

## “Nobody likes coercion”:

# Current themes in the international drug control system

The 45th annual session of the Commission on Narcotic Drugs (CND), with 692 listed participants, met in Vienna on 11–15 March 2002. The five days of the meeting were a reduction from the two full weeks which the meeting used to take, but by compressing sessions (the Committee of the Whole met as a separate track at the same times as the plenary for most of the week), and meeting late on Thursday evening, the business of the Commission more or less got done.

The Commission is one of the three main organs of the international drug control system (Room & Paglia 1999). It is a political body, with 53 states as members elected by the Economic and Social Council (ECOSOC) of the UN; 48 of these were represented at the 45th session, as well as 57 other states, and representatives of other international agencies and non-governmental agencies. The second main organ, the UN International Drug Control Programme (UNDCP), is a specialized UN agency reporting to CND and ECOSOC. UNDCP has both data-gathering and organizing functions, and funds projects to reduce drug problems in developing countries. The third organ, the International

Narcotics Control Board (INCB), is composed of 13 individuals who are in principle appointed as individuals for their expertise, and not representing national governments. (Nevertheless, when a member from the US was not reelected last year, politicians and the press in the US treated it as a national slight.) The INCB quite self-consciously sees and presents itself as “the guardian of the Conventions”.

In normal years, the CND receives and considers annual reports from UNDCP’s Executive Director and from the INCB, conducts discussions on designated topics, and crafts compromise resolutions, some of which are “operational”, in the agenda’s phrasing – concerned with the operations of the UNDCP – and some of which are “normative” – suggesting to national governments and various other addressees, as well as the UNDCP, what they should be doing. The core budget of UNDCP is derisively small, so what actually gets done depends largely on what “donor countries” can be persuaded to fund. In 1998 about 70% of UNDCP’s budget came from countries of the European Union (European Union, 1999).

This was not a normal year, although that

did not much affect the Commission's proceedings. After resignations of some top staff, the management of the UNDCP by its Executive Director, Pino Arlacchi, received an extremely critical review from the internal oversight division of the UN ([http://www.un.org/Depts/oios/reports/a56\\_83.htm](http://www.un.org/Depts/oios/reports/a56_83.htm)), and Arlacchi resigned under fire in December, 2001. The criticism was partly about financial irregularities and program oversight, but also about management style – that under Arlacchi there had been little consultation of other members of the management team.

Next year will also be an unusual year. The UN General Assembly Special Session on drug issues in June 1988 adopted an ambitious set of targets for the international drug system for 2003 and 2008, and next year the CND sessions will be combined with a two-day Ministerial meeting to evaluate the system's performance with respect to the goals for 2003.

The work of the international drug control system has ramified enormously in recent years. The 1988 convention got the system into the business of dealing with such topics as chemical precursors to illicit drugs, and money-laundering. The world's police have happily taken up the task of tracking down large shipments of chemical precursors, i.e., chemicals used in manufacturing illicit drugs. In the short run, at least, they can make considerable progress on this, since the chemical manufacturers are largely legal businesses and thus have considerable incentive to cooperate. Thus the meeting heard encouraging reports on Operation Topaz (concerned with acetic anhydride, used for producing heroin) and Operation Purple (concerned with potassium permanganate, used in producing cocaine).

Money-laundering has also become a major law enforcement preoccupation. However, while a drug-control agenda did much

to shape initial international consideration of this topic, the focus is no longer drug-specific; other kinds of transnational crime and terrorism are arguably the main concerns in international cooperation on money laundering these days. The Financial Action Task Force, an ad-hoc body established by the G-7 Summit in Paris in 1989, and since expanded to 28 member countries ([http://www1.oecd.org/fatf/AboutFATF\\_en.htm](http://www1.oecd.org/fatf/AboutFATF_en.htm)), has become the main driver of international action in this area, and the topic accordingly seems to have dropped down the drug control agenda.

A considerable part of this year's meetings, including two long prepared sessions of "thematic debate", was concerned with "alternative development", that is, programs of economic and social development of drug-growing farming areas (and of areas that could become drug-growing areas). Alternative development has replaced crop substitution as an ideology, as it is now well recognized that the farmer is unlikely to be able to find an alternative crop that will pay even one-fifth as well as coca or opium. Thus if moving the farmer away from growing coca and opium is not to be a matter of pure confiscation and terrorization through military action, some more general program of development, to change the farmer's social circumstances, is needed. Speakers from European countries tended to emphasize that alternative development should be seen "in the context of general poverty eradication", as the Danish delegate put it, and should only be undertaken as part of such a broader strategy.

Through the diplomatic politesse, some differences in emphasis became clear. On the one hand, European "donor countries" such as Germany and Britain insisted on the need for "robust and thorough evaluations", with Germany pointing out that funding for alternative development has actually

been decreasing, and with Britain mentioning that “results have been mixed” and that there was a “growing cynicism among some development donors”. On the other hand, several of the themes in the debate would tend to make such evaluations more difficult. Thus Ecuador and others insisted on the need for “preventive alternative development” in regions which might otherwise take up drug crops, and many countries insisted that alternative development was a long-term process. Myanmar complained that, although it was the major source of heroin in a year in which the Taleban had taken Afghanistan out of the market, only Japan and the UNDCP had undertaken alternative development programs in Myanmar, and the UNDCP was putting in only 1/3 of the resources it had started with. On the other hand, Germany mentioned that the “realization of human rights was important” in alternative development, and the Transnational Radical Party, speaking as a nongovernmental organization with consultative status, sought to “draw the Commission’s attention to the UNDCP’s collaboration with nondemocratic countries”, and called for donors to implement a human-rights clause in their agreements.

Clear differences emerged over the role of coercion in alternative development. The U.S. panelist in the opening debate, the director of the Narcotics Affairs Office at the US Embassy in Bolivia, acknowledged that “nobody likes coercion”, but asked, “yet why should a coca farmer give up a valuable crop for something that pays less unless there is an element of coercion?” The French panelist agreed that “I don’t think there can be alternative development without coercion”, though he noted that coercion “can be hard to put in place”. The Thai delegate, however, noted that if Thailand had tried enforcement at the beginning of their program with opium-growing hill tribes, they

“would not have got cooperation from the tribesmen.” Instead, the Thai program introduced other cash crops, and gave public health care and education. Enforcement measures came 15 years after the start of alternative development, to mop up the residual problem of cultivation in people’s backyards. Summing up the second panel discussion, the German delegate noted that, along with the questions of sustainability and evaluation, the panelists seemed to agree that an important question was “how can we guarantee that law enforcement does not interfere with alternative development?”

Italy is the largest single donor to UNDCP, and it is not a coincidence that Arlacchi was the third Italian in a row to head UNDCP. There was speculation that this time the job might go to a non-Italian – the chair of the INCB, Hamid Ghodse, was mentioned as a possibility by the *Financial Times* (3 Jan. 2002) – but in the event the appointment of another Italian, Antonio Mario Costa, was announced by Kofi Annan the week before the INCB meeting. Costa is Secretary-General of the European Bank for Reconstruction and Development in London, an EU-associated agency, and had previously worked as an economist for 14 years at the United Nations in New York, and at OECD and the European Union. As the *Financial Times* remarked (11 March), there is no mention of drugs anywhere in his 4-page vita. It is clearly felt that his good credentials as a manager were needed to reform the UNDCP. Costa will not take up his position till June, and was absent from the meeting except for an appearance on its last morning, so UNDCP staff filled in for his role, and the Commission found itself essentially addressing suggestions and requests to an empty chair.

Costa’s appearance before the Commission consisted of a gracious little speech pledging his “utmost to meet your expecta-

tions”, but giving no indication of his priorities. The tone, like the tone of the meeting in general, was low-key and technocratic; the closest Costa came to a rhetorical flourish was the statement that drugs were “among the most troublesome problems of mankind”.

Costa was succeeded at the microphone by Gianfranco Fini, Berlusconi’s deputy prime minister. Under Fini’s leadership, his party in Italy, the National Alliance, has moved from neo-fascism to a position as what has been called the “post-fascist right” in Italy (Raffone 1998). The purpose of Fini’s brief presence at the Commission was presumably to signal Italy’s satisfaction with Costa’s appointment and to announce its pledge to the UNDCP budget of 12 million Euros for 2002. But his speech more than compensated for Costa’s lack of rhetorical flourishes, bringing into the generally technocratic language of the meeting a whiff of the sulphur of an old-time anti-drug revival meeting:

The most disquieting aspect of the drug issue is that it interacts with a vast category of crimes against humanity and violations of human rights which we would have hoped had disappeared from our history. The resurgence of hateful phenomena such as new forms of slavery, exploitation of women and children, and traffic in humans are linked more and more clearly to the sordid realities of exploiters and exploited, of traffickers without scruples, in brief of the world of drugs.

Other than in this speech, little remained in the meeting of the flights of rhetoric of CND meetings 10 years earlier (Room 1999). By my count, besides a mention by Fini there were but five uses of the term “scourge” – by Myanmar, Cuba, Nigeria, Panama and China, mostly countries of an authoritarian bent. Little rhetoric surrounded these or other occasional emotive

terms or phrases used – “plague” by a US panelist, “blight” and “epidemic” by the Council of Arab Ministers. The Libyan delegate used the most extended metaphor: “drugs are weapons of mass destruction, for all intents and purposes, in terms of their effects on young people”, and a “threat to the existence of the country”.

Unlike a decade ago, little energy was devoted in the meetings, either, to rhetorical appeals against the threat of legalization. Sweden’s tone was matter-of-fact in stating that the INCB’s report would serve as a “counterweight” to “arguments by movements calling for the legalization of cannabis”. The U.S. delegation was concerned with the rhetorical framing of drug issues, but kept its own rhetoric low-key, merely warning that “efforts to trivialize or normalize by using terms like ‘drug use’ or ‘drug consumption’ should be resisted”.

On the other hand, African countries, in particular, expressed concerns about trends toward toleration of cannabis in western Europe. The Moroccan delegate remarked that the “sustainability of the alternative development program” directed against cannabis growing in Morocco “depends on what other countries do... There is a need for consistency to sustain it. We are squeezing our own rural communities dry by enforcement” while elsewhere cannabis is being decriminalized.

The Moroccan and other African delegates were picking the issue up from the INCB’s annual report for the year (INCB, 2002), in which 23 paragraphs had been devoted to description and criticism of the development of decriminalization and legalization policies in western Europe. Noting that “there is a growing gap between declared government policy at the international level and implementation”, the INCB felt that “it is disturbing that, while many developing countries have been devoting re-

sources to the eradication of cannabis and to fighting illicit trafficking in the drug, certain developed countries have, at the same time, decided to tolerate the cultivation of, trade in and abuse of cannabis.”

Responses from western Europe were quite muted, unlike the more challenging responses from the Dutch delegation a decade ago. The Portuguese delegate, for instance, merely noted that Portuguese policy was “compatible with the relevant conventions. Decriminalization is a step toward social cohesion and away from criminal subcultures”. He did “not see any reason for dismay and alarm, and certainly not for cannabis”.

The INCB Report had challenged governments that were changing cannabis policies to follow the procedure of informing the World Health Organization (WHO) with a view to changing the scheduling of cannabis under the conventions. But the Report made clear that the INCB took a skeptical view of even the potential usefulness of cannabis in medicine. Tokuo Yoshida of the WHO noted the invitation from the INCB for the WHO to be involved in a review of the status of cannabis under the conventions. However, in his view, the real question at stake was one of policy and not a medical or scientific one. In that case, he noted, the answer should come from the CND and not the WHO.

The issue came to a head in the Committee of the Whole on the evening of Thursday 14 March, in a consideration of draft resolution L.22, sponsored by Egypt, Jordan, Lebanon, Libya and Sudan. In its original form, the resolution, after expressing concern that INCB reports gave “indications of leniency towards illicit drug use in some countries”, called for the implementation of provisions of the conventions that obliged countries “to criminalize the use of narcotic drugs and psychotropic substances for non-

medical purposes...”. Portugal, Spain, Italy and Canada expressed “major difficulties with this resolution”, complaining that it had been introduced late, and suggesting that it be put off till next year. Egypt, Turkey, Nigeria and the U.S. pressed for the resolution to be considered now, expressing willingness to fix any “ambiguity in translation”, but insisting on the “spirit of the resolution”, which, they pointed out, was simply mirroring the language of the conventions. Portugal successfully pressed for the resolution to be referred to “corridor contacts”, “to try to find a consensual area”. But these discussions, in which a number of delegations participated, went on for too long for a new draft to be considered that night, and the matter was referred to the plenary on the next day.

At the plenary, Nigeria reported that the “informal consultations” had “come to general agreement on what should be the text of the resolution”. The first preamble now read: “Concerned that lenient policies towards the use of illicit drugs not in accordance with the international drug control treaties may hamper the efforts of the international community to address the world drug problem”. Whereas the second operative paragraph had originally called for implementation of provisions to “criminalize” use “for non-medical purposes”, now all mention of criminalization had been dropped, and the call was for implementation particularly of the provisions to limit use “exclusively to medical and scientific purposes”. The list of cosponsors had been extended to include also Denmark, Ghana, Nigeria, Norway, Portugal and Sweden.

Noting that he recognized the meeting was dealing with a “delicate and balanced text”, the head of the Indian delegation suggested dropping the word “may” in the first preamble. The Netherlands stated that there had been “very long deliberations this

morning, and out of that came this balanced paragraph. We would like to leave the word 'may' in the text; it's quite an important point for the Netherlands". Indonesia expressed support for dropping "may", adding "any policy towards leniency will definitely hamper" international efforts, but Portugal, Spain, Canada and Finland supported the Netherlands, with Finland adding that it was "ready to cosponsor the resolution if we could keep the word 'may' in the resolution". The Indian delegate grumbled that it was a "factual thing, but if it's the only way we can reach agreement and have Finland cosponsor" he would agree to withdraw the suggestion. So "may" stayed in the text. Indonesia, speaking for the Group of 77 plus China (the main developing country caucus), asked that its position that leniency would hamper international efforts be put into the record. The UK then spoke up and asked to be put on record as believing that all provisions of the conventions should be applied and that anything that hampers them is a bad thing. Colombia, Burkina Faso, Finland, Gambia, Macedonia, Mexico, the Philippines, Turkey and Yemen added themselves as cosponsors of the resolution.

Behind the diplomatic manoeuvring can be discerned an emerging major fault-line in the international drug control system. As the INCB discussed with respect to cannabis, a number of western European countries have been moving away from the criminalizing regimes required under the drug conventions. The Netherlands is now far from alone in this trend, and is no longer necessarily in the lead. In the context of the CND, this drift is met with suspicion or rejection, perhaps in part because of the strong police presence in the delegations to the CND from many developing countries. As the comment from Yoshida of the WHO makes clear, the option of downgrading the

extent of control of drugs in wide recreational use, or removing from the conventions altogether, is essentially not available, given the rules and structure of the evaluative system. Comparisons to alcohol and tobacco in terms of potential harm and relative availability, for instance, are ruled out of the system. Alcohol and tobacco are only mentioned, on occasion, as horrible examples to warn against legalization, for instance when the INCB Report for 2001 remarks concerning cannabis that "adding another drug to the same category as alcohol and tobacco would be a historical mistake, especially", as it goes on to assert, "at a time when policies aiming at fighting the abuse of those two substances are being given the attention they deserve".

On the other hand, the main financial support for the drug control system comes from western European countries, in many instances the same countries which have decriminalized use and possession. The U.S. is a major exception among developed countries in its hard line on drugs at the national and international levels, but much of its effort internationally is unilateral (e.g., through a network of Drug Enforcement Administration offices) or bilateral, and through the regional drug body of the Organization of American States, the Inter-American Drug Abuse Control Commission (CICAD). So the international drug control system depends for its functioning on resources from countries which are no longer willing to apply its harsh provisions to their own citizens. Increasingly, also, intellectual currents and human-rights movements in such countries are questioning the premises, methods and ethics of wars on drugs in the developing world. It will be interesting to see the extent to which these issues and themes make their appearance at the evaluation of the system by the Ministerial meeting in 2003.

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