeting in the Americas. Ideas can be teased out informally and potential alliances on certain issues explored.

Rational thinking is replacing dogmas from the past

Academic meetings or NGO conferences can be useful to deepen knowledge, strengthen collaborative networks or to refine certain arguments. But in order to influence policy debates, obviously one needs to have direct access to policy decision-making levels. While our own informal policy dialogues are crucial for that purpose, over the years we have also become regular and welcome guests at official policy conferences around the world, including sometimes closed and high-level meetings.

Some of our friends look sometimes suspiciously to our close contacts with policy circles, thinking that if we have access to so many officials around the world we must have made many compromises. It is not always easy to explain how we manage to connect the local to the global, on one moment present at a cocaleros meeting in the Andes or talking to heroin users and dealers on the Burmese border, and the next moment participating in a policy conference on alternative development, the EU drugs strategy or UN drug control.

Omayra Morales (deceased in 2007), Colombian human rights activist at national coca farmers union meeting, 2004

Conversely, some high level drug control officials have looked at our efforts with suspicion and have warned some governments against working with us, trying to picture us as 'wolves in sheep clothes' with a hidden agenda. Fortunately, most officials instead appreciate the challenges we put on the table, our evidence-based arguments and ground-based experience from the field, the transparency with which we operate, our focus on open dialogue and our non-polarising and non-ideologised attitude. Most of our friends close to the ground trust us in the role we are playing in the higher echelons of policymaking, including our attempts to make their voices heard over such a long distance. Sometimes admiring our patience, sometimes questioning the amount of energy we devote to tedious procedures to achieve incremental changes, but rarely doubting the integrity of our intentions.

Indeed, sweeping policy shifts are not happening easily and too often politics gets in the way of lessons learned from evidence. Recently in the UK, Canada and The Netherlands, all three countries that have played a pioneering role in the search for more pragmatic and evidence-based drug policies, political decisions have been taken explicitly against the advice of the established scientific advisory panels. At the UN level, as decisions in the CND are taken by consensus, even a small minority can block the adoption of language that would represent the progress made over the last decade in the drugs debate.

Our idealism and mission to contribute to 'emancipation from poverty and injustice' has not changed over the years, though we have learnt to think more in terms of concrete recommendations that can be achieved given the limited political space currently existing. While keeping our eyes on the cracks and opportunities to open up more space, we are convinced that even small steps achieved can directly help to save lives and to alleviate poverty and injustice. Meanwhile, slowly but surely, the discourse is changing and rational thinking is replacing the dogmas from the past.

Chapter 2

The ethics of drugs policy

Morality versus a rights-based approach

Pien Metaal

'Drug laws are a moral issue (....) drug legislation have produced the exact opposite effect of what those laws intended: the laws have created a tantalizingly profitable economic structure for marketing drugs. When law does not promote the common good, but in fact causes it to deteriorate, the law itself becomes bad and must be changed'.[1]

Moral and ethical principles have played an important role in the construction of the international drug control regime from the beginning. The 1961 UN Single Convention[2] expressed countries were *'concerned with the health and welfare of mankind' and were 'conscious of their duty to prevent and combat the evil of drug addiction'*. Although protecting human health may have been the original intention, judgmental values on drugs and those who produce, trade and consume them, along with punitive and war-like responses have ultimately defined too much of the outcome. Clear norms based on fundamental human rights are necessary to redirect and humanise drug policies for the future.

In attendance to the noble cause to protect society and all its individuals from harm caused by certain psychoactive substances, many countries in the world have applied drug control policies by introducing repressive regimes that have had a very damaging impact. In many cases the cure has been worse than the disease. Only a few countries have chosen a more pragmatic stance and have argued for alternative approaches to tackle substance abuse – trying to reduce the harms for the individual and society as a whole. The legislative choices made in the attempts to define and protect public health in relation to controlled substances, and the ways in which such policies are being put into practice, are all guided by morality.

Moral discourse is both explicit and implicit in the debates, documents and the international drug treaties. Moral grounds are being quoted to condemn certain psychoactive plants and some of its derivatives while condoning others. As society condemns certain psychoactive substances on moral grounds, this has implications for individual choices on drug consumption or cultivation and their perceived threat to society: if drugs are seen as being able to 'tempt' people, this is perceived as (moral) weakness.

Hence, drugs production and consumption is by definition considered as criminal or abusive, yet again implying a moral judgement. The description of a farmer's decision to grow illicit plants as 'opting for an illegal lifestyle' is another example of the language commonly used in this discourse. Decisions to deny drug users access to their drug of choice, clean needles or adequate medical treatment are often based on moralist judgements of their behaviour rather than their objective health needs.

Depolarising the debate

Psychoactive substances are not inherently good or evil. For some involved in the drug policy debate, the problem is not about moral at all; every person should have legal access to all drugs of their choice and be in charge of their own health. Therefore, they would prefer to legalise all drugs. But we believe that advocating for legalisation as the sole solution for the global drug problem is creating a myth – as if the global prohibition regime will fall down one day in a scene reminiscent of the fall of the Berlin Wall. We believe that improvements will come step by step; the ultimate outcomes of that reform process can only be defined along the way and will differ from country to country.

At an abstract level, in the conceptual debate, bringing to the discussion the concept of legalisation might be useful for questioning the current system. But legalisation is not necessarily the answer to, nor the solution for all the problems related to drug use and the illegal economy that has emerged to supply consumers. Just as repressive methods used to control drugs can have harmful effects, the absence of certain control measures can also have a negative effect on public health. Thinking in terms of 'prohibition' versus 'legalisation' also leaves little room to think about concrete and urgent reform options and can therefore be an obstacle when trying to find viable strategies for change.

Around the world, the prohibition regime has created an illegal market that often serves as an escape option for people that cannot find way to survive within the legal economy. Tackling the problems of these parallel economies requires more sophisticated solutions than keeping up the illusion of abolishing the illegal

A voice of sanity among a cacophony of emotional positions

Illegal drugs' production, marketing and consumption and anti-drugs policies have had a great impact on democratic institutions around the world. The growth of illegal economic activities has undermined political accountability, has promoted corruption and frequently has provided funds for subversive and counter-subversive activities in countries where there are unsolved social conflicts. Anti-drug policies formulated from a 'war on drugs' perspective have also undermined democratic institutions and human rights.

The TNI Drugs & Democracy programme has provided in-depth analyses of these phenomena in numerous countries around the world. Many official studies of the illegal drugs industry and anti-drug policies are deeply impregnated by ideological positions that dismiss scientific evidence about the effects of the development of illegal activities and of the consumption of psychoactive drugs.

TNI's work has sought to develop evidence-based positions and has questioned many beliefs about drugs that are based on moralistic, religious or political grounds. During the last ten years, the TNI Drugs & Democracy programme has advanced the knowledge on a murky field and has provided a voice of sanity among a cacophony of emotional and one-sided positions.

Francisco E. Thoumi
Research and Monitoring Centre on Drugs and Crime, Universidad del Rosario, Bogotá

Pien Metaal at small opium field in Nangarhar Province in eastern Afghanistan, April 2008

market. Whether and in which form legal regulation would be a useful or effective option depends on many different factors, including a differentiation between various kinds of substances. In our view, reasoning based on irrational and moral arguments, paired with the impossibility to discuss other legal options, constitutes a major obstacle to the gradual introduction of pragmatic alternative solutions. We don't believe that simply abolishing the international drugs treaties will solve the problem. However, the stalemate in the debate between 'prohibitionists' versus 'legalisers' has polarised the debate to the extent that the nuance is lost, which is fundamental in finding realistic alternatives.

Ethical and moral judgements often obscure effective and humane approaches to drug use. This has caused us to express doubts on some of the basic assumptions of the legal framework raising uneasy questions to the international community: How is it possible that the drug control apparatus itself is sometimes creating more harm than it pretends to solve? What is the ethical basis for putting someone in prison who is ill and needs medical treatment? Is it morally justifiable to eradicate illicit crops, knowing that this causes hunger and displacement among peasant families? How can a government spray tonnes of chemical herbicides while at the same time calling upon the world to support them in countering environmental damage caused by drug production?

Harm reduction as a policy philosophy

We believe that defending evidence-based policies that seek to avoid harsh judgements and repression on consumers, producers and traffickers of small quantities, should be the cornerstone of all drug policies. Limiting the harm inflicted by all drugs is a mayor challenge facing the world today, including legal drugs such as alcohol. Drug policies should enable and stimulate societies to find pragmatic ways to co-exist with these substances, stepping away from repression and fear. Securing sustainable livelihoods for those currently involved in cultivating crops used for drugs production should form the basis for long-term changes. We should return to the original value of the plants that have been condemned as the cause of the drug problem in society. It is not merely the right of one individual, or a group of individuals to consume drugs that is at stake, but the very right of societies to define public health and development issues on their own terms and within their own cultural framework.

The term harm reduction refers to policies, programmes and projects that aim to reduce the medical, social and economic harms associated with psychoactive substances. It is both an evidence-based and a cost-effective approach, bringing benefits to the individual, the community and society as a whole. Harm reduction involves the acceptance of the presence of these substances as a permanent feature of modern society, as a logical consequence of the human desire to alter its mind, relax its body or escape reality every once in a while. Coercion, ignoring this desire or condemning it as immoral is counterproductive and has been responsible for serious human rights violations and increased crime and conflicts around the world. Harm reduction as a policy philosophy is far better suited to enable societies to effectively deal with problems related to substance abuse. Harm reduction should form the conceptual basis for society's response to public health challenges, social disorder related to drug markets and drugs consumption, addressing these issues humanely and effectively.

TNI argues for the principle of harm reduction to be applied to all the areas of drug policy, not just on the consumption side, but including the cultivation of plants used for drugs production and small-scale trade of substances. We are convinced that it is equally counterproductive to criminalise peasants and small drug traders, since their involvement in the drug trade is related to poverty and marginalisation and a general lack of sustainable options to survive by legal means. In our view, the basic human right to live a life in dignity should be the overriding principle guiding drug policy objectives. The fact that nowadays many people are forced to 'migrate into illegality' cannot be solved by simply criminalising these people. The consequent use of human rights and harm reduction as guiding principles would also help alleviate human crises in prisons around the world. We advocate a rights-based approach and a pragmatic stance towards all those currently involved in the local drugs economies while protecting their economic, cultural and social rights.

A condemned plant: The case of the coca leaf

The 1961 Convention limited certain psychoactive substances to scientific and medical use. Particularly in the case of the coca leaf, we feel the 1961 Convention has marked the creation of a problem rather than a solution. Throughout the categorisation process of the coca leaf as a controlled substance, moral arguments upon the behaviour of its consumers, often on racist grounds, have played a decisive role in its prohibition. The predetermined mindsets of a white elite, cultural ignorance, prejudice and commercial interests - soft drinks, pharmaceuticals - have resulted in the condemnation of coca as an illegal substance.

Well-documented positions and analyses; promotion of open dialogue

In March 2001, the youth organisation of the Dutch Labour Party organised a debate on the agreement between The Netherlands and the USA on the Forward Operation Locations (FOLs) in the Dutch Antilles. I had just returned from a visit to the Putumayo region of Colombia, which at that time was subject to heavy aerial spraying of coca fields. Local authorities and farmers unanimously opposed aerial spraying and were desperately searching for alternatives to violence in a highly militarised environment. It was difficult to get a clear picture of the situation in an environment where peace talks were being conducted while the killings went on and thousands of people were displaced. My message to the young party members was: we have to be cautious. The Netherlands must not be part of this hopeless fight and must not sign an agreement on the FOL's if it is not clear that there will not be any involvement in the implementation of 'Plan Colombia'.

The TNI publication 'Vicious Circle - The Chemical and Biological War on Drugs', was just published and presented convincing facts and opinions that lead to the conclusion that current methods used in reducing coca and opium cultivation were not leading to a solution. On the contrary, the damage they caused was more severe than any benefit they might bring in terms of intended results. It is the merit of organisations such as TNI that critical questioning of current drug control systems gained credibility and is now taken seriously in the international discussion. Well-documented positions and analyses as well as promotion of open dialogue are the ingredients of their valuable contribution to a consistent, humane and effective global drug policy. TNI has done an excellent job in the past ten years and I am sure that the next decade will be a period of further reflection and progress. In this regard, TNI's contribution is indispensable.

Thanasis Apostolou
Andreas Papandreou Foundation & co-organiser of the Informal Drug Policy Dialogue

It sometimes useful to go back to the original documents that, until today, are being used to guide drug control policies. That is why we made the 1950 Report of the Commission of Enquiry on the Coca Leaf available to the general public. One of the study's conclusions is that chewing coca leaf '*induces in the individual undesirable changes of an intellectual and moral character [and] it certainly hinders the chewer's chances to obtaining a higher social standard*'. Its reasoning that coca chewing will disappear when social and economical conditions improve, has been proven wrong.

This is a historical example of how outdated opinions and scientific insights on coca have demonised a relatively harmless plant. Contemporary science has completely rejected the outcome of the 1950 report – and today a coca-chewing farmer is the president of Bolivia. Nevertheless, in their 2007 annual report the INCB still called on countries to *'abolish or prohibit coca leaf chewing and the manufacture of coca tea*'. Coca chewing and drinking of coca tea is carried out daily by millions of people in the Andes as well as considered sacred within indigenous cultures. TNI feels that ethical considerations such as basic

Opium harvest in Burma, 2004

respect for indigenous customs and traditions should prevail over outdated quasi-scientific xenophobia.

In 1995, the World Health Organization (WHO) and the United Nations Interregional Crime and Justice Research Institute (UNICRI) study found that coca leaves constitute no threat to individual and public health whatsoever, and should be further examined on its potential merits. The WHO/UNICRI study also concluded that even problematic powdered cocaine consumption is a relatively marginal phenomenon in terms of public health threats. However, a decision in the World Health Assembly banned the publication of the study. The US representative threatened that *'if WHO activities relating to drugs failed to reinforce proven drug control approaches, funds for the relevant programmes should be curtailed*'. This led to the decision to discontinue publication of the study. It is however still available on TNI's web site.

Prohibition of the coca leaf has had the curious effect that a more harmful concentrated derivative of the plant now dominates the illicit drug market. The small amount of cocaine present in the leaf (1 gram of coca leaf contains 5 to 7 mg of cocaine) has effectively demonised the entire plant. Evidence of the coca plant's beneficial health effects and medicinal use is ignored or discarded as 'unscientific', condemning its cultivation and its centuries old consumption. Yet it could be argued that if a market for milder forms of stimulants based on natural coca existed, it could at least partly replace demand for the isolated alkaloid, reducing the damage cocaine can provoke on public health. TNI believes that the coca leaf has been unjustifiably perceived as a threat to public health, while its potential as a medicine and food supplement and its possible contribution to less harmful forms of drug consumption has largely been ignored.

Drug law reform

In order to ensure that all parties would put in place and apply restrictive and legal measures controlling the expanding drugs market, the 1988 Traffic Convention demanded countries to tighten their legislation and persecute citizens and groups of people that

Opium poppy during harvest time in the Wa region, May 2004

are unwilling or incapable to obey these laws. One of its concrete consequences has been a dramatic increase of the world prison population in the past twenty years, reflecting the increasingly repressive use of legal measures against users, small dealers, smugglers and producers. Yet the deterrent effect of these legal frameworks that all countries, in differing degrees and to different extents, have implemented has been rather insignificant. Numerous studies have revealed that the majority of those imprisoned on drugs charges are drugs users, small dealers and smugglers of small quantities, and not the big fish. Prisons have become a hub for drug trade in many countries, while performing additional functions as network nodes from which criminal organisations direct their operations.

Criminal sentencing for drugs offences is often disproportional and has only brought a cosmetic market change, often at the expense of basic human rights. Many imprisoned drugs offenders live in terrible health conditions. The stigma of being a drugs user or smuggler sadly legitimises this inhumane existence. In most cases, those incarcerated for small traffic offences were driven to these offences by circumstances - their daily struggle to survive - and not by free choice, whereas large-scale criminal organisations tend to involve people in high offices that are often impossible to prosecute. Governments feel they are under pressure to show they are tough on drugs, and therefore set targets on the amount of drug-related arrests and lawsuits. In the race to meet drugs eradication targets as set out in bilateral and multilateral agreements, governments in producing areas often worry they risk losing development assistance or trade benefits from the international community if they are perceived as being 'too soft on drugs'.

Evidence-based practices, respecting basic human rights

Drugs legislation and its current application by the criminal justice system are too repressive and random, and they cause unnecessary human suffering. In several cases, we have seen that reform has led to concrete health improvements in prisons. In some countries, such as Portugal, decriminalising drugs consumption and possession of small quantities of drugs has led to lower incarceration rates. Further, the introduction of adequate treatment programmes for drugs users in prison settings has reduced human suffering in several penitentiary centres in European countries. It has also helped lowering the incidence of HIV/AIDS in prisons. The government of Ecuador is developing an amnesty programme for imprisoned petty drug smugglers, which is not merely aimed at alleviating their overpopulated prisons, but also to shift the balance of repression away from the weakest groups in society.

The question of who is to blame for societies' incapacity to deal with substance use must be addressed, this time solidly grounded in evidence-based practice and with full respect for basic human rights. Those in charge of designing new drug policies should keep in mind their original intentions; to protect the health and well being of mankind, and should therefore openly embrace harm reduction as their basic guiding principle. A window of opportunity to reconsider some of the fundamental failures caused by a zero tolerance morality is presenting itself now in the UNGASS review process, enabling us to move beyond the last decade of failure. The global control regime indeed has to be made fit for its purpose, as the executive director of the UNODC, Antonio Costa, proposed in his UNGASS discussion paper, working towards a more humane and culturally sensitive legal framework.

Chapter 3

TNI and the UNGASS

From zero tolerance to harm reduction

Tom Blickman

'A drug free world – We can do it!', was the catchphrase under which world leaders gathered in New York in June 1998 at the United Nations General Assembly Special Session (UNGASS) on the World Drug Problem. Ten years later, at the assessment of the UNGASS political declaration and action plans, in Vienna in March 2008, the executive director of the UN Office on Drugs and Crime (UNODC), had a much more sober and realistic message. The 1998 political declaration called for 'eliminating or significantly reducing the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008.' Ten years later, UNODC executive director Antonio Maria Costa had to admit that the drug problem had been contained at best, and that 'some of the more ambitious targets set at UNGASS in 1998 remain elusive.' He recognised that the current status quo had many unintended consequences and resulted in 'too much crime and too much drug money laundered around the world; too many people in prison and too few in health services; too few resources for prevention, treatment and rehabilitation; and too much eradication of drug crops and not enough eradication of poverty.' [1]

The UN Special Session in 1998 and the preparatory meetings that started the year before were also the first steps of the TNI Drugs & Democracy programme in the international arena of drug control policies. In the ensuing ten years, TNI would become one of the main watchdogs of UN drug control – and contributed substantially to change the tone of the debate and the acceptance of policy alternatives. In 1998, TNI concluded that the UNGASS had been a lost opportunity. No evaluation of the effectiveness and consequences of current drug policies had taken place whatsoever; it was devoted to (as a New York Times editorial phrased it) 'recycling unrealistic pledges.' [2] While in 1998 in New York, civil society had been banned from the summit to an office building across the street, in 2008 at 51st session of the Commission on Narcotic Drugs (CND), civil society representatives held several side events, made statements to the plenary during the thematic debate devoted to the follow-up of UNGASS. Some ten countries had included civil society representatives in their official delegations.[3]

Civil society at the 1998 UNGASS

Civil society participation at the 1998 UNGASS was very limited. Anticipating strong critique from NGOs, the United Nations Drug Control Programme (UNDCP) had insisted with the Vienna NGO Committee on Narcotic Drugs that all NGO activities should take place outside the UN building. After prolonged negotiations, only TNI and its partners – Acción Andina and the Washington Office on Latin America (WOLA) – were permitted to hold a workshop in the UN itself. Entitled the Drug War in the Andes: Alternative Development, Crop Eradication and Interdiction, it was a rare moment during UNGASS where a direct discussion between civil society and official government delegates took place.

The issue of NGOs interventions in the Ad-hoc Committee of the Whole – where official delegates, UN and other international agencies, and guests assembled – was another contested issue. Thanks to the negotiations by TNI and other members of International Coalition of NGO's for Just and Effective Drugs Policy (ICN) some representatives of civil society were allowed to address the official delegates. Omayra Morales of the Andean Council of Coca Producers (CAPHC) spoke on behalf of the coca producers of the Andean region alongside Marsha Burnett, who spoke on behalf of addicts and consumer organisations.

The two women represented the victims on either far end of the drug chain. Burnett, an African-American woman and a former heroine addict infected with HIV – whose children were officially removed from her subsequent to rehabilitation – and Morales, who suffered from the aggressive aerial coca eradication campaign with herbicides in Colombia. They made a visible impact on delegates who listened in absolute silence and – contrary to normal practice – even applauded as the women joined hands symbolically at the end of their presentation. It was the first time the voices of the victims, whose problems the delegates claimed to be concerned to solve, had ever been heard in such an international policy-making forum.

Depolarising the debate

Something changed over the past decade. No single institute is able to change international drug control policy, but TNI played – and still plays – a significant role in the course of the policy debate and constructing some of the cornerstones for a change in vision. Not in the spotlights of media attention, but quietly working on the background. Policy change – in particular in the field of drug control – is an incredibly slow, complicated and frustrating process. Although a reasonable evidence-based, humane and effective global system for modern drug control is still a long way to go, there are significant achievements over the past decade. The most important one is the gradual acceptation of harm reduction as a policy alternative for the increasing polarisation between the two divergent positions of legalisation and prohibition in global drug policies. The result of such a polarisation between the two main opposite viewpoints is paralysis at the UN level, TNI concluded in the debate paper *Breaking the Impasse: Polarisation & Paralysis in UN Drug Control* in July 2002, written as a preparation for the 2003 mid-term review of UNGASS.[4] Depolarising the debate could be considered as one of the main results TNI contributed to over the past decade.

Around 1998 the large majority of official delegations and UN officials still mainly perceived harm reduction as the Trojan Horse of those factions championing the cause of legalisation. At the 1998 summit the two words were almost taboo. In 2008, several delegations explicitly favoured and many at least were open to accept harm reduction as the 'third way' in international drug control. Although much remains to be done to replace the single-minded zero-tolerance approach, also Costa mentioned harm reduction – along with crime prevention and human rights – as a priority to make drug control more 'fit for purpose'.[5] He still has to pay lip service to those opposed to the concept – claiming that it has been appropriated by a vocal minority that has given it a narrow and controversial interpretation, and that everything the current system sets out to do is harm reduction. Nonetheless, harm reduction as a guiding principle in drug control cannot be discarded anymore. The debate is now if it is only a set of measures to mitigate the negative

Reliable, commited and respectful

The TNI Drugs & Democracy programme has been collaborating with Intercambios Civil Association in several fields, particularly those related to advocacy for the development of drug policies oriented to human rights principles in Latin America. Preliminary interactions quickly leaded to Martin Jelsma's and Pien Metaal's participation in the 3rd Argentinean Conference on Drug Policies in Buenos Aires in 2005.

As this collaboration evolved, it included support for research on the nature and functioning of the coca paste market in Buenos Aires, indicative for the changing nature of the cocaine industry in Latin America. Our study on coca paste use and traffic in the main cities of Argentina, Brazil and Uruguay was published in the TNI's Briefing series Drugs & Conflict. As such, it had a wide impact on the local and regional discussion about drug use trends and traffic.

After Intercambios was selected by the Vienna NGO Committee on Narcotic Drugs as one of the three regional lead organizations to conduct the Regional Consultation for Latin America and the Caribbean regarding the 2008 UNGASS meeting, our collaboration expanded internationally.

The wide experience of the TNI Drugs & Democracy programme on international subjects and organisations such as the Commission on Narcotic Drugs has been of invaluable help to improve our advocacy efforts. Its experienced staff distinguishes itself by its reliability and commitment. We particularly appreciate their comprehensive and respectful approach to Latin American issues and feel proud of being one of their partners in the region.

Graciela Touzé
Intercambios Civil Association, Buenos Aires

consequences of zero tolerance – such as needle exchange and opioid substitution – or whether it is a distinct approach, one that recognises that a drug free world is an impossible and dangerous illusion. The international community has to face this reality and change their policy approach to reduce the harm drugs trigger with some users and society at large.

The 1998 UNGASS

Hard diplomatic battles to get harm reduction accepted had to be fought. The 1998 UNGASS on drugs was originally called to evaluate the effectiveness of the repressive drug control regime, and controversial issues such as decriminalisation and harm reduction

Raw opium, in Nangarhar Province in eastern Afghanistan, May 2007

were raised in the preparatory phase. Early in the preparations, however, the event was reoriented towards an affirmation of prohibitionist zero tolerance ideology. In fact, it became the culmination of the building of a multilateral control system that started in 1909 with the International Opium Commission in Shanghai. The main achievement of the 1998 UNGASS was the attempt to eliminate the old dichotomy between traditional producer and consumer countries. It introduced the principle of 'shared responsibility' as the cornerstone of international drug control, acknowledging not only the imbalances of the past, but also the fact that the traditional dividing lines had become blurred over time. After several difficult negotiations, especially on the demand reduction and precursor issues, the UNGASS outcomes eventually reflected this atmosphere, at least in spirit. Many documents approved did emphasise the responsibility of the 'North' to reduce demand, regulate the trade in chemical precursors, fund alternative development and address the money laundering issue.[6]

The main threat to achieving this new balance arose from a proposal put forward by Pino Arlacchi, the then executive director of the UN Drug Control Programme (UNDCP – UNODCs predecessor). His US$ 4 billion 'Strategy for Coca and Opium Poppy Elimination by 2008' (SCOPE) called for wiping out illicit crops in Colombia, Bolivia, Peru, Burma, Laos, Vietnam, Afghanistan and Pakistan, the countries where coca and opium production was concentrated.[7] SCOPE brought back the rhetoric of a 'drug free world' through total elimination of drug-linked crops and shifted the burden of responsibility back to the opium and coca producing countries. The plan was never endorsed, but provided the impetus for the adoption in the UNGASS Political Declaration of its most controversial article 19, which called for 'eliminating or significantly reducing the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008.' Only after fierce debate it was agreed that the same year was also to be the target date for 'achieving significant and measurable results in the field of demand reduction.'[8]

Incessible gatherers and distributors of news and information

The beginnings of TNI's Drugs & Democracy programme coincided with the foundation of our magazine Cáñamo. These two events, parallel with similar events in the same timeframe, illustrate that in the mid-nineties there was a small but much needed and timely information revolution on the international scene of the 'war on drugs'.

Our friends at TNI's work as incessible gatherers and distributors of news and information related to the global 'war on drugs' has been and still is extremely important - particularly for those of us working in the field - to have an up to date global overview of news, facts and information on a daily basis. Especially its Drugs & Democracy series has proven immensely valuable in this respect.

TNI's chronicles tell our readers about the inexplicable, unjust and absurd 'war on drugs' that the US hegemony holds onto. But our TNI friends are not just vigilant hawks on the news scene; they also are fast eagles in developing critiques on the news they capture and which they analyse, counter with arguments or explain, depending on the kind of injustice or human right violations that the TNI team are exposing.

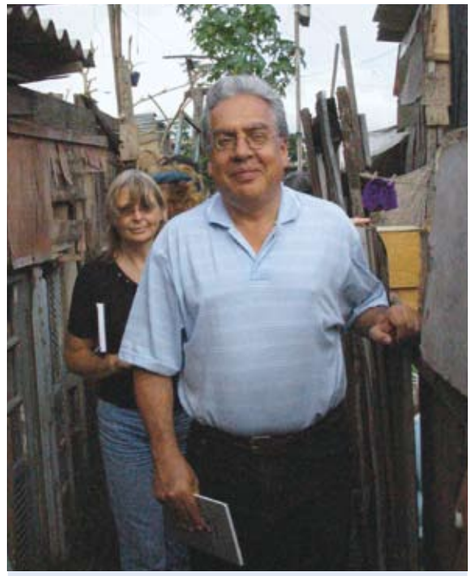
We feel a special comradeship and affection for our TNI friends and colleagues, and we feel sympathetic towards the ideas they express in their monthly contribution to Cáñamo magazine. We could not celebrate these last ten years without thanking our TNI friends for their extraordinary and essential media work, or without wishing them at least ten more years together with all of us. Health and freedom, compañeros!

Gaspar Fraga
Cáñamo

TNI played its part in getting SCOPE off the agenda. We put the plan on our website before UNGASS. We also published the briefing *Caught in the Crossfire: Developing Countries, the UNDCP, and the War on Drugs*, exposing the controversial scheme more in detail on the basis of a copy of the more elaborate plan we somehow obtained.[9] At the Vienna preparatory meetings, the SCOPE proposal was criticised harshly by several member states, which prevented the plan from even getting onto the UNGASS agenda. Despite the already overwhelming evidence that the approach to global drugs control had failed miserably, given the continuing rise in consumption and production, the evidence was ignored in 1998 and an evaluation of what was wrong with drug policy did not take place. The next opportunity would be the 2003 mid-term review of UNGASS.

The 2003 mid-term review

From the outset, the unrealistic targets and deadlines set for 2008 at the UNGASS were doomed to be a failure. Nevertheless, in his report for the UNGASS mid-term review, Mr. Costa referred to 'encouraging progress towards still distant goals' regarding the 2008 target of eliminating or significantly reducing illicit cultivation of coca, cannabis and opium, as well as the illicit manufacture and trafficking of synthetic drugs.[10] In its alternative progress report, *Measuring Progress: Global Supply of Illicit Drugs*, TNI concluded that the optimism of Mr. Costa was very questionable.[11] We agreed that the goals were still distant, but the conclusion that there was encouraging progress could not be substantiated on the basis of the available



Ricardo Vargas and Adriana Rossi visiting a favela in Rio de Janeiro, 2005

evidence. Levels of cultivation of coca and opium as well as the supply of cocaine and heroin showed fluctuations but the trend was relatively stable and there were no indications for any sustainable decline. The situation regarding the supply of cannabis and synthetic drugs had even deteriorated.

TNI had a measurable impact on the debate in Vienna as evidenced by the attempts to counter our arguments which UNODC officials admitted they felt sufficiently challenged to do, and the extent to which TNI's views were carried in the international and specialist media. Nevertheless, the outcomes of the mid-term review in April 2003 were disappointing. The absence of significant progress over the previous years had not led to any self-reflection and evaluation. The 1998 UNGASS goals and targets were simply re-affirmed. Most countries concentrated on taking stock halfway of the implemented measures, without an honest analysis of the impact. The result was a distorted picture of virtual progress in order to justify staying on the same course. The illusion was kept alive that reality would somehow fall into line with wishful thinking.[12]

In preparation for the mid-term review, TNI had also prepared a debate paper in which we tried to offer a different but constructive agenda to achieve a more rational, pragmatic and humane approach to the global drugs phenomenon. The views expressed in *Change of Course: An Agenda for Vienna* drew on years of critical dialogue between TNI and drug policy officials from around the world. As such, it had considerable backing from officials and experts in the field who had been curtailed in airing their doubts about UN drug control policy, presenting their evidence and tabling their proposals for a way forward. The briefing explained why no genuine evaluation had been permitted and set out a series of recommendations aimed at breaking the impasse at the UN level in four crucial areas: (1) the introduction of harm reduction in the UN drugs debate; (2) room for manoeuvre on the supply side; (3) improving the drugs debate at the UN; and (4) a revision of the drug control conventions.[13]

Cracks in the Vienna consensus

In the perspective of these goals some progress was made in 2003. Not among the UN member states at the CND, but among civil society and other UN organisations. The articulation of voices on the non-governmental side had clearly improved over the years. NGOs working on harm reduction, human rights and those that advocated different drug policies had either largely ignored the UN drug control system or chose to work outside it. In 2003, they started to

Coca bush in Colombia

come together, a process that was, if not initiated, promoted by TNI and the few others involved in manoeuvring within the complex and non-inclusive UN drug control system. This was particularly evident with the issue of harm reduction. The HIV/AIDS pandemic and the inclusion of halting and beginning to reverse the spread of the disease in the UN Millennium Development Goals (MDGs) forced the UN bureaucracy to act upon the matter. NGOs working on the issue were confronted with the idiosyncratic opinions in the UN drug control machinery – the CND, the UNODC, and the International Narcotics Control Board (INCB) – on effective harm reduction measures against HIV/AIDS, such as needle exchange and substitution treatment.

The lack of significant progress in achieving the goals set out in 1998, compared with the successes achieved through harm reduction approaches, may well lead more countries to embrace the need for greater flexibility and pragmatism. TNI observed growing tensions and inconsistencies on the key issues of harm reduction, cannabis decriminalisation and alternative development led to a 'crack in the Vienna consensus'.[14]

The failure to counter the ever-growing problems related to the use and supply of illicit drugs prompted several countries to question the validity of current policies and to experiment with approaches less driven by the US-inspired zero tolerance ideology and more rooted in pragmatism. This led to increasing acceptance of the concept of harm reduction for consumers, where drug use is treated as a public health rather than a law enforcement problem. On the production side, the discussion increasingly centres on the need to secure alternative livelihoods for involved farmer communities and how to most effectively promote alternative development.

Back in 1994, the INCB – the independent and quasi-judicial monitoring body for the implementation of the UN drug control conventions – highlighted a number of outdated provisions and contradictions within the conventions. An advisory committee was set up to look at how the drug control system could be improved. It recommended that the status of coca and cannabis be re-examined, and suggested looking more closely at harm reduction and decriminalisation policies. However, the CND decided not to implement any of the recommendations of the advisory group. The INCB's list of recommendations to resolve the contradictions in the conventions was never acted on. Since then, the INCB interpreted the conventions very strictly and regularly overstepped its mandate by condemning country's national policy decisions based on alternative interpretations of those conventions. The Board's positions often led to tensions, further reinforced and complicated by the INCB's culture of secrecy and the lack of transparency that characterises all its work.[15]

The INCB regularly criticised the Dutch coffee shop system, although the Netherlands insisted that the policy operates within the letter of the conventions. The Board's strong wording about the United Kingdom's decision in 2003 to change its cannabis policy triggered an angry response. The British government objected to the *'alarmist language used, the absence of any reference to the scientific evidence on which that decision was based, and the misleading way in which the decision was presented by the INCB to the media.'* Safe injecting sites for heroin users and heroin prescriptions for addicts in the Netherlands and in Switzerland were criticised despite the overwhelming existing evidence these measures work. TNI pointed out these growing tensions in *Cracks in the Vienna Consensus: The UN Drug Control Debate*. We had also exposed the obstructive positions of the INCB prior to the mid-term review and had urged member states to use the opportunity to have the harm reduction approach accepted as a legitimate policy alternative.[16]

The UN drug control system soon was confronted with their out-of-date positions. Different UN organisations were integrated in the Joint United Nations Programme on HIV/AIDS (UNAIDS). Another UNGASS – the one on HIV/AIDS in 2001 – adopted a Declaration of Commitment saying that 'harm reduction efforts related to drug use,' and 'expanded access to essential commodities, including […] sterile injecting equipment' should be ensured by 2005.[17] Both the World Health Organisation (WHO) and UNAIDS used the term harm reduction as a matter of course. The inconsistencies in the UN system became more and more apparent. UNODC, as the co-sponsor of UNAIDS and the convening agency of the UNAIDS Inter-Agency Task Team (IATT) on injecting drug use, was confronted with diametrically opposed views in other UN agencies. The INCB – as watchdog of the conventions – had been regularly out of tune with the rest of the UN community on the issue of harm reduction. INCB president Philip Emafo, for example, considered needle exchange to be contrary to the conventions and condemned the harm reduction policy trend as a 'crusade' to undermine them.[18]

In the CND, the more liberal-minded countries kept a low profile. Careful not to fuel tensions that might endanger the consensus and ground conquered for experimentation, they opted to keep the debate as general and diplomatic as possible, avoiding open controversy over their policy directions. To support their position, TNI helped to distribute a confidential and authoritative memorandum from the UNODC Legal Affairs Section to the INCB in 2002. The legal experts argued that most harm reduction measures were in fact acceptable under the conventions. *'It could even be argued,' they continued, 'that the drug control treaties, as they stand have been rendered out of synch with reality, since at the time they came into*

force they could not have possibly foreseen these new threats.' [19]

The 2005 battle on harm reduction

In 2004, the position of UNODC seemed to move closer towards other UN agencies regarding the usefulness of harm reduction measures for the purpose of HIV/ AIDS prevention. At the end of that year, however, it became clear that the US Assistant Secretary of State for International Narcotics and Law Enforcement Affairs (INL), Robert Charles, had forced UNODC to retreat. The US government – at the time the biggest donor of UNODC – threatened Costa to cut funding unless he assured that UNODC would abstain from any involvement in or expression of support for harm reduction, including needle exchange programmes. Costa wrote a mea culpa letter making the required promises to secure continued US funding. The so-called 'Dear Bobby' letter leaked – and caused uproar. TNI played a leading role in the urgent lobby, mobilisation and media campaign against the US pressure. We provided a detailed analysis in the briefing *The United Nations and Harm Reduction* on the contradictions within the UN system.

A wide range of NGOs working on HIV/AIDS and drugs issues worldwide joined the campaign, which culminated in an open letter to the delegates of the CND signed by 200 organisations and many individuals in 56 countries.[20] As a result, editorials in opinion-leading newspapers condemned the US pressure in strong words. The New York Times referred to 'a triumph of ideology over science, logic and compassion' and called on the US to 'call off their budding witch hunt' against needle exchange. If the Bush administration could not bring itself to overcome its twisted logic *'it should at least allow the rest of the world to get on with saving millions of lives.'* The Washington Post under the title 'Deadly Ignorance', called on the US government *'to end this bullying flat-earthism. It won't help President Bush's current effort to relaunch his image among allies. And it's almost certain to kill people.'* [21] The campaign had a major impact. The 2005 CND session saw almost unanimous support for harm reduction measures to counter the HIV/AIDS epidemic from the European Union and countries in Latin America, Africa and Asia.

The formal outcome, however, was disappointing as the US – in a curious coalition with some Islamic countries, Japan, and Russia – blocked the adoption of any harm-reduction friendly language. Nevertheless, the 2005 CND marked an important moment in global drug policy making, demonstrating that the rising tide in support of harm reduction crossed the point of no return.[22] Amidst fears that US pressure would be extended to UNAIDS, the campaign shifted its attention to the UNAIDS Programme Coordinating Board (PCB) meeting in June 2005. The threat to the UNAIDS mandate to be involved in needle exchange and other harm reduction practices was averted with the adoption – despite US objections – of a position paper that called for harm reduction, specifying the importance of drug substitution treatment and sterile needle and syringe programmes.

Despite the fledgling resistance of opponents, harm reduction is now accepted as a viable policy by many nations. There are presently eighty-two countries and

Opium field in Burma, 2004

territories worldwide that support harm reduction, explicitly in national policy documents (71 countries), and/or through the implementation or tolerance of harm reduction interventions such as needle exchange (77 countries) or opioid substitution therapy (63 countries).[23] TNI recommended that harm reduction-friendly nations should consider increasing funding to UNODC to diminish the agency's vulnerability to US donor pressure.[24] The European Union and its member states – which incorporated harm reduction in its 2005-2012 Drugs Strategy – has now replaced the US as the major donor of the UNODC, and at the moment the HIV/ AIDS Unit is the best funded entity in the agency and harm reduction has become an integral part of the programme. A clear paradigm shift from zero-tolerance to pragmatism has taken place in international drug control.

The 2008 UNGASS review

The NGO mobilisation around the battle in 2005 had been remarkable and quite unprecedented. Many of the organisations involved joined to form the International Drug Policy Consortium (IDPC) of which TNI is a founding member. The consortium enabled NGOs from different backgrounds to work together for the next task, the 10-year review of UNGASS in 2008. Learning from the disappointing evaluation at the 2003 the mid-term review, TNI set out to try to ensure a genuine evaluation of the effects and impacts of the 1998 political declaration and action plans. As in 2003, it was clear that the goals and targets of the 1998 UNGASS would not be met. The recognition of that reality was considered the necessary precondition for reform of the UN drug control system and a revision of the UN drug conventions that is long overdue.

Many countries, anxious that an evidence-based and objective evaluation might identify shortcomings in the current drug control framework and open up a Pandora's box of better-to-be-avoided questions and proposals for change, opted for a limited assessment just as in 2003. They wanted to downplay the relevance of the period of global reflection following the 2008 CND, leading to a high-level segment at the 2009 CND to draw conclusions for the future. Meanwhile, TNI had started a series of informal drug policy dialogues in 2004 that brought together civil society, academics and multilateral and national policy officials from like minded countries and institutions, willing to take a stand in support of more effective and humane international drug control policies within the scope of their mandates. The issue of a genuine evaluation of UNGASS was high on the agenda, and according to one of the participants *'the UNGASS review debate wouldn't be happening*

without TNI pushing this process. It would have been a rubber stamp.'

Civil society at the 2008 UNGASS review

In a marked difference with the limited space for civil society participation at the 1998 UNGASS in New York, the 2008 review in Vienna saw a significant increase in the involvement and influence of NGOs. The Vienna NGO Committee on Narcotic Drugs (VNGOC) initiated the Beyond 2008 Forum well before the review to reflect on its civil society's achievements, exchange ideas on new approaches, reach agreements on ways to work together and make recommendations to the UN drug control system and member states on future directions. The process received the full support of UNODC and at the 2008 CND, Costa addressed the NGO Forum.

Despite the ever-present ideological quagmires among civil society organisations that range from staunch supports of zero tolerance to legalisation activists, the Beyond 2008 initiative managed to build sufficient consensus and mutual agreement in a series of regional consultations, which will result in a declaration and three resolutions at the 2009 CND. A large number of NGO speakers were permitted to make statements to the plenary of the CND during the Thematic Debate, a level of speaking presence that has been entirely unprecedented at the CND. Several countries included NGO experts in their official delegations, including TNI's Martin Jelsma, who has been on the Dutch delegation for three consecutive years.

Throughout 2006 and 2007, TNI integrated research and proposals for the UNGASS review into all its work

Opium fields in the Wa region in northern Burma, May 2004

pushing for inclusion of civil society perspectives and expert analysis in the evaluation by the CND. Initiatives such as the establishment of an expert group to assist the CND with the assessment and on a clear EU position on the whole review process, were discussed at large at our informal dialogues. The briefing *The UNGASS Evaluation Process Evaluated*, published by the IDPC and co-authored by TNI,[25] set out a series of recommendations to strengthen the evaluation process. Close scrutiny of the CND proceedings[26] and a series of advocacy guides by IDPC prepared civil society for the 2008 CND, the first step in the review. However, the plenary debate on the UNGASS review at the 2008 CND turned out to be disappointing, with very few governments acknowledging or engaging with the real policy dilemmas arising from the failure to achieve the 1998 goals and targets. Neither did they come forward with ideas or proposals on how the international drug control system could be improved.

Surprisingly, the most significant proponent of a meaningful debate was the executive director of the UNODC, Antonio Maria Costa. In his opening statement to the CND, he echoed some of the themes highlighted by civil society, declaring the need for greater attention and funding to harm reduction, human rights, and the health aspects of the drug problem. For the first time, he openly defended the principle of harm reduction, emphasising that the 'implementation of the drug Conventions must proceed with due regard to health and human rights.' He also acknowledged that the drug control system had a number of 'unintended consequences', and that it was important to confront and tackle them.[27] Like in 2003, he reiterated his belief that the global drug problem was being contained – not solved – claiming stabilisation in supply and demand. Although we continue to have doubts about whether the UNGASS goals or the UN conventions in any way contributed to the alleged stabilisation, the concept of containment is useful to consider a more realistic set of objectives and to focus on efforts to reduce the harm caused by drugs and the current drug control system itself.

Beyond 2008

Costa's comments were in stark contrast to the unrealistic pledges of 1998. As for TNI, on three of the four objectives we set in 2003 there has been measurable progress. The introduction of harm reduction at the UN level is irreversible and the debate at the UN level has significantly improved while the discourse is changing, not in the least because of an increased involvement of civil society. More NGOs are active on drug control at the UN level – highlighting new issues, such as increased attention for human rights. The role and mandate of the INCB has been challenged significantly. The overall role and functioning of the UNODC has improved as well, although much still remains to be done. Room for manoeuvre on the supply side – the more difficult aspect of the current system – is currently being discussed (see elsewhere in this publication).

But what about the fourth and most difficult objective: a revision of the drug control conventions? In his paper to the 2008 CND, Costa affirmed *'there is indeed a spirit of reform in the air, to make the conventions fit for purpose and adapt them to the reality on the ground that is considerably different to the time they were drafted. With the multilateral machinery to adapt the conventions already available, all we need is: first, a renewed commitment to the principles of multilateralism and shared responsibility; second, a commitment to base our reform on empirical evidence and not ideology; and thirdly, to put in place concrete actions that support the above, going beyond mere rhetoric and pronouncement.'*[28] Apparently, even at the official level, there is now an acknowledgement that the conventions need to be revised. That sounds like an excellent agenda for beyond 2008.

Chapter 4

Drugs & conflict

Ten years of war and drugs in Colombia, Burma and Afghanistan

Tom Blickman, Tom Kramer & Amira Armenta

TNI's work on drug and conflict initially focused on the Andean Region, especially Colombia, the main producer of coca. Our work has since expanded to cover the world's main opium producing areas as well: the Golden Triangle with a focus on Burma, and Afghanistan. All three regions have seen long standing internal conflicts that have had a devastating impact on the civilian population.

Over the last decade, TNI staff has paid numerous fields visits to these conflict zones and coca and opium producing areas. During these visits we have met with a wide range of actors, ranging from coca and opium farmers and drug users to representatives of civil society organisations, international agencies, various armed opposition groups and the government.

We have witnessed attempts in all three regions to blame the problems of the drugs trade on non-state actors such as the FARC in Colombia, the United Wa State Party (UWSP) in Burma and the Taliban in Afghanistan. Although these organisations are clearly not innocent when it comes to the drug trade, few conflict parties – including the government – can claim to have clean hands. While blaming or indicting one specific conflict party for the drug trade often has more roots in politics than in evidence, in many cases it has served as a justification for repressive approaches and 'wars on drugs' in these countries.

Perhaps much more worrying is the lack of involvement of local communities and the organisations that represent them in discussions and decisions-making processes on drug policies and international assistance that have tremendous consequences for their livelihoods. Coca and opium farmers have told us compelling stories of why they are involved in growing opium poppy or coca.

In these polarised climates, simplistic and politically motivated arguments and policies dominate. The victims of these 'wars on drugs' are mainly those at the bottom of the drug trade: the coca and opium farmers in these regions. They have been criminalised and punished for something which, as they have told us time and again, they were drawn into by circumstances – issues related to poverty and conflict - and certainly not by free choice or because of 'greed' or 'temptation', as some drug control officials want us to believe. These groups bear the brunt of the current repressive drug control programmes, mainly in the form of eradication and bans on growing opium and coca without providing farmers with adequate alternatives to sustain their livelihoods.

Alternative development: Harm reduction at the production side

As a matter of principle, we strongly believe that no eradication of opium or coca crops should take place without alternative livelihoods in place. The alternative development approach seeks 'to mainstream counter-narcotics objectives into national development strategies and programmes', and is best understood as doing 'development in a drugs environment'. It needs to be clear, however, that alternative development programmes alone are not going to bring about a major breakthrough in reducing coca and opium cultivation. Most of the development projects are still small-scale, especially compared to the illicit coca and opium cultivation in these countries.

Information material from the Afghan government to convince farmers not to cultivate opium

There are also unrealistic expectations of what these programmes can actually deliver. They do not function in isolation; the success of any programme depends on the specifics of the local situation and on the dynamics of the licit and illicit markets. At best, these projects can serve as a laboratory to identify and then propagate viable alternatives to poppy cultivation. But expecting huge impacts in a large drugs economy is unrealistic.

It is definitively worth continuing this experimentation, and a lot of progress has been achieved in the discourse on alternative development. However, the current scope and performance of alternative development programmes should in no way be used to support the argument that eradication is justified since alternatives exist. Such claims are leading to huge resentment among the majority of farmers for whom alternative development is a virtual reality in which they play no part. Alternative development approaches must be upscaled and widened into a harm reduction strategy for producers of illicit crops.

In our work on these countries, we contributed to bring nuance into very politicised debates by using evidence collected in the field, as well as a decade of comparative experience with impact of drug policies in different parts of the world. TNI has advocated its views and recommendations through its publications, which are widely distributed among international policy makers, researchers and the international aid community. We carry out our own advocacy in meetings with international policy makers in Europe and the US, at the UN, but also with governments in Latin America, and in South and Southeast Asia. TNI has been invited to various international conferences and seminars on Colombia, Burma and Afghanistan to contribute its expertise and has further advocated its position in alliances with international NGOs and research organisations.

Colombia

TNI's involvement with Colombia and the Andean region at large grew out of the project *Democracies*

under Fire: Drugs and Power in Latin America. The study published in 1998 approached the drugs problem on the continent from two sides: on the one hand, the destabilising effect of an illicit economy; and on the other, the remilitarisation caused by the escalation of the drug war. That escalation was identified as a major impediment to efforts at demilitarisation and democratisation in the region, notably in Colombia.

The Andean region is currently the only place in the world where coca is cultivated. The coca leaf is part of a pre-colonial indigenous culture that still persists, in particular in Peru and Bolivia. Coca has been chewed and brewed for tea for centuries in the Andean region. However, coca is also the raw material for the illicit drug cocaine – and its cultivation in the area became a matter of national security for the United States when the country was hit with a crack epidemic in the 1980s. The US imposed programmes of forced eradication of illicit crops in the Peru, Bolivia and Colombia.

In the 1990s, Colombia emerged as the main illicit producer of cocaine and the illicit industry fuelled the ongoing decades-old civil conflict in the country – providing income for left wing guerrilla groups and right wing paramilitary organisations. Coca cultivation areas in Colombia became the target of intensive aerial spraying with herbicides, sponsored financially and politically by the United States, making it a precondition for Colombia to receive financial aid.

At the end of 1998, a large area of Southern Colombia was demilitarised as part of an agreement between the newly elected president Andrés Pastrana and the Revolutionary Armed Forces of Colombia (FARC) – the major insurgent group in the country. A serious attempt to end the 40-year civil war was set in motion. One of the pressing issues in the peace talks between the two was how to reach an agreement on the widespread coca and opium cultivation in areas under FARC control. To support the initiative, Pastrana launched a broad 'Marshall Plan', known as Plan Colombia – asking the international community for financial assistance.

Plan Colombia in its original form was an important element in the peace negotiations and part of the pre-agreements between the FARC and the government prior to the official installation of the peace talks. Within months, the US intervened to reshape Plan Colombia, arguing that the increasing involvement of the guerrilla in the illicit drug industry meant that in order to stop the violence affecting the country and threatening the region, it would be essential to fight the 'narco-guerrilla', denying the FARC income from taxes on drug cultivation and crude production.

A new Plan Colombia was negotiated with the US alone, without the consent of, or consultations with, the Colombian Congress, never mind other relevant social actors. In fact, the plan was originally drafted in English and not even available in Spanish until four months after it was agreed to with the US. The US$ 1.3 billion in largely military aid that Washington allocated for Plan Colombia marked it as a war strategy and not a peace plan.

Washington was categorical that its anti-drug scheme was non-negotiable and that the peace process should not interfere with the anti-drugs effort. This led to contradictions and mutually exclusive approaches in Plan Colombia with respect to drugs, the peace process and development. As an editorialist in one of Colombia's leading newspapers commented, the problem with the new Plan Colombia was that it was conceived as a strategy to solve problems for the United States and not for Colombia. In the words of TNI associate fellow Ricardo Vargas, what was *'peace building in Colombia has become the anti-drugs strategy of the United States.'*

In December 2000, Colombia began with massive aerial spraying backed by the US with more helicopters, 'drug dusters', newly trained military anti-drugs battalions and logistical and intelligence support. More than five billions of dollars have since been poured into military aid and for the aerial fumigation programme – without reaching the goal of ending the civil war or cutting the supply of cocaine destined for the US market.

The indiscriminate spraying proved to be not effective. Aerial fumigations in Colombia set in motion a vicious circle of human, social and environmental destruction in the extensive Andean-Amazon region, resulting in a humanitarian crisis in a situation of civil conflict. In the course of the cycle human rights were violated and the environment and health of the peasants – whose food crops were touched as well – were damaged, the legitimacy of the state eroded, alternative development projects for coca cultivating peasants were aborted, peasant support for the guerrilla increased, the war extended to new areas amplifying the displacement of people, and drug control became entangled with counter-insurgency objectives.

Plan Colombia effectively derailed the peace process, which ended in February 2002 when the Colombian military invaded the demilitarised zone in the Caguan and the new president, Alvaro Uribe, started a military campaign against the FARC guerrilla.

TNI's response

Together with its partner Acción Andina Colombia, TNI started a project *Drugs and Peace in Colombia*. The challenge was to define and promote an alternative harm reduction policy framework that would reduce the fuelling effect of the drugs industry on the civil war, thus improving conditions to consolidate

Critical, comprehensible and transparent

I very much appreciated the professional work of the TNI Drugs & Democracy programme over the past ten years and throughout various different assignments.

Whether it was at the United Nations, the European Commission, as an independent policy advisor or together with national governments, I always met TNI as a critical partner who would listen and defend its position professionally, comprehensible and transparent.

Such qualities set important standards but, even more important, bring a vital element of respect in the often highly controversial debates on the best drug policies at stake.

Michael Alexander
Delegation of the European Commission to India, Bhutan and Nepal

The crazy war on drugs attacks the poor and defenseless

After working with the World Health Organization, I had returned home at the end of 1998. My efforts to humanise the war on drugs had resulted, at the end of the day, in sheer frustration due to the US vetoing of 'the largest global study on cocaine use ever undertaken', as it was announced in the WHO press release of 14 March 1995. WHO had undertaken this study jointly with the United Nations Interregional Crime and Justice Research Institute (UNICRI), and I happened to be the coordinator of an international WHO research project.

In May 1995, the US representative at the 48th World Health Assembly claimed that the study on cocaine undermined the efforts of the international community to stamp out the illegal cultivation and production of coca, and that funds for the relevant WHO's programmes should be curtailed if the study would be published. The US representative was irritated because the study confirmed that the traditional chewing of coca leaves was absolutely innocuous, and therefore, that nothing could justify the bloody repression of coca farmers in the Andean countries.

Under these circumstances I published in Bolivia an article about the weakness and impotence of science when it is override by the dogmatism of power. This article came to the attention of Pien Metaal of TNI Drugs & Democracy, who contacted me to ask if she could take a look at the WHO/UNICRI study. This initial relationship proved to be fruitful as the unpublished cocaine study was translated into Spanish and distributed worldwide through the TNI website.

After TNI's dissemination of the study, it was met with broad interest from scholars and from the media. I received many comments from Bolivia and the Andean countries, as well as from other regions in the world. Many comments were written with regards to the scientific and ethical value of the study, most of them emphasizing the study's significance as a testimony to the virtues of the coca leaf.

Following this experience, I was privileged with Pien and Martin's friendship. Thanks to them I was able to participate in many meetings and symposiums within the Andean countries, including some in Bolivia, where the leaders of traditional users and farmers of coca came together with the most prestigious investigators and were free to discuss their opinions and information on the Latin American drug policies and their impact on the governments and population.

Today, I strongly believe that TNI Drugs & Democracy is a most important international instrument for promoting honest information and scientific evidence for the defense of human rights, peace and democracy all over the world, particularly in those regions where the crazy war on drugs attacks the poor and defenseless. I would also like to underline TNI's friendliness and wisdom in approaching people from developing societies and different cultures.

Mario Argandoña
Drug Researcher

the peace process. In a broader context TNI challenged the claimed successes of the US supply reduction strategies in the Andean region.

At the end of 1999, the results of a detailed scientific study into the social and environmental impact of fumigation of illicit crops in Colombia were published.[1] The results of the study were widely publicised at a number of high-level conferences held in Colombia, Spain, Ecuador and Costa Rica. The study had a major impact insofar as the UNDCP and the Environment Ministry in Colombia were openly critical of the aerial fumigations with the herbicide glyphosate (or 'Roundup' produced by Monsanto).

Meanwhile, a 'Proposal for Peace' was developed by TNI and Acción Anndina, which elaborated concrete proposals for an alternative.[2] At the end of June 2000, it was presented at the International Hearing on Illicit Crops and Environment in the demilitarised zone in southern Colombia, an event that was co-hosted by the two key parties to the peace talks – the FARC and the Colombian government. The aim of the hearing was to further debate amongst key negotiating partners about the relationship between the illicit drug economy and the peace process. Ricardo Vargas representing Acción Andina and Martin Jelsma of TNI were official delegates to this meeting, which included a host of Colombian peasant and NGO representatives, as well as government representatives from all EU states, Canada, Japan, Norway, Switzerland, and various international agencies.

Simultaneously, TNI lobbied European governments in collaboration with a wide coalition of European development and human right groups to persuade them not to support Plan Colombia. While the US was providing the 'stick' for Plan Colombia, the plan was to get Europe to provide the 'carrot' in the form of development aid for drug crop substitution and other economic support. TNI actively campaigned against the involvement of the European Union in Plan Colombia. Prior to an international donor conference in 2000 in Madrid, TNI co-organised a parallel NGO conference and briefed the media.

In 2001, preceding another donor conference in Brussels, TNI launched its new Drugs & Conflict debate papers series with *Europe and Plan Colombia*,[3] clarifying the confusion in the decision-making process around Plan Colombia. The campaign was successful in that Europe ultimately rejected Plan Colombia and restricted its financial aid to projects in support of the peace process. A European official voiced Europe's position most clearly, saying: 'The military aid [in the plan] has been like putting a blue stocking in the wash with white clothes – everything comes out blue.'

Throughout 2002 and 2003, a series of workshops and seminars were held with indigenous and peasant communities in the coca and opium poppy growing areas, focussing on alternative development projects intended to provide alternative livelihoods for peasants involved in cultivating illicit crops. In 2003, TNI also produced a special briefing.[4] The report was extremely critical of the shortsighted approach being promoted by the main alternative development funding agency, USAID, which is interested solely in hectares of coca eradicated in the short-term without concern for long-term sustainability of rural livelihoods. Combined with the strategic focus on illicit cultivation

Image from an Afghan government information booklet, warning farmers not to fall for the temptations of growing opium

as a source of guerrilla finance and indiscriminate aerial fumigations, this strategy serves only to create a breeding ground for more violence and instability and mires the Colombian state deeper in its legitimacy crisis.

As TNI continues to monitor the situation in Colombia, it uses its expertise to demonstrate how the model of Plan Colombia has been extended to other drugs and conflict areas. In 2004, the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the US State Department tried to introduce a Colombia-style Plan Afghanistan but was opposed by the US military, and in 2007 a similar initiative, the so-called Merida Initiative is being implemented in Mexico.

Aerial interdiction

TNI challenged the effectiveness and impacts of US source country interdiction programmes in Latin America. A report in 1999 disputed the success of the so-called 'air bridge denial' programmes, seeking to reduce the amount of cocaine entering the US market by blocking the transport of cocaine and its precursors in the Andean-Amazon region.[5] The issue of aerial interdiction and the developments in Colombia also reached the Dutch political arena. In 1999, the Dutch government signed a one-year treaty with the US to establish Forward Operating Locations (FOLs) on the Caribbean islands of Aruba and Curaçao – both part of the Kingdom of the Netherlands.

These US military support air bases compensated for the loss of military facilities in the Panama Canal Zone returned to Panama. Two thousand counter-drug missions were flown out of Panama annually to monitor, detect and intercept drug transports in the transit zone to US shores, and to locate drug cultivation and production in the Andean region. Other FOLs were established in Manta (Ecuador) and Comalapa (El Salvador). TNI engaged the Dutch government, parliament and public on the wisdom of allowing US military bases to operate from Dutch territories, arguing that this was tantamount to supporting the US military war on drugs and Washington's interventions in Colombia's civil war. A briefing in Dutch in 1999 detailed the risk involved for the Dutch government,[6] as well as an Op-Ed in one the leading newspapers.

The signing of a ten-year treaty in March 2002 generated controversy. TNI was asked to speak at public meetings and in radio debates, consulted by the media as well as by parliamentarians drafting questions for parliament and preparing their positions. TNI commissioned the Amsterdam International Law Center (AILC) of the University of Amsterdam to investigate the international legal consequences of the treaty. The AILC report concluded that The Netherlands could be held responsible for violations of international law and would be co-responsible for human right violations as a result of operations conducted from the FOLs.

The media and parliamentarians cited the report regularly during the parliamentary debate on ratification in May 2002, which had postponed several times due to the controversy. In the weeks leading up to the vote, a heated debate took place in the newspapers, on radio and television. Prior to the parliamentary debate, TNI initiated a petition to parliament not to ratify the FOL treaty signed by Dutch human rights, developmental, environmental and drug policy reform organisations. On the eve of the debate, TNI organised a public event attended by two key parliamentarians on the issue.

Parliamenty deliberations turned into an unusually fierce session, which lasted more than 12 hours. The vote itself, as anticipated, was in favour of ratifying the treaty. Nevertheless, the government was forced to limit the use of the FOL to pure interdiction of drug shipments, putting restrictions on the sharing of intelligence gathered from the FOL and stipulating an annual evaluation of the operations carried out from the islands.

In 2003, TNI published another briefing outlining new developments since the terrorist attacks of 9/11.[7] There is evidence that the FOLs are being used for a number of purposes, besides the ostensible role in counter-narcotics efforts. This includes gathering intelligence on arms trafficking in the region and migrant boats destined for the USA. Serious concerns have arisen about the possible use of the FOLs in support of US military involvement in the Colombian conflict. The bases, now known as Cooperative Security Locations (CSLs), have been integrated in the 'war on terror' and it has become increasingly difficult to find out what is really going on.

Burma/Myanmar

On the first TNI mission to Burma[8] in September 2003, we visited villages in the Wa hills in northern Shan State, by then the largest opium producing area in Burma, to assess the situation of opium farmers.

Biological warfare against drugs

In the beginning of 2001, TNI was engaged in one of the most disturbing battles of these ten years: The battle against the fungus Fusarium oxysporum. Back in 1998, the issue of a biological agent for eradication of opium first emerged on the international drug control agenda. In the UNDCP's controversial Strategy for Coca and Opium Poppy Elimination (SCOPE) – which aimed to eradicate the illicit cultivation of coca and opium poppy by the year 2008 – a paragraph was devoted to a research programme for a biological agent which could destroy the opium poppy.

SCOPE was never endorsed by the UN member states, but the United Nations International Drug Control Programme (UNDCP), had already signed a US$ 650.000 contract with the 'Institute of Genetics and Plants Experimental Biology' of the Academy of Sciences of Uzbekistan for a 3.5 year research programme to develop a 'reliable biological control agent' for opium poppy. Scientists of the former Soviet biological warfare plant in Uzbekistan were trying to perfect the Pleospora fungus that would kill the opium poppy - source of the world's illegal heroin supply.

The costs of the programme were shared by the British and the United States governments. Intelligence services of both countries were involved in the planning stage and 'may have a role in the deployment of the fungus'.[1] Initially, the donors to the project insisted on anonymity – using the UNDCP as a front – indicating the controversial nature of the programme, but several leading newspapers disclosed the plans.

In 2000, the US Congress recommended the use of yet another fungus, a coca-killing strain of the Fusarium oxysporum, as a biological control agent for eradicating coca crops as part of Plan Colombia. The fumigation of coca fields with chemical herbicides was not advancing fast enough in the eyes of some US lawmakers. The idea to use this fungus came originally from the US Central Intelligence Agency, which passed off research and development to the US Department of Agriculture.

The use of fungi as a mycoherbicide is very controversial. Fungi are capable of evolving rapidly. Mutagenicity is by far the most disturbing factor in attempting to use fungi as a bioherbicide. The mutated fungi can cause disease in a large number of crops, and it is difficult, if not impossible, to control the spread of fungi once released. The consequences of the application of an anti-coca fungus in the Amazon basin, one of the planet's most sensitive ecosystems, were entirely unpredictable. Had it been approved, use of the fungus would have extended the 'war on drugs' with a biological warfare component.

In February 2000, TNI published a briefing, *Fungus versus coca - UNDCP and the Biological War on Drugs in Colombia*, which represented the first major well documented publicly available report on the fungus project.[2] At that time, at Washington's instigation, the government of Colombia and the UNDCP (the current UNODC) were about to sign a contract allowing the use of Fusarium on the coca fields in the Southern part of the country. Arguing that a biological agent against coca was safe for the environment, they wanted to launch a series of trials in open fields in order to assess the effectiveness of the fungus.

TNI's revelations quickly spread across Colombia being broadcasted by several TV news stations. Within a month, the press in the US and Europe had picked up the controversial story, which became the focus of a BBC documentary televised in Britain and shown at conferences in Ecuador and Colombia. In October 2000, TNI co-hosted a conference on the issue in Quito, Ecuador, which was attended by 150 people from the Andean-Amazon region, including parliamentarians, ministerial officials, representatives of international agencies and NGOs. Immediately thereafter, another major conference was co-organised by TNI in Bogotá, Colombia.

The avalanche of critique and an intensive campaign against the introduction of the fungus, involving scientists, environmental groups, indigenous peoples and neighbouring governments, led the Colombian government to reject the proposal and the region-wide environmental authorities to prohibit the use of fusarium on Andean soil. By November, an embarrassed UNDCP announced it was withdrawing its support for the fusarium project in Colombia.

In March 2001, TNI published *Vicious Circle – The Chemical and Biological War on Drugs*, an extensive report covering not only chemical fumigations in Colombia, but also attempts to develop a biological fungus to attack drug crops.[3] It was distributed at the meeting of the CND in Vienna among the delegates to expose the controversial role UNDCP played in advancing research on a fungus to destroy illicit drug crops.

US-funded research on bioherbicides dropped out of public view for some time. Frustrated US Congressmen kept the project alive in their dangerous illusion to find a final solution in the drug war. The research was completed in 2002, and the Bush Administration with support of members of Congress started pressing for its use again. For that reason, David Sands – the scientist involved in fabricating the fungus – was invited to UNODC headquarters in Vienna in March 2003 to give a talk, sponsored by the White House, in which he announced that the mycoherbicides were ready for use by any country interested in applying them.[4]

However, the exposure of the fungus schemes has made it highly unlikely that they might be introduced as a 'silver bullet' to wipe out coca in the Andean-Amazon region or opium in Afghanistan. There would be no support from such entities as the United Nations and many other governments that would give the fungus policy a multilateral appearance. Such proposals would unleash a new campaign with support of environmental groups.

1. Biological Warfare in the War on Drugs, by Tom Blickman, TNI Briefing Paper, September 1998, at http://www.tni.org/detail_page.phtml?page=archives_tblick_biowar
2. Fungus Versus Coca. UNDCP and the Biological War on Drugs in Colombia, by Martin Jelsma, TNI Briefing Paper, February 2000, at http://www.tni.org/detail_page.phtml?page=archives_jelsma_ fungus-e
3. Vicious Circle. The Chemical and Biological 'War on Drugs', by Martin Jelsma. TNI Report, March 2001, at http://www.tni.org/drugschembio-docs/fs2-e.htm
4. The Re-emergence of the Biological War on Drugs, TNI Drug Policy Briefing 7, May 2004, at http://www.tni.org/detail_page.phtml?page=policybriefings_brief7

Spraying of coca crops with herbicides in Colombia

Since then, TNI has carried out regular missions to Burma and to its neighbouring countries Thailand, Laos and China, and has been able to gain access to difficult and restricted (conflict) areas, such as cease-fire regions in northern Burma. We have been able to meet with a wide variety of actors in the country, including representatives of the military government, UN agencies, various non-state actors, opposition groups, local and international NGOs, and, most importantly, with (former) opium farmers and drug users.

Burma has been at civil war since 1948 and the country has lived under military rule since 1962. Decades of war and government mismanagement have caused great suffering for its peoples. Ethnic minority regions, where most of the fighting has taken place, have suffered disproportionally. We have witnessed the devastating impact that decades of conflict and poverty have had on local communities in these war-affected areas.

Causes and consequences of the opium decline

Although the accuracy of statistics is always debatable, clearly there has been a recent decline in opium production in Southeast Asia, especially in Burma, which until the mid-1990s was the world's largest producer of illicit opium. 'The Golden Triangle is closing a dramatic period of opium reduction', wrote UNODC Executive Director Antonio Maria Costa in his preface to the 2007 Golden Triangle Opium Survey. 'A decades long process of drug control is clearly paying off'. [9]

However, those who are paying the price for this trend are the opium farmers, most of whom belong to a wide range of different ethnic minority groups that are involved in traditional upland shifting cultivation

Martin Jelsma at the World Social Forum, Porto Alegre, 2005

in mountainous areas. Often, they can only grow enough rice to feed their families for 4-6 months in a year. Over the years, we have interviewed many of these people in their isolated villages in the mountains in northern Burma and Laos. They need the opium income to buy food, medicines, and clothes for their families, and have told us desperate stories of poverty and conflict.

Among the reasons for the opium decline in Burma are policy decisions implemented by cease-fire groups, such as the United Wa State Party (UWSP) in the Wa Region. With an estimated 15.000 soldiers, the UWSP is the largest ethnic armed opposition group in the country. It signed a cease-fire agreement with the military government in 1989. This is mainly a military truce, as no political agreement has yet been reached.

In 2005, The UWSP introduced a ban on opium cultivation in the territory under their control. In return, they have told us in several meetings, the UWSP is hoping to get political recognition and international assistance to develop their region. The ban has proven highly unpopular among the population; people are complaining that while they have been forced to stop cultivating opium, there are no alternative sources of income available for them to help offset their food shortage.

Although UNODC, the World Food Programme (WFP), and a number of international NGOs have initiated development projects in the Wa Region, so far this has not been sufficient to migitate the impact of the opium ban on the ex-poppy farmers. Instead of ending their political isolation, in 2005 the US indicted eight UWSP staff members on drug-trafficking charges. US officials have called the UWSP 'the largest heroin producing and trafficking group in the world.'

The UWSP is certainly not innocent to drug related crimes, but few conflict actors can claim to have clean hands. Chinese syndicates control the drugs trade in the Wa Region, and demonising and isolating the UWSP will make it even more dependent on criminal organisations. These Chinese organisations have no interest in conflict resolution and may even obstruct reconciliation efforts in Burma.

Serious doubts remain about the sustainability of the opium decline in the region, especially Burma, which was by far the main producing area. The current approach of implementing opium bans in northern Burma and Laos is following the wrong order of policy interventions. In Thailand, substantial time and resources were invested to create alternative livelihoods for poppy farmers before authorities started to eradicate opium poppy. Unfortunately, in Burma and Laos this has not been the case. TNI has warned that local communities may be forced to return to cultivating opium if they are unable to find alternative ways to sustain their livelihoods.

Moreover, it is not clear whether the cease-fire agreement of the UWSP with the military government will hold; a political solution still seems a long way from materialising. More recently, opium cultivation has moved to others areas in Burma where farmers now plant opium undisturbed.

Medicinal, traditional and problematic drug consumption

The opium decline is also having an impact on drug users, who have shifted from smoking opium to smoking and later injecting heroin to compensate for a decrease in availability and a subsequent increase in prices. Burma has a large number of drug users. During our visits we have come across various forms of drug use, including the use of opium, heroin, amphetamine type stimulants (ATS), and a wide variety of mixtures with pharmaceuticals. As opium production has declined in Burma, the production of ATS has increased.

It needs to be stressed though that not all opium use is problematic. Ethnic minority communities living in the mountains of northern Burma and Laos have told

us how opium is traditionally used for medicinal and cultural purposes. However, we have also come across problematic use of opiates and other substances, especially among injecting drug users.

The HIV/AIDS epidemic in Burma, the most serious in the region, is greatly fuelled by the large number of injecting drug users. In communities in northern Burma we visited, there are few families who are not affected by this human drama. During our first visits to this region, people were complaining about the lack of knowledge of what was causing the HIV/AIDS epidemic. Today, a main concern is adequate access to health services, especially access to anti-retroviral treatment.

International responses

The international community is divided over how to respond to Burma's political and socio-economic crisis. Western countries, led by the US and the EU, have implemented political and economic sanctions against the military regime. The West has also limited Burma's access to international humanitarian aid. By contrast, Burma's neighbours have actively promoted economic relations with Burma.

The discussions on drug policy in Burma have long been dominated by political actors who were either for or against international isolation of the military government in Burma. Very few actors were willing to look at the reality on the ground for communities directly affected by drug control policies, and in developing policies that support rather than threaten these communities. There are a number of very serious problems in Burma that cannot wait to be resolved until there is political change, but need to be addressed immediately. These include the problems related to the production and cultivation of drugs and the HIV/AIDS epidemic in Burma, which is closely connected to drug use.

Sticker produced by the Afghan government warning that opium fields will be eradicated

TNI wants the international community to rethink its current strategies and to develop sustainable policies that support the opium farmers, who not only have been the victims of repressive anti-drug policies implemented by way of opium bans and repressive anti-drugs policies, but have also suffered as a result of the Rangoon-focused political agenda and the demonising of the cease-fire groups by the international community.

TNI has been a strong advocate for the provision of humanitarian aid to Burma, especially to address the urgent needs of opium farmers in northern Burma, where opium bans have resulted in loss of livelihood and food shortages. Interviews with local communities in opium cultivating areas in the region have convinced us of the need for a development-oriented approach to drug control. TNI's activities have contributed to shifting the debate among policy makers, and have contributed to an increase of funding for projects that support ex-poppy farmers in the country.

We have further promoted aid for programmes that support drug users and people living with HIV/AIDS. The withdrawal of the Global Fund from Burma in 2005, which was the result of lobby by political groups in Washington, was a major blow for those organisations in Burma working on harm reduction and HIV/AIDS. Most of the impact of this decision was on people living with HIV/AIDS and on the availability of life-saving anti-retroviral treatments in Burma.

Following these events, TNI has been a supporter of the creation of the Three Diseases Fund to fill the gap left by the Global Fund. TNI's work has contributed to the creation of political support in Europe for humanitarian aid to Burma in general, and for the Three Diseases Fund in particular.

TNI's response

TNI has been among the first – and very few - international organisations that have attempted to represent the interest of opium farmers and drug users in numerous exchanges with local and international actors. TNI has also been able to present its knowledge of the field into various international meetings on drugs policy.[10] TNI has made a strong case to include local actors who are most affected by repressive drug policies in the decision-making processes that have had such tremendous impacts on their lives. TNI has been the first organisation to do research and publish policy papers on the relation between drugs and conflict in Burma, and to develop specific drug policy recommendations for the country. Together with the Burma Centre Netherlands (BCN), TNI organised an international conference in Amsterdam in December 2003 to discuss the specific dilemmas for drug policy responses.

Further, TNI has published two Drugs & Conflict Debate Papers, a Drug Policy Briefing, and a book on drugs policy issues in Burma[11] These publications have been widely distributed in the region as well as in Europe and in the US. The publication of '*Drugs and Conflict in Burma (Myanmar); Dilemmas for Policy Responses*' (Drugs & Conflict Debate Papers No. 9, December 2003) was widely distributed in Burma by UNODC.

Supported by the German government-backed development agency Gesellschaft für Technische Zusammenarbeit (GTZ), TNI started a novel research project on the causes and consequences of the opium decline in Burma, Laos and Thailand in 2007. Within the framework of this project, a network of local researchers in the region is established, where production as well as consumption issues are investigated. The project aims to promote sustainable and humane drug policies in Southeast Asia and to create a better understanding of the regional drugs market.

Over the years, TNI has established close working relationships with local organisations and local researchers in Burma and its bordering regions in China, Thailand and India. They bring together knowledge and experience in the fields of opium production, livelihood and coping strategies of farmers in drugs producing areas, the drugs trade (including opium,

heroin, ATS and its precursors), drugs use, and harm reduction activities. Through this unique network of individuals, TNI has access to information and areas that are off-limits to most others. Journalists often use its expertise for in-depth features on the issue.[12] For security reasons, some of these contacts have to maintain a low profile.

By means of its intensive work with local researchers and local organisations, TNI has been able to involve local organisations in international drug policy discussions, which have tremendous impact on lives of local communities in the region. TNI is also continuously providing opportunities to local researchers to develop their research skills, helping them to get access to these regional and international networks.

Afghanistan

Since 2005, TNI has conducted several field missions to Afghanistan. During these visits, we have witnessed regional and seasonal differences in opium cultivation trends and were able to interview farmers in opium producing regions in villages in Badakhshan and Nangarhar provinces. They explained to us why they grow opium, and why they resent current counter narcotics policies. We have also interviewed provincial governors and government representatives such as the Ministry of Counter Narcotics (MCN), the Counter Narcotics Police of Afghanistan (CNPA) and the Ministry of Rural Rehabilitation and Development. In the capital Kabul we have also met with representatives of UNODC, various local and international NGOs, and staff of foreign embassies.

Like Colombia and Burma, Afghanistan has been at civil war for decades. After the fall of the Taliban and the establishment of the Karzai government, the international community has committed itself to bring peace, stability and reconstruction to Afghanistan among others through the establishment of the International Security Assistance Force (ISAF). Yet the conflict in Afghanistan continues, claiming many victims among the civilian population. The 'Neo-Taliban' and anti-government insurgency has increased over the last years, especially in the south of the country.

Decades of destruction by war and years of drought have caused great hardships for the people of Afghanistan. Millions of Afghans live in extreme poverty and the country has one of the lowest human development indicators in the world. For many people living in rural communities in Afghanistan, cultivating opium is the only way to try to supply their families with basic needs. People we have visited in the villages in eastern and northeastern Afghanistan have shared with us their stories of the suffering they had experienced as a result of the ongoing conflict and their wish for peace and development. Neither the government nor the Taliban, many people have told us, has been able to adequately provide security or public services.

Since the mid-1990s, Afghanistan has been the world's largest producer of illicit opium. Poppy cultivation figures have been reaching world record levels in recent years. By 2007, UNODC estimated that the country was producing some 8.000 tonnes of opium, representing over 95% of the world's annual opium production. Although these figures should be treated

Tom Blickman at the Amsterdam office, 2008

with caution, the consistent high levels of opium production in Afghanistan over the last years have caused a wave a panic among the international community. Calls for more repressive drug polices are getting louder.

International responses

The international community is divided over how to respond to Afghanistan's military and political crisis and the growing drugs problem. Generally speaking Europe, especially the UK which is the lead country on counter-narcotics in Afghanistan, has called for an approach guided by development but including eradication of opium poppy in so-called 'target areas' where farmers have access to alternative livelihoods. Meanwhile, the US has pushed for more aggressive eradications efforts, including spraying of crops with herbicides, despite the failure of such a campaign in Colombia.

We have warned against carrying out eradication unless alternative livelihoods are in place for rural communities involved in opium poppy cultivation. Apart from causing immense suffering to these communities, such a campaign will also contribute to the growing insecurity in the country and cause further breakdown of social and political coherence. We have also strongly opposed aerial spraying (or ground spraying), which will have similar negative social and security impacts. Our research has shown that 'targeted eradication' as promoted by the UK has been a myth. It has become abundantly clear that the main impact of such eradication campaigns has been on poor farmers, sharecroppers and rural wage labourers.

From the outset we have warned not to confuse the so-called 'war against terrorism' with the 'war on drugs'. Apart from the erroneous concept of 'wars against', merging the two concepts into one seriously endangers the advances made to finding a solution to the drug problem, the local security situation and current reconstruction efforts in Afghanistan. Our field research has also shown that conflicts in

Opium field in Burma, 2006

the country are often not inspired by ideology – e.g. Taliban versus the Karzai Government – but about access to resources such as land, water, and foreign aid.

TNI has called upon international security forces in Afghanistan, including ISAF, not to become involved in eradication, as this will undermine their objectives of bringing security and development. It has also strongly advised against ISAF involvement in interdiction without a better understanding of trafficking networks. TNI has called for more attention to be paid to understand the market dynamics as a major factor determining policy outcomes.

There are many international organisations working on Afghanistan, and there is a wide range of publications on the country, including information on the drug issue. While most of these publications deal with the relation between insecurity and insurgency in the south and the drug trade, TNI's focus has been on drug policy issues of local and international actors, and their direct implications for local communities, especially opium farmers and drug users.

TNI's response

TNI has strongly advocated rethinking current counter narcotics strategies in Afghanistan, which risk escalating the spread of the insurgency and undermining reconstruction efforts in the country. We believe that what is needed are conflict-sensitive drug polices, that take into full account the complexity of the connections between drugs and conflict, rather than over-emphasising the single aspect of Taliban opium earnings.

We have called for a focus on long-term development, reconstruction and peace-building efforts, which could mean de-prioritising drug control for the short term. At the same time, we have warned that there are no alternatives to a sustained long-term effort that fully takes into account the reality of an existing global demand for heroin.

We think that silver bullets and 'one size fits all' solutions do not exist. The idea that the opium economy can be destroyed by sending in NATO troops or through chemical spraying are dangerous fantasies that will not work, but instead will have devastating impact on farmers, as well as for prospects for stabilisation and peace building. Similarly, proposals for worldwide legalisation of drugs, for buying up the whole harvest, or to incorporate the full Afghan opium production into the licensed licit opiate market for pharmaceutical purposes, are silver bullet fantasies that will not solve the underlying problems.

TNI has published three Drugs & Conflict Debate Papers and three Drugs Policy Briefings on Afghanistan, which have been widely distributed among local and international actors working in and on Afghanistan, as well as those working on drug policy issues in general.[13] These publications aimed to serve as an introduction for the complex issues of drugs policy in Afghanistan.

These recommendations by TNI have had concrete impact on drug policies of the international community on Afghanistan. It provided several countries with evidence-based arguments to formulate a more humane and sustainable drug policy for Afghanistan, rather than focusing on repressive but counter-productive measures.

In the Netherlands, TNI has advocated through the platform of Dutch NGOs to the Dutch Government to refrain from involvement of the Dutch military forces in Afghanistan in eradication efforts. TNI has also advised the Dutch Government on drug policy issues related to Afghanistan in special briefings. We have also supported the decision by the Dutch Government to try and prevent eradication in Uruzgan Province.

At the international level, TNI has been a clear voice in the campaign against the chemical spraying of opium crops in Afghanistan, and several EU member states – especially Germany, the UK and Italy - and the European Commission paid close attention to TNI's policy recommendations. The Italian government for instance commissioned the translation of TNI's publication *'Losing Ground; Drug Control and War in Afghanistan'* into Italian language, which was distributed to all members of Parliament. TNI also played a role in the discussion about involvement of foreign military forces – especially ISAF – on eradication.

We will continue to consult with farmers, drug users and the organisations that represent them, which currently are excluded from discussion about the very drug policies that have such tremendous negative impacts on their lives. We will also continue to consult with other local actors in the field, to monitor developments around drug control in these conflict areas. Our policy recommendations towards governments, international agencies, and the international community at large will continue to be based on the evidence we gather in the field.

Chapter 5

Looking forward

Drugs & Democracy: Challenges for the future
Martin Jelsma

Looking back at the busy decade behind us, the TNI Drugs & Democracy programme can do so with a certain degree of satisfaction. Our voice has been taken serious and has contributed to positive changes in the discourse. At times, the pace felt as a dynamic circus act keeping many plates spinning simultaneously, most of which remain invisible from the outside: Ongoing research in different parts of the world, various publications in progress, urgent responses to emerging issues, writing articles and journalists requesting information, participating in conferences around the globe, private meetings with policy officials, organising policy dialogues, commenting on draft publications by befriended academics and NGOs, providing advice and input for policy documents or parliamentary resolutions, strategy workshops, global conference calls, and the constant pressure of having deadlines to meet and planes to catch.

Though it is not always easy to pinpoint the impact of our work, we have no doubt that we have had an impact on some of the changes that occurred in the course of the decade since the 1998 UNGASS on drugs. The strengthening of the harm reduction trend worldwide; European as well as UN agencies largely maintaining a 'cordon sanitaire' around the real 'war on drugs'; the prevention of the launch of a biological front; a broader questioning of forced eradication in favour of a developmental and rights-based approach; more UN attention to system-wide coherence in the drugs field; a gradual erosion of drug control dogmas in favour of evidence-based policy development; and generally more nuance in often polarised debates including overcoming the simplification of the prohibition-legalisation dichotomy.

Opium harvest in Nangarhar Province in eastern Afghanistan, May 2007

The real challenge in drug policy making is to find the optimal balance between protection of public health through certain controls, on the one hand, and the negative consequences of overly repressive controls on the other. Though some progress has been made, the world is still far from having found that optimum. Drug control efforts are still heavily biased towards a punitive law enforcement paradigm, attempting to eliminate drugs through coercion and force. Much work still needs to be done to keep the balance shifting into a more humane direction, so we do intend to keep our plates spinning for quite a while to come. First and foremost, to try to ensure that the current UNGASS review process will lead to meaningful outcomes by March 2009. We also aim to ensure that shifts in policy discourse are implemented in practice and will lead to real-life improvements for the most marginalised and oppressed by means of drug law reforms and better quality of treatment, harm reduction and development projects. Last but not least, we intend to take up a major challenge for a post-2009 agenda: to open the door for a revision of the UN drug control treaties.

100 years of drug control

League of Nations: regulation (1909-1936)

Drug policy has gone through several stages in the past century since in February 1909 in Shanghai the International Opium Commission brought together twelve countries to discuss for the first time options for international controls on the opium trade. The impetus came from the US, where pressure was building up in support of a moralist-driven prohibitive philosophy. From the beginning the US showed a preference for supply-side approaches, symbolic for the externalisation of blame for domestic problems. The introduction of unenforceable bans that attempted to outlaw alcohol, gambling, drugs and commercial sex had turned the US into a land of criminal opportunity by the 1920s. '*The repeal of alcohol prohibition was a notable but rare admission*

An antidote to the often hysterical 'war on drugs' attitudes

For one who has been writing about Latin America in British and other media since the early 1960s the TNI Drugs and Democracy programme has for long been of great use. Apart from my being able to consult its staff to my great benefit I have found the programme's constant supply of news about narcotics of inestimable benefit.

Both these services came to my aid as my colleague Sue Branford and I were writing our book *Chemical Warfare in Colombia: the Costs of Coca Fumigation*. The idea for the book, published by the Latin America Bureau in London in 2005, came from my investigation in the Putumayo region of that country. The task of fleshing the original idea out was much facilitated by the aid received from TNI.

Their attitude to narcotics is always realistic and well focused and unfailingly offers an antidote to the often hysterical attitudes adopted by those who subscribe to the so-called 'war on drugs' and whose dubious antecedents in the realm of politics in the United States of America have been compounded over the years by great errors by many bodies involved in its execution.

Hugh O'Shaughnessy
Journalist, The Guardian

in America that moral ideals are no match for human ingenuity and human nature.'[1] An early American critic commented in 1931: *'To the amazement of the older nations of the earth, we have … enacted new legal prohibitions against the oldest vices of man. We have achieved a body of statutory law which testifies unreservedly to our aspiration for an absolutely blameless … life on earth.*'[2] He also pointed at the criminogenic effects of US puritanism at the time, contributing the 'high levels of lawlessness' to '*the fact that Americans desire to do so many things which they also desire to prohibit*'. The early evolution of the international drug control system reveals that most countries were reluctant to wholeheartedly embrace the punitive zero tolerance model that the US has worked so hard to internationalise.

The first treaties were negotiated pre and during the League of Nations era. They were more of a regulatory than of a prohibitive nature, aimed to tame the excesses of an unregulated free trade regime. For example, restrictions were imposed on exports to those countries where national laws had been introduced against non-medical use of opiates, but there were no treaty obligations to declare drug use or cultivation illegal, let alone to apply criminal sanctions against it. Initially, this League of Nations era series of conventions was a relatively loose but progressively stricter set of legal regulations for opiates, cocaine and cannabis, without criminalisation of the substances, their users or their producers.

United Nations: prohibition (1960s/1970s)

It wasn't until after the Second World War, when the US had obtained hegemonic superiority, that the necessary political conditions were created for the globalisation of US anti-drug ideals under the United Nations system. The 1961 UN Single Convention on Narcotic Drugs unified and replaced the different multilateral instruments negotiated throughout the previous half century and established to limit exclusively to medical and scientific purposes the use of a variety of psychoactive substances and to gradually eliminate non-medical use of opium over a 15-year period, and coca and cannabis within 25 years. The treaty was heavily biased to suppress plant-based drugs, at the time originating largely from the developing countries. This was a direct consequence of the pre-war colonial era's main preoccupation with opium, coca and cannabis. *'If in those days the opium-producing countries had been as concerned about alcohol as Western countries were concerned about opium, we might have had an international convention on alcohol'* according to the former head of the WHO Section on Addiction Producing Drugs.[3] The treaty also restructured League of Nations control agencies and established the International Narcotics Control Board (INCB) mandated to assure adequate availability of narcotic drugs for legitimate purposes and to monitor treaty adherence, and mandated the WHO to recommend which substances needed to be placed under the various degrees of control attached to the four schedules of the treaty.

The 1971 Convention on Psychotropic Substances was developed in response to the diversification of drug use, introducing controls on the use of amphetamines, barbiturates, benzodiazepines and psychedelics. Compared with the strict controls imposed on plant-based narcotic drugs, the 1971 treaty imposed a considerable weaker control structure, due to pressure from the European and

Ricardo Soberón at the World Social Forum, Porto Alegre, 2005

North American pharmaceutical industry during the negotiations. The subsequent inclusion in the 1971 schedules of opioids (buprenorphine) and cannabinoids (active compounds of cannabis) further obscured the already dubious distinction between 'narcotic' and 'psychotropic' drugs and confirmed that the 'logic' behind the two conventions had much to do with the interests of the pharmaceutical industry to not be plagued by the strictures of the 1961 Single Convention. Combined, the 1961 and 1971 Conventions constitute the prohibitionist backbone of the global legal drug control straitjacket established under the United Nations under heavy US influence.[4]

War on drugs & criminalisation (1980s/1990s)

President Nixon first declared a 'war on drugs' back in 1968, but actual deployment of US military abroad didn't start until 1983, when Special Forces were first sent to the Andes for counter-narcotics training. A first version of the 'narcoguerrilla' theory was developed which assured a blending of the anti-drug mission with counterinsurgency objectives in the Andean region from the start. President Reagan subsequently issued a National Security Decision Directive in April 1986 that declared drug trafficking a 'lethal' threat to the US. The Pentagon was fully thrust to the front lines of the drug war with the National Defense Authorization Act for fiscal year 1989 by President George Bush senior, which made the Department of Defense the single lead agency responsibility for monitoring, detection and interception of illicit drugs transports. This decision led to a dramatic increase in the number of military assets and personnel dedicated to the counter-drug effort, the start of a real 'war' on drugs. '*The timing for large-scale military involvement was excellent: the Cold War was drawing to a close, freeing up large amounts of assets, but the dramatic drawdown had not yet begun.*'[5] The anti-communist rationale for high military budgets and operations abroad was in trouble after the fall of the Berlin Wall, the same year the Pentagon was given a significant anti-drugs role.

The end of the 1980s also marked the end of the exemption schemes agreed to in the 1961 Convention to phase out non-medical coca, opium and cannabis

uses; the treaty had come into effect by December 1964, so the final deadline expired by 1989. The 1988 UN Convention Against Illicit Traffic was negotiated in this context. During the same period in the 1980s, the US was seeking to internationalise its war on drugs and the accompanying proposals for a tightening of a global drug law enforcement regime against drug trafficking, including one of their favoured legal instruments: extradition. The 1988 Convention reinforced the obligation of countries to apply criminal sanctions to control all the aspects of production, possession and trafficking of illicit drugs. The treaty symbolises the multilateral underpinning of a more aggressive attack against all aspects of the drug trade. Drug laws and sanctions were tightened across the globe and prisons were starting to fill up rapidly.

Soldiers in a poppy field in the Wa region in northern Burma, 2004

UNGASS 1998 – the fragile compromise

Ten years after the third convention was adopted, the international community gathered in New York for the UNGASS on drugs. The search for a consensus proved to be no easy task, owing to the many divisions that existed. On one hand, there were those who said – in relation to the 1988 treaty – that '*the convention is an instrument with teeth and now we should make it bite*', in other words, those who wanted to dedicate UNGASS to further reinforcing the worldwide system of control. On the other hand, particularly in some Latin American countries, there were those who believed the current regime is biased because it emphasises the producer countries of raw material (coca and opium). This group spoke of the need for a balanced approach under the motto of 'shared responsibility'. More attention should be given to the demand side of the market. Funds for alternative development ought to be increased. More rigorous measures against money laundering, as well as measures to prevent the diversion of precursors should be taken. In other words, there should be more emphasis on those parts of the market where the responsibility lies with the developed countries. A third group raised the question of the validity of existing policies as more pragmatic harm reduction strategies had already been introduced which were effective yet clearly in dissonance with the US ideology.

Millennium Goals & 'war on terror' (1998-2008)

The 1998 UNGASS had also established a new deadline in the Political Declaration – after the failure of the deadlines of the 1961 Convention – to 'eliminate or significantly reduce the illicit cultivation of the coca bush, the cannabis plant and the opium poppy by the year 2008'. The target was used to give legitimacy to grand US-inspired schemes such as Plan Colombia, Plan Dignidad for Bolivia and the failed attempt to introduce a similar Plan Afghanistan. The attention of the 'war on drugs' refocused on the main production areas of primary material. An all-out attack was staged on the coca economy in areas under FARC control in Colombia. Since September 11, 2001, particularly in the cases of Afghanistan and Colombia, counter-drug and counter-terror arguments are increasingly intertwined.

While the war on drugs intensified in the traditional Southern production countries, the emergence of more pragmatic and less punitive approaches to the drugs issue consolidated after the 1998 UNGASS under the banners of 'harm reduction', 'decriminalisation' and 'alternative development'. This led to significant cracks in the Vienna consensus, marking the beginnings of possible change in the current global drug control regime. The spread of HIV/AIDS amongst injecting drug users, the overcrowding of prisons, the reluctance in South America to continue being the theatre for military anti-drug operations, and the obvious ineffectiveness of repressive anti-drug efforts to reduce the illicit market, all contributed to erode global support for US-style zero-tolerance. The UN Millennium Goals and the two UNGASS meetings on HIV/AIDS in 2001 and 2006 helped to strengthen this drug policy trend in the opposite direction by prioritising poverty alleviation, HIV/AIDS prevention and harm reduction.

Entering the next stage: beyond 2008

The time has now arrived to enter the next stage. Our objective is to work towards a global system that can truly claim to protect the well-being of humanity, a system that guarantees certain controls over potentially harmful substances while being sufficiently flexible to adapt to local circumstances, one that imposes limits on the level of repression meted out to users, farmers and small-scale drug traffickers. In this reform process, the UN should not only set global minimum standards for drug control cooperation, but also define clear limits to mitigate the negative consequences of repressive drug control approaches and to

defend the basic rights of people involved in the drugs economy. To guide the policy changes in the right direction, a series of principles have emerged:

- **Evidence-based.** Changes should be based on a thorough evaluation of policies, instead of being based on ideological principles. There are already many studies available indicating policy directions which work and those which do not work, constituting a body of knowledge that should be taken into account.

- **Differentiation.** It is necessary to differentiate between substances and patterns of use. The health risks of cannabis consumption are not the same as those related to injecting heroin or smoking crack cocaine. There is also a significant distinction between natural plants and their concentrated derivatives; coca in its natural form can be beneficial for health, while the consumption of its alkaloid cocaine in concentrated form can lead to problems. Moreover, there is a substantial difference between recreational uses and more problematic patterns of drug use.

- **Harm reduction.** A world without drugs will never exist. The ideology of 'zero tolerance' needs to be replaced by the principle of harm reduction, which presents a more pragmatic approach that favours policies capable of reducing drug-related harms as far as possible, for the consumer and for society in general. Conceptually, this principle needs to be expanded to the spheres of reducing drug-related violence and diminishing the fuelling impact of the existence of illicit economies on armed conflicts.

- **Flexibility.** Socio-cultural differences need to be taken into account. The current system has been overly influenced by 'Northern' interests and cultural insensitivity. The norms that are established at global level should leave sufficient room for manoeuvre, enabling countries to adjust them to basic principles of national law, or to protect the rights of indigenous people to continue their traditional practices and customs.

- **Human rights and proportionality.** Drug control should fully respect human rights, which means foremost that any sanctions should be in proportion to the crime. Punishing users for the mere fact of consumption, forced eradication against farmers who have no other form of income, heavy prison sentences against small traders or issuing the death penalty for drug offences, are all examples of disproportionality.

- **Development-oriented.** Eradicate poverty and hunger, the number one Millennium Goal, has a clear priority. Drug control efforts should never lead to more poverty and hunger as now often happens with the opium bans and forced eradication. The creation of alternative livelihoods should come first.

- **Civil society participation.** When formulating policies on drugs, there should be full participation by all the main players: farmers, users, health care practitioners, and local and international NGOs working closely with them. This is the only way to ensure that such policies will work, that they are rooted in practice and that they will have a positive influence on the often-difficult choices that people are facing.

An extremely effective actor in shaping the debate

Although WOLA and TNI developed a collaborative work relationship around drug policy issues in the mid-1990s, it was at the 1998 UN General Assembly Special Session on Drugs (UNGASS) that I first saw the ability of TNI to push the boundaries of official forums to ensure that the voices of those affected by international policies are heard. While many groups focused on slick press releases, TNI quietly arranged to bring Andean coca grower representatives to the UN gathering and then ensured that they would at least have a few minutes on the UN floor to address the UNGASS delegates. It was a powerful reminder of the human side of the so-called 'war on drugs'. Interestingly, our Andean colleagues stayed at a Catholic Worker house, where most of the residents were drug users, providing a fascinating opportunity for dialogue among those hurt most by international drug control policies on the production and consumption side.

Since 1998, TNI has proven to be an extremely effective actor in shaping the debate around the implementation and evaluation of UN drug control policies. With great foresight, TNI staff – and Martin Jelsma in particular – began preparing for the mandated UNGASS ten year review underway today.

Effective advocacy necessitates getting the right information into the right hands at the right time. TNI has produced a myriad of reports with first-hand, on-the-ground information that has established its expertise on international drug control issues. TNI staff has systematically developed relationships with key European and UN policymakers and began bringing them together in 'informal drug policy dialogues,' years before the ten year review was initiated. (It is important to point out the TNI was careful not to direct the outcome of the dialogues, but rather provide a space for effective interchange which itself produced positive results.) As a result, by the time official discussions of the UNGASS evaluation process were underway, a solid group of like-minded officials were prepared to promote both a meaningful evaluation process and policy alternatives.

Achieving meaningful reform of international drug control policies will only happen incrementally and over the long-term; it necessitates the development of a new mind-set for approaching problems of illicit drug consumption and production. However, TNI's staff has shown that they have the persistence, prestige and vision to continue to pursue policy change in the face of deep resistance by powerful countries. I am confident that TNI – working in coalition with its partner organisations around the world – will one day prevail in achieving more effective and humane drug control policies.

Coletta Youngers
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UN drug control, harm reduction and human rights

A debate document for the UNGASS review, presented at the Vienna session in March 2008 by the Executive Director of the UNODC, Antonio Maria Costa, presents a series of interesting proposals for making drug control 'fit for purpose'. Costa speaks of the need to 'humanise' our drug control system, because in his opinion there are too many people in prison, with massive resources being dedicated to repressing drugs, but too little for prevention, treatment, rehabilitation and harm reduction. While much emphasis is being placed on eradication of illicit crops,

Poppy seed, Afghanistan, 2006

few resources are being dedicated on development assistance to farmers. Costa also highlights the need to mitigate the unintended negative consequences of current drug control efforts, openly defends the principle of harm reduction and emphasises that the '*implementation of the drug Conventions must proceed with due regard to health and human rights*'.

Introducing the principles of harm reduction and human rights in the UN drug control system has been no easy task. The key triangle in the UN drug control machinery (the Commission, the UNODC and the INCB) has long and systematically rejected the use of these terms in the policy debate. This attitude contrasted with the approach taken by agencies like the WHO, UNAIDS and UNDP, which have fully embraced the concept of harm reduction and have taken serious the UN mandate to protect human rights including in the field of drug control. Thus, the coherence of the UN drug control system has been on shaky grounds for many years.[6] Article 25 of the Universal Declaration of Human Rights states that '*everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services*'.[7] Since 1948, medical care has been consecrated as a human right for all, including drug addicts. However, in the March 2008 Commission on Narcotic Drugs (CND) session, it proved to be very difficult to adopt a resolution that simply demanded full respect for human rights in the efforts to control drugs.

Human rights are at the very core of the UN system. Thus, it should be clear that the efforts to control drugs cannot in any way violate the Charter and Universal Declaration, or any of the treaties on human rights adopted by the international community since, such as socio-economic rights, rights relating to health and the rights of indigenous peoples. For this, clear rules are needed on the proportionality of the sentences, as well as explicit recognition of the human rights of drug users, traders and peasants involved in illicit cultivation.

According to current estimates, more than seven million people are in prison worldwide, many of them for drug offences. Human Rights Watch has urged to reassess the costs and benefits of relying heavily on incarceration to address non-violent drug offences. Particularly with regard to drugs, according to Human Rights Watch, it may be that the human, social and economic costs of the prison 'cure' are worse than the 'disease' itself.[8] There is indeed an urgent need to explore alternatives to prison sentences and to embark on a global campaign to review and humanise drug laws.

Costa's words suggest that the time is ripe for a serious step forward towards full incorporation of harm reduction and human rights principles. These concepts should become a normal part of the UN drug policy debate. Indeed, the INCB report on 2007 also reflects a progression towards wider acceptance of harm reduction and human rights terminology. Nevertheless, it would be a turning point when the high-level segment of the 2009 CND manages to adopt the principles of harm reduction and human rights in global drug control without any ambiguity.

A revision of the UN Conventions

The most difficult task for the coming years will be to set the proper stage for a revision of the drug control treaties. The current treaty system is inconsistent and is blocking the movement towards a more humane approach to drug-related problems. On the following issues tensions are growing and obstacles embedded in treaty articles need to be overcome:

- It is necessary to resolve the tensions that arise between the conventions, and certain harm reduction practices, like the drug consumption rooms. The urgent need to halt the HIV/AIDS epidemic is already sufficient justification for not placing any more obstacles in the way of effective responses, with rules established half a century ago, when this threat to worldwide public health did not exist.

- The obligatory nature of the articles which establish penal sanctions for possession, sale and cultivation – including for small amounts for personal use or for the subsistence of a family – creates obstacles to the search for a better balance between protection and repression. Greater flexibility is needed to confront the crisis in the prison system. Gradual reduction of illegal crops must be set in the context of demand reduction, resolving and preventing conflicts while guaranteeing respect for human rights.

- Countries wishing to experiment with legal regulation of the cannabis market should have the flexibility to do so. Countries that think maintaining a total prohibition of cannabis is the best way of protecting the public health can continue with their current policies, just as some Islamic countries continue to ban alcohol.

- A solution must be found for the situation of the coca leaf to repair the injustice of the colonial attitude that has denied the value of an ancient Andean culture. The coca leaf must be removed from the Schedule I of the Single Convention of 1961 and the obligation to abolish chewing and other uses of coca in its natural form cancelled.

There are other problems with certain articles in the conventions, but these four points deserve a special effort to re-elaborate the worldwide legal framework for drug control. After 50 years, it is time to modernise the system and, for example, arrive at a new legal framework that will replace the three existing treaties. If countries truly want to strike a better balance between protection and repression, they should shake off the political fear that currently controls them, and leads these countries to believe that interfering with the sacred conventions would equal opening a Pandora's box. As stated in the first UN *World Drug Report*, 1997, published just before the UNGASS: '*Laws – and even the International Conventions – are not written in stone. They can be changed when the democratic will of the nations so wishes it*'.[9]

Since the 1998 UNGASS, there have been several noteworthy statements regarding the necessity of re-visiting the Conventions. For example, in the UK

in May 2002, the House of Commons Home Affairs Committee's Report, *The Government's Drugs Policy: Is it Working?* contained the sentences '*We believe the time has come for the international treaties to be reconsidered. We recommend that the Government initiates a discussion within the Commission on Narcotic Drugs of an alternative way – including the possibility of legalization and regulation – to tackle the global drugs dilemma.*' The Committee Chair, Chris Mullin, observed that '*Attempts to combat illegal drugs by means of law enforcement have proved so manifestly unsuccessful that it is difficult to argue for the status quo.*' The Report concluded, '*If there is any single lesson from the experience of the last 30 years, it is that policies based wholly or mainly on enforcement are destined to fail.*'[10]

Two other recent extensive parliamentary enquiries in Canada and Jamaica also suggested a diplomatic initiative on the UN level. The Canadian Senate Committee '*recommends that the Government of Canada inform the appropriate United Nations authorities that Canada is requesting an amendment to the conventions and treaties governing illegal drugs*'.[11] And the Jamaican Ganja Commission concluded that the recommended steps towards cannabis decriminalisation '*require diplomatic efforts to join ranks with a growing number of Parties who unilaterally are taking measures to ameliorate their own anti-marijuana practices with respect to possession and use, our aim being to get the international community appropriately to amend the Conventions.*'[12] These recent appeals add to calls made before, such as a European Parliament resolution in 1995, adopted with an overwhelming majority, that pleaded to '*encourage discussion and analysis of the results of the policies in force as laid down by the relevant 1961, 1971 and 1988 UN Conventions so as to permit a possible revision of those conventions*'.[13]

The legal experts of the UNODC also added in a confidential memorandum prepared on request of the INCB in 2002, in relation to the HIV/AIDS crisis, that: '*It could even be argued that the drug control treaties, as they stand, have been rendered out of synch with reality, since at the time they came into force they could not have possibly foreseen these new threats*'.[14]

It is encouraging that in his discussion paper for the UNGASS review, UNODC Executive Director Antonio Maria Costa also affirmed '*there is indeed a spirit of reform in the air, to make the conventions fit for purpose and adapt them to the reality on the ground that is considerably different to the time they were drafted*'.[15]

The year 2009, when the Shanghai Opium Commission will be commemorated in China in February and when the UNGASS review process will come to its conclusion in March in Vienna, would be an appropriate moment to open the debate about the need to revise the conventions. The year 2011, which will mark the 50th anniversary of the Single Convention, and 2012, a century after the approval of the first international treaty on drug control, would be a symbolic and appropriate time to come back to The Hague and adjust and modernise global drug control principles to make them 'fit for purpose'. There is no way out of the global stalemate other than honestly recognising that current treaties on drugs are outdated instruments, that they are full of inconsistencies, and a major obstacle in the search for a humane and effective drug policy for the future.

A key structure for increasing the sophistication of civil society debate

I have had the privilege of collaborating with the TNI Drugs and Democracy programme since 2002. It is to my mind one of the key structures responsible for increasing the sophistication of civil society debate over the past decade or so. The Programme's constant stream of consistently high quality publications on a remarkably wide array of illicit drug issues not only enhances the knowledge base, but simultaneously raises pertinent questions for policy makers to address at both the national and international level.

For me, the painstaking research and editorial processes involved in producing the Drugs and Conflict Debate Papers in particular ensure that they remain the 'gold standard' against which other NGO grey literature in the field must be compared. Moreover, aware of the need to bridge the gap between research and the policy making process and provide a conducive forum for constructive policy oriented discussion to take place, the Programme has succeeded in creating a unique structure in the form of its Informal Drug Policy Dialogue Series. Since its inception in Crete in 2004, the Series, which is co-organized with the Andreas G. Papandreou Foundation (APF), has provided an invaluable setting for policy makers, NGO drug policy experts and academics to network and engage in open-minded debates on important policy related issues.

In collaboration with host governments and the APF, the TNI Drugs and Democracy team never fail to generate an environment that is both productive to work in and pleasant to wind down in. The European Series with which I have been involved has certainly greatly enhanced the intensity and value of engagement between the different communities engaged with drug policy and for me remains one of the highlights of the working year. The UNGASS review process has of course been a constant, and as we have come closer to 2009 an increasingly prominent, feature of the Series.

I am sure that I am not alone when I say that discussions within the Dialogues have helped me to better understand and consequently nuance my approach to the issue. In line with this sharpening of focus the Drugs and Democracy Programme website remains the premier location for information on many aspects of UN drug policy. It is an invaluable resource for those of us engaging specifically with research into the international organization. All in all, over the past six years I have found my collaboration with the Drugs and Democracy team to have been challenging, productive and enjoyable; a rare combination which captures the overarching spirit of the programme.

Dave Bewley-Taylor
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