



Photo from Getty Images.

A murder scene outside the Ciudad Juárez Costco.

## U.S.-MEXICO FUTURES FORUM

# First, Do Less Harm

by Benjamin Lessing

Overshadowed for much of the last decade by 9/11 and its aftermath, the war on drugs has made a sudden return to the headlines. In Mexico, more than 10,000 people have died since December 2006, when President Felipe Calderón enlisted the army in his fight against drug traffickers. With the bloodshed beginning to spill over the border and into the consciousness of the American public, the Obama administration has responded by simultaneously trying to support Calderón, hold him accountable and keep his war from spreading north. At the same time, President Obama has acknowledged that the United States — with its demand for drugs and wide-open gun market — is partially responsible for Mexico's troubles.

Meanwhile, a flurry of opinion pieces from world leaders, public figures and influential publications were released to coincide with the March meeting of the United Nations Commission on Narcotic Drugs (CND), the international body responsible for drug policy and enforcement. As the CND met to review its policies and

chart out an action plan for the next decade, these opinion leaders called for a fundamental shift in global drug policy away from prohibition and eradication.

For Ethan Nadelmann, director and founder of the anti-prohibition Drug Policy Alliance, these are signs that the war on drugs as we know it is coming to an end. "I've never been so optimistic about the prospects for reform," Nadelmann told a UC Berkeley audience, pointing to a number of trends across the globe: Europe's almost unanimous decriminalization of soft drugs and its experiments with subsidized treatment programs for heroin users; the implementation of needle-exchange programs in conservative and authoritarian countries in Asia and the Middle East; and moves by state governments in the U.S. to repeal mandatory sentencing laws or even, as in California, to experiment with limited decriminalization. In Latin America, the Commission on Drugs and Democracy — a group centered around former presidents Fernando Henrique Cardoso of Brazil, Ernesto Zedillo of Mexico and César Gaviria of Colombia

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— published a groundbreaking report and a companion op-ed piece in *The Wall Street Journal* declaring the war on drugs a failure and calling for policy reform, including the decriminalization of marijuana. Such a message, coming from well-respected, centrist figures of the Latin American establishment, signals a real breakthrough in Nadelmann's view. "These are words nobody has used before: 'the harms of drug prohibition,' 'the unintended consequences of repression,' 'a paradigm shift,' 'the breaking of taboos.'"

Taboo-breaking is precisely what is needed, according to Nadelmann. Drug prohibition has become an obsession for the U.S. as well as its hard-line allies at the UN, a crusade to be waged no matter what the cost. Indeed, where some analysts accuse the United States of using the war on drugs as an excuse to pursue its strategic interests in Latin America and elsewhere, Nadelmann called U.S. drug policy abroad "an international projection of a domestic psychosis," arguing that prohibition and eradication have been detrimental to U.S. interests in places like Colombia, Bolivia and now Mexico.

This "psychosis" rests on a fundamentally misguided view of drugs as a problem of criminal justice instead of public health and economic regulation. Users need treatment, Nadelmann argued, not prison terms. The production and sale of drugs should be carefully regulated and monitored (as is the case with pharmaceuticals), not

driven underground through prohibition. Governments should replace massive expenditures on policing and incarceration with education and treatment programs funded out of excise taxes. These alternative approaches, however, require admitting that drug use is a part of life and cannot be fully eradicated. And *that* goes squarely against the fundamental goal of global drug policy, as promulgated by the United States and enshrined in UN treaties signed by virtually every country on earth: creating a "drug-free world."

A drug-free world has never existed and never will, Nadelmann maintained. Virtually every human society has used controlled substances for medicinal, spiritual, social and recreational purposes. In the United States, the prohibition of many drugs was motivated more by a desire to control the ethnic minorities who typically used them than by a scientific assessment of their relative harm or the feasibility of eradication. Cannabis, for example, was brought to the U.S. in the 1600s and grown widely as hemp until after the Civil War. It wasn't until the 20<sup>th</sup> century that individual states began to ban its use. Some of the earliest prohibitions were enacted in Southwestern states like Texas and New Mexico where cannabis was associated with the Mexican immigrants who smoked it.

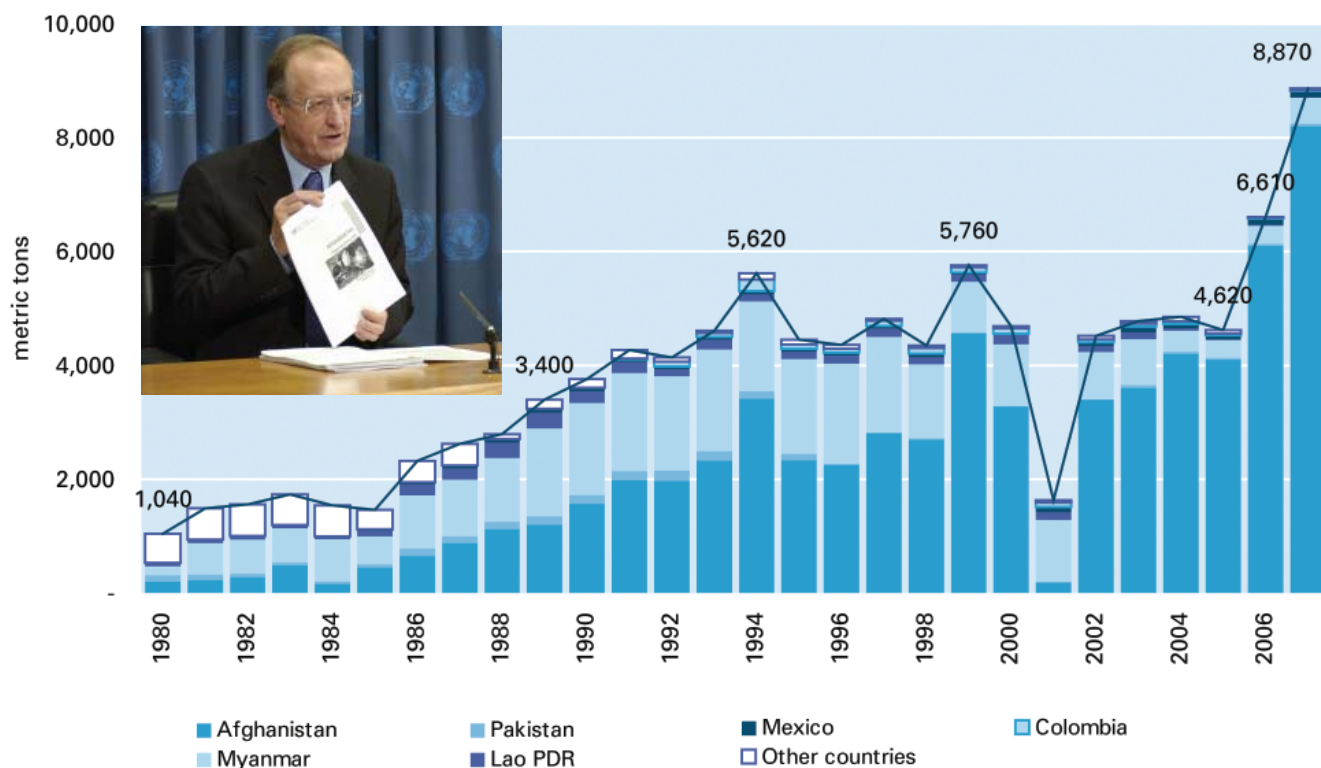
Eradication, Nadelmann argued, is an unrealistic goal for any drug with wide appeal. Prohibition of alcohol

Demand in the U.S. remains strong: A Kentucky user of methamphetamine snorts a line off a family portrait.



Photo from Getty Images.

## Global Illicit Production of Opium, 1980-2007



Antonio Maria Costa (inset), over a chart taken from his 2009 report to the UN, "A Century of International Drug Control." Photo and chart courtesy of the United Nations.

certainly never achieved anything like an "alcohol-free world." The UN's own recent estimates of the size of the drug trade — \$320 billion — make clear that decades of repressive action and costly enforcement have not significantly reduced drug use. But if talk of a drug-free world is pure political rhetoric, that rhetoric has hardened over time into an insistence on prohibition and eradication as the only acceptable goals of global drug policy and the denigration of alternative approaches as a kind of surrender.

This rhetorical rigidity was on display at the CND summit. In his opening address, the executive director of the UN Office on Drugs and Crime, Antonio Maria Costa, somewhat surprisingly acknowledged the "dramatic unintended consequences" of drug prohibition: organized crime, armed violence, corruption, the collapse of law and order and possibly the social contract itself. He even suggested that "if unattended, this criminal market will offset the many benefits of drug control." Nonetheless, he held the UN line and continued to reject alternatives to prohibition as "a cynical resignation of the state's responsibility to protect the health of its citizens," "a historic mistake" and "policy change... in favor of drugs."

Where the drug policy reform movement has had some success is in the increasing acceptance of the concept of harm reduction. Once nearly synonymous with needle-exchange programs, which facilitated drug use to some extent but

also drastically reduced its negative health impacts, "harm reduction" now refers to a general approach that prioritizes the minimization of harm arising from drug use over the total repression of drugs per se. The medical marijuana movement is one outgrowth of this approach. In several U.S. states, patients for whom cannabis is medically appropriate can obtain the drug legally, reducing the risk of crime, arrest or adulterated drugs.

Underlying all specific harm reduction policy proposals is the general notion that criminalizing the user tends to compound the problems arising from drug use, leading to worse health and social outcomes. While some hard-liners still see harm reduction as a Trojan horse for legalization, the rhetoric of harm reduction has won a place alongside mainstream policy goals of "demand reduction," "supply reduction" and "a drug-free world."

The key to the success of harm reduction, Nadelmann argued, is the severity of the threat posed by the AIDS epidemic. Faced with the prospect of a devastating public health crisis, even staunchly anti-drug governments like those of Iran and Malaysia changed tack, bringing intravenous drug users into treatment centers where they could safely and legally obtain doses. The fact that these programs also led to a reduction in drug-related crime and, in some cases, higher rates of rehabilitation cemented their

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Photo from Getty Images.

A boy works in his parents' field of opium poppies, Afghanistan's largest cash crop.

popularity. For Nadelmann, this in turn has bred an increasing openness to questioning the tenets of prohibition in general.

Yet harm reduction has thus far been limited to the consumption side of drug markets. Many of today's most pressing crises, on the other hand, are in producer and transshipment countries, where the potential catastrophes that policy

makers must weigh are not epidemics but armed conflict and outright state failure. Could the extreme outcomes seen in Mexico, Afghanistan or even in the *favelas* of Rio de Janeiro catalyze a reassessment of the costs of drug prohibition and a move to a radically different approach? Could the looming specter of a full-blown civil war among well-armed drug organizations and state forces crippled

by corruption lead governments to set aside their qualms and bring producers and traffickers into some sort of regulatory system?

In the short run, this seems unlikely. The harm reduction approach, if applied to public security and organized crime, would shift the goal from eliminating drug trafficking groups to minimizing their negative impact on society, especially their use of armed violence. In practice, this would mean a move from confrontation to containment and deterrence. But the usual reaction to increased drug-related armed violence and the possibility of state failure is to escalate repressive measures, not rethink them. Calderón's war is an example of this mindset, as is the U.S. response to the growing violence, the Mérida Initiative, which will provide hundreds of millions of dollars in U.S. aid, plus equipment and training for Mexico's army and police. In Afghanistan, U.S. Ambassador William Wood initially pushed hard to import the aerial spraying he oversaw at his previous posting in Colombia. Though aerial spraying has been rejected by Obama officials as too politically divisive, manual opium eradication is still considered a top U.S. priority, even as the Afghan state itself teeters on the brink of collapse.

More fundamentally, classic harm reduction advocacy rests on the argument that drug users are more victims than criminals, a case that cannot easily be made about drug *dealers*, particularly large, violent cartels. So it is not surprising that the proposal to decriminalize marijuana put forth by Cardoso, Gávría and Zedillo is tied to an intensified campaign against organized crime. Their Commission on Drugs and Democracy report also highlights

how the divergence of interests between drug-producing and drug-consuming nations not only slows the pace of, but can actually be aggravated by, drug policy reform:

By not giving appropriate emphasis to the reduction of domestic consumption in the belief that the focus on harm reduction minimizes the social dimension of the problem, the policy of the European Union fails to curb the demand for illicit drugs that stimulates its production and exportation from other parts of the world.

This rift — in which one side's harm reduction feeds the other side's security crisis — threatens to unify hard-liners and dissipate the momentum of reform movements around the globe.

When I asked him about this possibility, Nadelmann maintained his optimism about the prospects for reform, arguing that the producer–consumer distinction is blurring as drug addiction becomes a major problem in developing countries and the production of synthetic drugs and marijuana expands in the U.S. and Europe. For him, taboo-breaking is a long-term strategy that doesn't address the immediate threats faced by countries like Mexico, which may need to establish law and order before

considering alternatives. Nadelmann agreed, however, that sooner or later a harm reduction approach to security must be put squarely on the table. Reformers will need to make the difficult case that, just as users are driven to steal by their own criminalization, so too does global prohibition lead professional drug traffickers to rely on corrupting bribes and ever-costlier armed violence to stay in business. Over time, only the most ruthless and aggressive survive. Conversely, careful decriminalization and regulation could eventually create a market in which small, nonviolent producers and traffickers are the norm, as seems to have happened in California's multibillion dollar marijuana industry. To leaders and policy makers facing drug markets made up of violent, highly organized armed groups whose tactical power in some areas approaches or exceeds that of the state, this may be a message they are increasingly ready to hear.

Ethan Nadelmann is the founder and executive director of the Drug Policy Alliance, an organization promoting alternatives to the war on drugs. He spoke for CLAS on March 12, 2009.

Benjamin Lessing is a Ph.D. Candidate in Political Science at UC Berkeley. His dissertation research examines armed violence in the drug wars of Mexico, Colombia and Brazil.

An addiction treatment center in Tijuana.



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