

# UNGASS 2016 in Comparative Perspective: Improving the Prospects for Success

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Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016

As the world prepares for the 2016 Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS 2016), the global counter-narcotics regime, created and enforced by the United States since the 1950s, faces profound challenges.<sup>1</sup> An increasing number of countries around the world now find the regime's emphasis on punitive approaches to drug use and the suppression of illicit drugs to be problematic and are asking for reform. This reaction is hardly uniform throughout the world, however, as critical players such as Russia and China remain committed to strong suppression measures and the preservation of the regime's long-standing punitive approach. Meanwhile, changes in U.S. domestic legislation, as well as in its international policies, are making it increasingly difficult and inappropriate for the United States to play the role of the world's toughest drug cop. On the cusp of UNGASS 2016, there are now sharply contradictory views within the international community as to how the world's drug regime should be (re)designed and what policies should be emphasized.

This moment of global disagreement provides an important opportunity to evaluate the effectiveness and the problematic side-effects of existing counter-narcotics policies and to emphasize evidence-based strategies. That is the objective of the Brookings

project on *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016*. Cross-regional in its approach, the project analyzes the threats and harms generated by drug use, the drug trade, and also anti-drug policies themselves. The project examines the effects of drug use, drug trafficking, and policy options from multiple perspectives: their effects on national security, insurgency and terrorism, violent crime, political development and corruption, economic development, public health, and human rights.

Through a set of case studies, we assess a range of policy alternatives to mitigate the threats and reduce the negative side-effects of drug policies. Unlike many other drug policy reviews, our project devotes equal attention to a variety of countries and regions including Russia, China, the United States, Europe, Latin America, Asia, and Africa. Through an explicitly comparative analytical methodology, we seek to foster learning among policymakers and scholars from different regions as it relates to the policy design experiences of other countries and regions. But we realize that ultimately any policy recommendations are mediated through the political realm, and that regardless of evidence, politics shape policy design and implementation.

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<sup>1</sup> We would like to recognize the extraordinary efforts of our research assistants, Emily Miller and Bradley Porter, without whom this project would not have been completed successfully. From its inception as an idea for a grant proposal to its conclusion in marathon copy-editing sessions, the Brookings Improving Global Drug Policy Project stayed on track because of their research support, hard work, and attention to detail. We would also like to highlight the valuable contributions of our program interns, Leanza Bethel and Anna Prusa, who spent countless hours on the final edits and production of the papers for this project during their time at Brookings. Any remaining errors are those of the authors alone.

In order to provide the best evidence for the policy and political realms, we gathered some of the leading drug and crime experts to conduct a set of case studies of drug trends and policies in 15 countries in the Americas, Europe, Africa, and Asia. Two additional functional studies examine legalization breakout scenarios and the possibility and need for United Nations (UN) treaty revision. The studies draw implications for UNGASS 2016 as well as for improving drug policies at the national level, beyond and apart from UNGASS 2016. These studies and their authors are listed in the table below.

The studies reflect the diversity of perspectives around the world toward what constitutes optimal drug policy design.

This overview paper does not seek to aggregate all the findings of the studies and the individual authors' assessments into a common set of outcomes and recommendations. Among the authors, there is not a uniformity of findings or views of how to improve policies. Discretionary judicial policies in some countries work well, while in others, even when combined with public health approaches, they only exacerbate

Case Studies	Authors
The United States	<i>Beau Kilmer</i> , Senior Policy Researcher and Co-Director, RAND Drug Policy Research Center <i>Greg Midgette</i> , Associate Policy Researcher, RAND Corporation <i>Clinton Saloga</i> , Doctoral Fellow, Pardee RAND Graduate School
Colorado and Washington	<i>Mark Kleiman</i> , Professor of Public Policy, University of California, Los Angeles
Mexico	<i>Alejandro Hope</i> , Independent Security Analyst
Colombia	<i>Daniel Mejia</i> , Associate Professor, Department of Economics, Director of the Research Center on Drugs and Security, Universidad de los Andes
Brazil	<i>Paula Miraglia</i> , Public Sector Senior Specialist
Uruguay	<i>John Walsh</i> , Senior Associate for Drug Policy and the Andes, Washington Office on Latin America <i>Geoff Ramsey</i> , Digital Communications Officer, Washington Office on Latin America
Mali and Guinea	<i>Lansana Gberie</i> , Coordinator and Finance Expert, United Nations Security Council Panel of Experts on Liberia
Sweden and the Netherlands	<i>Caroline Chatwin</i> , Senior Lecturer in Criminology, University of Kent
Russia	<i>Mark Galeotti</i> , Professor of Global Affairs, New York University Center for Global Affairs
China	<i>Sheldon Zhang</i> , Professor of Sociology, San Diego State University <i>Ko-lin Chin</i> , Distinguished Professor of Criminal Justice, Rutgers University
Thailand and Vietnam	<i>James Windle</i> , Senior Lecturer in Criminology and Criminal Justice, University of East London
Myanmar	<i>Tom Kramer</i> , Drugs and Democracy Program Researcher, Transnational Institute
Afghanistan	<i>Vanda Felbab-Brown</i> , Senior Fellow in Foreign Policy, The Brookings Institution
Legalization Breakout Scenarios	<i>Jonathan Caulkins</i> , Stever Professor of Operations Research and Public Policy, Carnegie Mellon University
United Nations Drug Treaties Reform	<i>Martin Jelsma</i> , Drugs and Democracy Program Coordinator, Transnational Institute

the mass incarceration of drug users. The drug trade is associated with high rates of criminal violence in Latin America, but not in Asia; this may contribute to the lack of constituents for drug policy reform in Asia. Forced treatment of users in Sweden produces vastly different outcomes than forced treatment of users in China and other East Asian countries, including Vietnam and Thailand, where treatment centers essentially amount to labor camps.

Some consistent policy implications, however, do emerge across the studies. They include the following:

- Law-enforcement and rule of law components of drug policy designs need to make reducing criminal violence and violent militancy among their highest objectives. Law enforcement measures should focus on the most dangerous areas and most dangerous actors first.
- Different interdiction patterns produce vastly different effects on criminal violence. High-value targeting can inadvertently increase violence by provoking turf wars. Targeting the middle layers of leadership tends to be more effective in suppressing drug violence and weakening the power of organized crime groups.<sup>2</sup>
- Forced eradication of illicit crops in the absence of alternative livelihoods being already in place, and not simply promised, creates extensive political unrest and exacerbates militancy without the collateral benefit of defunding belligerent groups. Eradication measures work best when they are conducted in areas with strong state presence and only after alternative livelihoods are available.
- Socio-economic approaches for addressing drug-related crime and alternative livelihoods policies should be fully integrated into overall rural and economic development efforts, focus on both on-farm

and off-farm income, and address the structural drivers of illicit economies. Well-designed socio-economic approaches to drug-related crime crucially help build support for drug policies and state legitimacy.

- Mass incarceration of users and low-level, non-violent pushers does little to suppress—and can exacerbate—the use of illicit drugs. It may also increase drug market violence and turn prisons into recruiting grounds for organized crime and terrorism.
- Demand-reduction approaches are frequently underfunded, poorly designed, and in short supply. In some parts of the world, ineffective and abusive labor camps masquerade as treatment centers. Public health approaches to drug treatment should acknowledge addiction as an illness requiring medical treatment.
- Casual users under community supervision can be effectively targeted through mild, short, swift, and reliable penalties.
- Drug prevention should focus on early-age interventions and confidence-building, such as peer-pressure resistance.
- Stigmatizing and punishing users undermines efforts to stem the spread of HIV/AIDS and other communicable diseases. Public health approaches, such as needle-exchanges and safe-injection sites, produce far better policy outcomes.
- Public health approaches to drug policy, while desirable from a human rights perspective, do not on their own address the issues of drug-related violent crime and corruption.
- Policy designs and evaluations should be broadly based and include considerations of national security, public safety, rule of law, economic development, public health, and human rights.

<sup>2</sup> Beyond the case studies of this project, see also Mark A. R. Kleiman, *When Brute Force Fails: How to Have Less Crime and Less Punishment* (Princeton, NJ: Princeton University Press, 2009); and Vanda Felbab-Brown, *Targeted Deterrence, Selective Targeting, Drug Trafficking and Organized Crime: Concepts and Practicalities, Modernizing Drug Law Enforcement Report 2* (London: International Drug Policy Consortium, 2013), <http://www.brookings.edu/~media/research/files/reports/2013/03/drug-law-enforcement-felbabbrown/drug-law-enforcement-felbabbrown.pdf>.

Institutional and cultural contexts greatly influence policy effectiveness and acceptance by local communities; for the policies to produce the best possible results they need to be tailored to local settings. Thus, broad acceptance of local policy experimentation at UNGASS 2016 would be a positive outcome of existing disagreements on drug policy. However, such experiments should be subject to rigorous domestic and international evidence-based evaluations. As our functional studies point out, breaking away from a standardized global drug policy also comes with costs, in terms of spillover effects and weakened treaties, which need to be weighed.

This paper first reviews the origins of the potential policy impasse at UNGASS 2016. It then assesses the challenges UNGASS 2016 participants face in overcoming conflicts among states over policy responses to illicit drugs. Drawing on the case studies in this project, we analyze how old patterns and new trends in global illicit drug markets and counternarcotics policies have affected the interests of key states, undermining the consensus that was produced at previous UN special sessions. We conclude with recommendations for achieving at least a minimally successful outcome at UNGASS 2016.

## Arriving at Global Disagreement and Heading to UNGASS 2016

Since the 1950s, counternarcotics policies increasingly emphasized suppression of illicit crops and disruption of drug trafficking networks on the premise that this would result in a reduction in supply and a dramatic increase in prices, and hence produce a decrease in drug use. These policies also increasingly emphasized lengthy and punitive incarceration

for users. This complex of policies was strongly embraced and promoted by the United States.

Six decades later, it is patently clear that, by and large, this approach has failed. Although suppression of production has been achieved in particular places, it only pushed drug production and trafficking elsewhere, and did not have significant effects on drug use. Overall, the global demand for drugs has been increasing. Moreover, in many drug-producing and transshipment countries within Latin America and Asia, such policies produced political instability and intensified militancy.<sup>3</sup> Strikingly far more so in Latin America than Asia, such policies also frequently exacerbated criminal violence and killings by police.

Gradually, beginning in the 1990s, some countries began experimenting with different policy designs. Among the most notable early pioneers were Switzerland, the Netherlands, and Portugal. At times facing significant international pushback, they progressively adopted decriminalization of drug use, began experimenting with other alternatives to punitive policies, and came to emphasize public health and harm reduction methods. Controversial within the counternarcotics regime, their approaches were nonetheless regarded as idiosyncratic and did not precipitate system-wide effects.

But in 2013, the office of the Secretary General of the Organization of American States (OAS) produced a groundbreaking report on the failures and negative side-effects of existing counternarcotics approaches in Latin America,<sup>4</sup> echoing years of such assessments by many scholars. The report also called for an exploration of alternative policies, including legalization of some prohibited substances such as cannabis. Although the report's findings were not new, the

<sup>3</sup> Harold Pollack and Peter H. Reuter, "Does Tougher Law Enforcement Make Drugs More Expensive?" *Addiction* 109, no. 12 (2014): 1-8, doi: [10.1111/add.12497](https://doi.org/10.1111/add.12497); Vanda Felbab-Brown, "Improving Supply Side Policies: Smarter Eradication, Interdiction, and Alternative Livelihoods and the Possibility of Licensing," *LSE Drug Reform Series* (London: London School of Economics and Political Science, 2014), <http://www.brookings.edu/~media/research/files/reports/2014/05/07%20improving%20supply%20side%20policies%20felbabbrown/improving-supply-side-policies-felbabbrown.pdf>; and Vanda Felbab-Brown, *Shooting Up: Counterinsurgency and the War on Drugs* (Washington, DC: Brookings Institution, 2010).

<sup>4</sup> The report consists of two parts. Organization of American States, General Secretariat, *The Drug Problem in the Americas* (Washington, DC: Organization of American States, 2013), [http://www.oas.org/documents/eng/press/Introduction\\_and\\_Analytical\\_Report.pdf](http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf); and Organization of American States, General Secretariat, *Scenarios for the Drug Problems in the Americas 2013-2025* (Washington, DC: Organization of American States, 2013), [http://www.oas.org/documents/eng/press/Scenarios\\_Report.PDF](http://www.oas.org/documents/eng/press/Scenarios_Report.PDF).

multilateral organization's embrace of the policy implications marked a crucial moment in global drug policy reform efforts. In addition, Latin American countries such as Mexico, Colombia, Costa Rica, and Guatemala began to call for an update to and possible revisions of the international treaty regime at UNGASS 2016.

In fact, the regime has in fact created significant and highly detrimental side effects. These include increased prison populations, increased violations of human rights, and a decreased capacity of health care systems to reduce the morbidity and mortality associated with drug use. Moreover, counternarcotics and law enforcement policies have often exacerbated violence, at times increasing political instability and the chance of state collapse.

Various countries in Latin America and Western Europe now agree that the current regime has failed in its objectives of reducing use and suppressing production. But such perceptions are not uniform even in those two regions; Sweden and Brazil, for example, have very different assessments of the effectiveness of existing policies.

And even as the recognition of the inadequacies of the existing counternarcotics regime grows, there is little agreement among those dissatisfied with the current regime on what an alternative drug policy regime should look like. At least among the reformers, the consensus is converging on not incarcerating users. But there are vast differences as to what kind of harm reduction and public health measures countries are prepared to adopt.

Meanwhile, various countries within Latin America and Europe, surprisingly joined by the United States, are ushering in a variety of reforms. Beyond the early European pioneers, other countries such as Spain, Italy, and the Czech Republic have adopted depenalization policies and other harm reduction measures. In Latin America, challenges to the existing counternarcotics regime are mounting. Uruguay has legalized the production of marijuana in a regulatory design that far surpasses liberalization in the Netherlands.

Guatemala has considered legalizing the trafficking of all drugs through its territory. For economic as well as human rights reasons, the United States is trying to move away from strict incarceration policies for drug offenses. Colorado, Washington, Oregon, Alaska, and the District of Columbia have also legalized cannabis, in regulatory regimes even more liberal than Uruguay's; and they have often far more strongly emphasized the commercialization of marijuana and marijuana products than has Uruguay. Similar legalization measures are on the ballot in other U.S. states. As a result, U.S. compliance regarding international treaties and obligations is questionable, just as the United States is losing interest in enforcing the global regime. Such drug policy reforms are encouraging debate around the prospect of significant reform to the international drug regime at UNGASS 2016.

## Challenges and Realities for UNGASS 2016

Yet many of the drug policy reforms formulated in Latin America or Western Europe are likely to struggle for support at UNGASS 2016. The adoption of some important and much-needed drug reform proposals—mainly those emphasizing public health and depenalization—may receive some support at UNGASS 2016 and this would be a significant accomplishment. But such measures often find very limited support in Asia, including China, Thailand, and Vietnam; there is strong opposition in Russia, and at best ambivalence in much of Africa. Nor is there clarity or consensus on how to reduce the criminal violence so intensely associated with drug trafficking in Latin America, or the corruption and political instability associated with drug trafficking in Africa—noted in our case studies of Guinea and Mali.

Unfortunately, our research highlights three important causes for the lack of consensus on reform in the international community. First, the drug trade is a truly transnational phenomenon that is dynamic and adapts to government responses. Both the trade itself and corresponding counternarcotics policies generate intense cross-border spillover effects. Second, the uneven distribution of costs and harms associated



with drug production, trade, and drug policies makes it difficult to formulate a single approach that fits all countries. Third, this means that the major players in the treaty regime disagree significantly over the relative balance of law enforcement, punishment, and harm reduction in their approaches to drug policy.

Our research explores the significant changes that have taken place along all of these dimensions since the last time the international treaty regime was reviewed. These three factors increase the likelihood that UNGASS 2016 will end in stalemate or waste an important opportunity to move toward more effective and human-rights-focused policies. Such failure would either curtail efforts to rectify poor policies or intensify the fragmentation of the global drug regime. We explore each of these three dimensions in the following section.

### ***Shifting Markets and Networks***

One clear trend highlighted in the Brookings project on *Improving Global Drug Policy* is the increasing breakdown of the distinction between production, transshipment, and consumption countries. When global drug policy was discussed at earlier UNGASS forums in 1990 and 1998, much emphasis was placed on shared responsibility between demand countries and producing countries. Traditionally, there existed a relatively sharp divide between a limited number of major producer countries, mostly in the Global South, and major consumer countries, mostly in the developed West. This was reflected in the North-South nature of the debates at earlier UNGASS meetings, which tended to produce stable policy coalitions centered on shifting blame and harms onto other countries connected to the illicit market: producers onto consumers and vice-versa. The rise in demand for methamphetamines, prescription drugs, and designer drugs in the West and their production there; the rise in demand for cocaine and related products in Latin America, including Brazil and Argentina;

and the explosion of drug demand in East Asia are obliterating these distinctions. The blurring of the categories among countries is weakening traditional coalitions and will likely produce new ones at UNGASS 2016.

Despite decades of efforts to reduce drug use, drug consumption has grown and spread to new countries, while it has declined only modestly, if at all, in traditional consuming countries. Newly prosperous countries such as China have become major destinations for international drug trafficking. Countries that were once mainly transit areas, such as Brazil and Mexico, have witnessed increased consumption.

In part, the growth in consumption parallels the development of more robust middle classes and reductions in poverty in new consumer countries. The increased availability of disposable income, particularly in South America, where the middle class has doubled in size since 2000,<sup>5</sup> is reflected in increased markets for illicit drugs in countries such as Brazil and Uruguay.

However, increased drug consumption also afflicts the poor and marginalized, particularly since trafficking organizations have diversified and passed on some of their risks in production and transit countries by paying for local operations in-kind (i.e., with drugs) rather than with cash. This has created a new stratum of local criminal organizations that market to domestic consumers in transit countries such as Brazil and Mexico, and within regions such as West Africa and Central America, as a way to convert in-kind payments into cash.

Drug trafficking, like drug consumption, is increasingly becoming truly global in its scope. Law enforcement strategies have at times succeeded in disrupting particular production areas and transshipment routes, but at the cost of pushing drug production and trade to other areas. Suppression of opium production in

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<sup>5</sup> Michael Penfold and Guillermo Rodríguez Guzmán, “La creciente pero vulnerable clase media de América Latina. Patrones de expansión, valores y referencias” (Corporación Andina de Fomento, Banco de Desarrollo de América Latina, 2014), <http://scioteca.caf.com/handle/123456789/325>.

Thailand and Iran in the 1970s and Pakistan in the 1980s pushed poppy cultivation and production to Afghanistan. A focus on the Andean region during the 1980s and 1990s by U.S. counternarcotics policies produced a shift northward, both in production toward Colombia and in transit toward Mexico. Increased law enforcement activity in Mexico during the 2000s drove trafficking organizations toward weaker and more vulnerable states in Central America, and was accompanied by much higher levels of criminal violence.

Shifting networks and markets have tended to produce serious cross-border effects. For domestic political and sometimes cultural reasons, countries where consumption has newly risen, such as China and Russia, feel prompted to push for more aggressive and punitive counternarcotics strategies in the producing and transit countries that neighbor them, despite decades of evidence from both Asia and Latin America that show such supply-side suppression policies will not improve their drug abuse problems. China is thus increasingly involved in counternarcotics policies within Southeast Asia, such as those of Myanmar. Yet China can also learn from Thailand about how to effectively design alternative livelihoods strategies to reduce political instability associated with mailed-fist-based eradication policies. Russia provides counternarcotics assistance to its Central Asian neighbors, and vociferously complains about opium production in Afghanistan, demanding its suppression. China's and Russia's political weight often means that their smaller neighbors feel compelled to make at least some concessions toward more punitive approaches, despite the increase in harms to their own societies. At the same time, many East Asian countries share China's cultural attitudes and strong opprobrium toward drug use, exhibit little sympathy for drug users, and contain few constituencies or advocates for drug policy reform.

On the other hand, the United States now appears to be more open to a balanced approach featuring new

initiatives to address the impact of drug-related violence on fragile states in Central America's Northern Triangle, and the delivery of demand-reduction assistance in Afghanistan or Myanmar and even methadone maintenance in Tanzania. At least on paper, public health approaches and socio-economic alternatives to drug production as mechanisms to reduce crime and militancy are increasingly being given a somewhat more equal billing with law enforcement approaches. Domestically, the United States is moving away—slowly perhaps, but nonetheless—from the incarceration of users and toward public health approaches, and some U.S. states are even legalizing marijuana.

These increasingly divergent international approaches and domestic attitudes might well shape the UNGASS 2016 debates and the scope of policy alternatives on the table. Traditionally, the United States, China, and Russia pulled together and opposed, for example, explicitly mentioning harm reduction policies in UN proclamations. The United States also previously opposed any deviations abroad from its preferred drug policies, including differing approaches toward domestic drug use, such as those in the Netherlands, Switzerland, and Mexico. The United States is now heading to UNGASS 2016 emphasizing treaty flexibility instead. U.S. Assistant Secretary of State William Brownfield has stated, "Things have changed since 1961. We must have enough flexibility to allow us to incorporate those changes into our policies." The international community, he continued, should "tolerate different national drug policies, to accept the fact that some countries will have very strict drug approaches; other countries will legalize entire categories of drugs."<sup>6</sup>

### ***Variation in the Types, Intensity, and Extent of Harms, Threats, and Costs***

The debates at UNGASS 2016 are likely to be influenced by the asymmetrical distribution of harms and

<sup>6</sup> William R. Brownfield (Assistant Secretary of State, International Narcotics and Law Enforcement Affairs), "Trends in Global Drug Policy" (press briefing, New York Foreign Press Center, United Nations, October 9, 2014), <http://fpc.state.gov/232813.htm>.

costs among states, but unlike past UNGASS meetings, these debates are unlikely to follow the old, but now blurred, distinctions between producing countries and demand countries.

In the Americas, one of the factors that contributed to the reform movement is the dramatic rise in criminal violence associated with the drug trade since the 1990s. The most violent countries in the world are presently Venezuela and several within Central America; for over two decades, criminal violence rates in the region have been an order of magnitude higher than in other parts of the world. As much as political leaders and drug policy reformers tend to emphasize the illegal drug trade and counternarcotics policies in explaining the violence, this criminal violence is hardly the sole product of either the drug trade or counternarcotics and law enforcement strategies. Indeed, both can fuel violence and often do in Latin America, such as when organized crime groups engage in turf wars over territory, routes, and markets. Moreover, since the 1980s, Latin American countries have largely struggled and failed to conduct effective police reforms; ill-designed interdiction strategies and law enforcement policies toward drug distribution markets can also significantly exacerbate the violence associated with the drug trade.

These outcomes have led drug policy reformers in Latin America to embrace alternatives to drug eradication and punitive policies toward users, particularly decriminalization of drug use and an emphasis on public health approaches (reflected also in the 2013 OAS report), even as these measures do not necessarily provide answers as to how to suppress criminal violence. Other countries, such as El Salvador and Belize, have gone so far as to negotiate informal truces among the most violent criminal elements within their societies to reduce homicide rates.

Strikingly, however, East Asian countries, such as Thailand, Vietnam, China, and Indonesia—even while they are major production, transshipment, and increasingly demand countries—do not experience the violent crime associated with the drug trade, its prohibition, and law enforcement suppression policies. In

fact, their homicide rates are on par with Western Europe. Coupled with strong cultural stigmatization of drug use, the public in these countries tends to be indifferent or outright opposed to drug policy reform. And, significantly, in East Asia even dragnet interdiction policies focused on disrupting drug trafficking groups and their corruption networks (such as those aggressively implemented in China over the past two years) have not provoked such a violent counter-reaction against the state or equally violent turf wars among drug-trafficking groups as has been experienced in Mexico, Colombia, and Central America. The deterrence capacity of law enforcement in East Asia overall tends to be far greater than in Latin America.

The magnitude of profits from the illegal drug trade is not an adequate explanation for drug-related violence and corruption. The volume of drugs produced and trafficked in East Asia is no smaller than in Latin America. By far the largest profits are made in consumer markets, such as the United States and Western Europe, yet their criminal rates associated with the drug trade are a magnitude lower than those in Latin America. Of course, criminal violence rates are not the sole drivers of the countries' drug policies. Homicides associated with the drug trade, for example, are not palpably different in Sweden than they are in the Netherlands, yet the two countries have rather diametrically opposed drug policies and span the repressive-liberal spectrum of drug policies within the European Union.

Similarly, the nature of the violence associated with the drug trade in Mexico and Brazil is very different in its characteristics and policy implications than the violence associated with countries experiencing a drug-militancy nexus. In areas where insurgencies or terrorism intersect with the drug trade, violence can threaten the very survival of the state. Examples include Myanmar, Colombia, Afghanistan, and Mali, and previously Thailand, China, Lebanon, and Peru. Particularly in weak states, the drug-conflict nexus significantly defines and influences the security, political, and economic development of those countries. In such cases, militants often face few limits from the



state on what they can extort or tax from traffickers. They may also directly participate in the trade or serve as protection for illicit networks. In areas where the drug trade is labor-intensive and employs large segments of marginalized populations lacking licit economic alternatives, militants gain significant legitimacy by protecting the drug trade. In such settings, drug crop eradication policies not only fail to bankrupt the belligerents, but also counterproductively strengthen the bonds between the militants and local populations, hamper counterterrorism and counterinsurgency efforts, encourage instability, and undermine effective state-building.<sup>7</sup>

In areas of intense drug production and trafficking, such as in Afghanistan, Myanmar, Colombia, Mexico, Guinea, and Mali, the state itself often becomes deeply corrupt, and in some cases, drug smuggling networks gain great power. However, the susceptibility of states to wholesale corruption is not equal, and pre-existing institutional strength and rule of law capacities matter. In Western Europe, for example, drug-related corruption rarely afflicts and hollows out entire law enforcement institutions, even as banking sectors might launder significant amounts of drug money. But in Russia, despite its highly repressive policies and no smaller amount of drug money laundering in its banking sector, the country is highly afflicted by institutional-level drug corruption, which also deeply pervades its law enforcement agencies. In extreme cases such as Guinea, politicians, the private sector, security forces, and organized crime are all complicit in extracting rents from the illegal drug trade. But in extreme cases, the state functioned as a mafia bazaar<sup>8</sup> long before the arrival of the drug trade. Rather than being a source of public goods in exchange for monopoly on power and legitimacy, the state as mafia bazaar issues exceptions from law enforcement to one's clique of clients in order to extract rents from

any and all legal and illegal commodities.<sup>9</sup> Such hybrid regimes of state and criminality can be extremely difficult to dismantle and are resistant to external pressures for reform.

Across the world, drug policies focused on mass incarceration of users and low-level dealers tend to be ineffective in reducing drug use and the spread of infectious diseases, are a major source of human rights violations, and at times are outright counterproductive in terms of their effects on crime. Mass incarceration approaches are economically very costly and often overwhelm prison authorities. Particularly in counties with inadequate, if not outright anarchic correction systems, the mixing of users incarcerated for self-harm together with violent criminals associated with organized crime and extremist militants easily turns prisons into factories that produce more hardened criminals, militants, and violence.<sup>10</sup>

Equally, the stigmatization and incarceration of users—whether in prisons or labor camps or other more benevolently-titled detention facilities—have exacerbated the spread of HIV/AIDS and other communicable diseases associated particularly with drug use via injection. Countries with higher rates of per capita drug use are more at risk of developing significant HIV/AIDS-infected populations, but the propagation of such diseases depends strongly on the effectiveness of public health responses, and especially on whether drug policies emphasize harm reduction and public health approaches. Countries which lack effective public health systems and/or have punitive approaches to drug use tend to have poor records on addressing the spread of HIV/AIDS. It is this realization that has brought even countries with very strong punitive approaches to drug use, great social opprobrium toward drug users, and few advocates for drug policy reform (such as China, Thailand, and Vietnam) to slowly, but

<sup>7</sup> Felbab-Brown, *Shooting Up*.

<sup>8</sup> The expression “state as mafia bazaar” is a close paraphrase of George Ayittey’s characterization of the state in Africa as “mafia-like bazaar, where anyone with an official designation can pillage at will.” George Ayittey, *Africa in Chaos* (New York: St. Martin’s Griffin, 1999), 151.

<sup>9</sup> Vanda Felbab-Brown, “West African Drug Trade in the Context of Illicit Economies and Poor Governance” (presentation, Conference on Drug Trafficking in West Africa, Washington, DC, October 14, 2010), [http://www.brookings.edu/speeches/2010/1014\\_africa\\_drug\\_trade\\_felbabbrown.aspx](http://www.brookings.edu/speeches/2010/1014_africa_drug_trade_felbabbrown.aspx).

<sup>10</sup> Beyond the case studies of this project, also see Alex Stevens, *Applying Harm Reduction Principles to the Policing of Retail Drug Markets, Modernizing Drug Law Enforcement Report 3* (London: International Drug Policy Consortium, 2013), [http://www.drugsandalcohol.ie/19567/1/MDLE-report-3\\_Applying-harm-reduction-to-policing-of-retail-markets.pdf](http://www.drugsandalcohol.ie/19567/1/MDLE-report-3_Applying-harm-reduction-to-policing-of-retail-markets.pdf).

increasingly, experiment with the implementation of harm reduction policies such as safe-injection sites and needle exchanges.

### ***A Lack of Policy Consensus Among Member States***

UNGASS 2016 will take place at a very different moment in world history than the previous reviews of the international counternarcotics treaty regime in 1990 and 1998. In previous UNGASS sessions, the United States, the leader of the putative unipolar world, was the uncontested champion of a hardline punitive global counternarcotics regime. Now, however, the United States is evolving in its drug policies, both at home and abroad, and increasingly adopting a variety of desirable measures. This includes moving away from mass incarceration of users, treating addicts as chronically-ill people, defunding drug eradication in Afghanistan, and even embracing some harm reduction measures such as naxalone use for opiate overdose at home or accepting methadone maintenance abroad.<sup>11</sup> At UNGASS 2016, the United States will engage a number of emerging powers, particularly Russia and China, which by and large favor more aggressive drug suppression policies. Brazil also exhibits little interest in promoting the drug policy reforms emanating from Latin America.

In fact, as a result of changes in its domestic drug policies, the United States finds itself increasingly in a questionable position in terms of compliance with the international counternarcotics regime and treaty interpretation it fostered. Changes in state-level statutes in Colorado, Washington, the District of Columbia, Alaska, and Oregon have legalized the possession and consumption of marijuana and in some cases production and commercialization of marijuana. And a much larger number of states now allow the use of marijuana for medical purposes. Both approaches contradict federal laws, but as more states choose these approaches, the United States may no

longer have the will, credibility, or desire to defend many aspects of the global counternarcotics regime that it previously championed.<sup>12</sup>

UNGASS 2016 will also reveal the extent of disagreement among states over their duty to respect the human rights of users. The existence of forced treatment programs, found even within relatively liberal states, such as Sweden, raises significant human rights questions. But in countries such as China and Vietnam, mandatory rehabilitation programs are little more than forced labor camps run for the profit of their operators and the authorities. UNGASS 2016 is likely to highlight the global variation in respect for human rights and public opinion toleration for the abuse and mistreatment of marginalized populations. The stigmatization of drug use in Asia and Russia is much greater than in the Americas and the European Union, making it difficult for UNGASS 2016 to reach a consensus on the extent to which drug policies undermine human rights and how human rights considerations should be factored into and harmonized with other aspects of drug policies.

There will also be numerous disagreements over how to best design law-enforcement strategies. Countries such as Russia and China will seek to aggressively pursue drug-production suppression in producing states, coupled with aggressive interdiction in transit countries. However, many Latin American countries as well as Asian ones have highly negative experiences with forced eradication. And while most countries agree that reducing the coercive and corruption power of drug trafficking groups is most desirable, there is little agreement as to what interdiction and policing patterns best accomplish such goals. One of the key objectives of the Brookings project on *Improving Global Drug Policy* is to provide evidence, from a wide-ranging set of case studies, of which policies produce which effects under which circumstances.

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<sup>11</sup> Beyond the case studies in this project, see, for example, Thomas Babor et al., *Drug Policy and the Public Good* (Oxford: Oxford University Press, 2010).

<sup>12</sup> Ibid.

## Focusing on Evidence and Broadening the Lens at UNGASS 2016

The above analysis and our case studies indicate that a substantial revision of UN counternarcotics treaties and drug policy approaches is most unlikely at UNGASS 2016. Nonetheless, UNGASS 2016 presents an important opportunity for learning among member states, the sharing of evidence, a careful examination of policy effectiveness, and identifying policy innovations. Thus, despite the costs of spillover effects and implications for enforcing international treaties, accepting flexibility in the interpretation of drug treaties and allowing for policy design experimentation would be important achievements of the global meeting. Like all public policies, drug policy design, including experiments in non-traditional policy approaches, must be subject to rigorous monitoring and evaluation by domestic and international drug policy experts.

Far-fetched and unrealistic goals, such as once again proclaiming that drug use and drug trade be ended in ten years, or that all organized crime is to be eliminated, should be abandoned. Injecting realism into policy objectives is a crucial step toward designing and implementing more effective policies.

Expanding the lens through which drug policy considerations and evaluations are viewed is equally important. Policy designs and assessments must be based on a wide-ranging scope of perspectives and effects, including considerations of national security, public safety, corruption and the integrity of political systems, economic development, public health, and human rights. There will be inevitable disagreements over how to aggregate the implications of these different perspectives and considerations and harmonizing them will not be easy. Domestic policies that inform international attitudes change as evidence becomes available and as politics evolve. Country preferences and understandings change over time. Even when drug policy wisely recognizes that the

overarching objective should be to minimize the threats and harms posed by the use of drugs, the trade in drugs, and the drug policies themselves, achieving synchronization and simultaneously minimizing all of these costs is not easily achievable.

At the beginning of this paper, we highlighted some of the key policy findings and recommendations of this project. The individual case studies document and elaborate these findings and recommendations in far greater depth, examine them within local policy and cultural contexts, and sometimes even disagree with one another and with us. What animates the project is the goal of strengthening states in coping with the costs, harms, and threats posed by drug use and drug trade, but doing so in ways that increase, not erode, the legitimacy of the state through policies that advance human rights and strengthen the bonds between the state and the people.

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