



# RETHINKING US DRUG POLICY

BY PETER HAKIM

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# FOREWORD

US citizens today are clearly unhappy with their government's anti-drug policies. In fact, a majority of Americans now believe that their forty-year "war on drugs" has failed. Yet, despite the costs and growing opposition to US anti-narcotics strategy across Latin America, the US debate on drug policy remains muted. Indeed, there is hardly any debate at all in Washington over the US approach to illicit drugs, in part because there are no viable alternatives.

Recent Congressional initiatives to review US anti-drug strategy suggest that lawmakers recognize the need to re-think current policies. Meanwhile, in Latin America, distrust of US policy toward drugs continues to grow. A highly regarded report released in 2009 by a commission headed by three of the region's most respected former presidents called for an open-minded search for alternative policy options that could reduce the damage of drug trafficking and abuse.

To encourage debate on the issues and the search for alternative approaches, the Inter-American Dialogue launched its drug policy project in 2009. This report is one of the critical products of that initiative. It offers six proposals to set the stage for a thorough rethinking of the US and global approach toward illicit drugs.

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Michael Shifter  
President  
Inter-American Dialogue



# RETHINKING US DRUG POLICY

*The available evidence suggests that in the past two decades, US anti-drug policies have done little to diminish the problems they were designed to address.*

Three out of four Americans now believe that the United States' forty year "war against drugs" has failed. That view, reported in a 2008 Zogby International survey carried out in collaboration with the Inter-American Dialogue, reveals the profound disappointment of US citizens with their government's anti-drug policies. It suggests that a new US strategy for dealing with illicit drugs is needed and could generate substantial public support.

There is no fully objective way to judge the success or failure of current US drug policy. We simply cannot know what results a different strategy would have produced. The outcomes might well have been a lot worse. However, the available evidence suggests that in the past two decades, US anti-drug policies—focused on prohibiting drug production, trade, and consumption, and punishing those involved—have done little to diminish the problems they were designed to address. They have neither curbed the supply nor reduced the consumption of illegal substances in the United States. In countries across the globe, drug-related problems, such as organized crime, violence, and corruption have worsened as a result. In some countries these issues threaten the political and social stability of the state.

In recent years, some modest changes have been introduced into US drug laws and regulations, and changing public attitudes in the United States and elsewhere may now be opening the way for more substantial reform. The Obama White House has gone further than any previous administration in acknowledging the deficiencies of Washington's drug strategy. It has taken steps toward developing a policy approach that regards drug use and addiction more as health concerns than as criminal activities, and shifts the emphasis from law enforcement toward prevention and treatment. Some in Congress are also pressing for careful review of current drug legislation and a systematic consideration of alternatives. Several state governments have already revised their drug laws and practices and many others are contemplating changes. Marijuana is now sold lawfully as medicine in more than a dozen states, although, in a referendum last November, California voters rejected legislation that would have fully legalized cannabis sales.

*More than ever before, opportunities are emerging for a serious rethinking of US drug policies.*

More than ever before, opportunities are emerging for a serious rethinking of US drug policies. Yet, debate and discussion on drug policies is still muted at the national level, and there remains a considerable political discomfort and resistance to engaging with the issues involved. A central roadblock to drug policy reform is the silent tolerance of ineffective, even socially damaging, laws and policies because no specific alternative strategy has yet gathered much public or political support.

What is most needed now is a serious and far-reaching national debate on (1) the effectiveness and multiple costs (social, political, and economic) of current US drug policies and (2) an intense, open-minded search for alternative approaches that could reduce the risks and damage of drug trafficking and abuse.

*“The way forward lies in acknowledging the insufficient results of current policies...and launching a broad debate about alternative strategies... Each country must face the challenge of opening up a large public debate about the seriousness of the problems and the search for policies consistent with its history and culture.”*

That was the conclusion of a highly regarded report<sup>1</sup> released last year by a commission of distinguished Latin American leaders, headed by three of the region’s most respected former presidents, Fernando Henrique Cardoso of Brazil, Ernesto Zedillo of Mexico, and César Gaviria of Colombia (who also served as secretary general of the Organization of American States). The report *Drugs and Democracy: Toward a Paradigm Shift*, also sets out a framework for an alternative strategy that promises to improve US-Latin American anti-drug cooperation and merits careful consideration in Washington.

What, then, will it take to generate the much needed policy debate and review of US drug policy? We are proposing six US government initiatives, which are discussed further below, that would set the stage for a rethinking of the US approach to illicit drugs. And because the United States exerts such an enormous influence on global policy worldwide, changes in US laws and policies would profoundly affect the approaches of other governments and multilateral institutions.

<sup>1</sup> *Drugs and Democracy: Toward a Paradigm Shift*, Statement by the Latin American Commission on Drugs and Democracy. [http://www.drogasedemocracia.org/Arquivos/declaracao\\_ingles\\_site.pdf](http://www.drogasedemocracia.org/Arquivos/declaracao_ingles_site.pdf).



*Because the US exerts such an enormous influence on global policy worldwide, changes in US laws and policies would profoundly affect the approaches of other governments.*

1. Support recent Congressional initiatives in the House and Senate to establish commissions to review US anti-drug strategy and related policies, and develop alternative domestic and international approaches. Make sure that all US government agencies cooperate fully in these reviews.
2. Join with other key nations to organize an inter-governmental task force on narcotics strategy that would review and appraise global policy efforts on drugs. The purpose is to assess the costs and effectiveness of bilateral policies and programs and those of multilateral agencies; how they can be made more effective; and how cooperative initiatives can be strengthened.
3. Press for a comprehensive review of existing treaties and obligations that provide the legal underpinnings of the international narcotics regime. Instead of continuing to rigidly support these UN treaties, which have guided global activities for the past two decades, but are now outdated, the US government should be at the forefront of efforts to renew and reform them.
4. Substantially expand data collection and analysis on all important aspects of the drug problem, and the policies and programs designed to address them. Encourage other governments and multilateral agencies similarly to develop better data and statistics on drug-related issues.
5. Finance a range of research and analysis of multiple aspects of the problem—and encourage other countries to do likewise, and make the efforts comparable. Some of this research should be physiological and health related, to better understand the varied effects of drugs—in the short and longer term—and possible ways to reduce addiction and negative side effects. Others should be on the economic, social, and criminal aspects of drug use.
6. Identify drug programs and initiatives at the community, state, and federal levels that promise real benefits in such areas as reducing drug addiction and the health risks of addicts, increasing prospects of training and rehabilitation for those convicted of drug offenses, and decreasing drug related crimes. These initiatives and others should be systematically monitored and evaluated to determine whether they should be scaled up and extended. Other countries should be encouraged to identify and carefully study especially promising anti-drug efforts.

## THE WAR ON DRUGS AT AN IMPASSE

*A recent EU Commission study concluded that global drug production and use remained largely unchanged from 1998 through 2007.*

Although statistics on drug use in the United States are not fully reliable, the numbers available indicate that US consumption of cocaine and marijuana has been essentially stable for many years—although considerably reduced from its peak in the 1970s and 1980s. The data also show that, today, the United States consumes illegal substances at a rate some three times that of Europe—although the use of drugs in the EU continues to grow rapidly and a few countries actually consume more per capita than the United States. In both the United States and Europe, the wholesale and street prices of cannabis and cocaine have declined in the past several years, although reportedly their potency has increased and demand remains steady. Across the world, illicit drugs appear to be available at stable or declining prices. A recent EU Commission study concluded that global drug production and use remained largely unchanged during the period from 1998 through 2007.

The two pillars of the US battle to keep drugs out of the United States—eradication of source crops and interdiction of illegal narcotics shipments—have lost much of their credibility. They are increasingly judged to be ineffective in reducing the supply of drugs in the United States and other international markets (although it is uncertain what the consequences would be if the United States were to terminate these supply side efforts). From time to time, individual countries have achieved some significant declines in the cultivation, production, or transit of illegal drugs, but these have invariably been offset by increases in other countries—the so-called “balloon effect.” Extensive eradication led to dramatically diminished coca leaf production in Peru and Bolivia in the 1990s, but this, in turn, resulted in a rapid expansion of cultivation in Colombia. When Colombia began to massively spray coca plants, production shifted to other areas of the country. The United States’ notable success in closing down drug transit routes through the Caribbean in the early 1990s led to the rerouting of cocaine shipments through Mexico and Central America.

The harm done by the production and trade in illegal drugs, combined with the increasingly well-documented collateral damage from anti-drug efforts, has now extended throughout the Americas. Illicit drugs and associated criminal activity are today critical problems for nearly every nation in the hemisphere.

*Latin American and Caribbean governments have become more and more critical of US anti-drug policies. US drug consumption has long been blamed for crime and violence in the region.*

Latin American and Caribbean countries of the region are no longer merely producers or transit points. Many of them have also become major consumers of drugs, although still at far lower per capita rates than the United States and Europe. No country is safe. Virtually everywhere in the Americas, delinquency, violence, and corruption are fueled by illegal drugs. In some countries, democratic stability is threatened. In many places, ordinary citizens point to exploding criminality and street violence as their nation's single most serious problem.

It is not surprising that Latin American and Caribbean governments have become more and more critical of US anti-drug policies. US drug consumption has long been blamed for crime and violence in the region. Now, increasingly, Washington's anti-drug policies are seen not only as ineffectual, but as actually compounding these problems. This point of view was carefully discussed in the previously mentioned report of the Latin American Commission.

Over the years, US drug policies have regularly provoked tensions between Washington and Latin America. Governments increasingly resent Washington's inflexible approach to fighting drugs and its persistent efforts to impose that approach on the rest of the hemisphere. However, most Latin American governments welcome US cooperation to help confront crime and violence associated with the drug trade.

They are, however, puzzled and frustrated that US government officials and political leaders are unwilling to question Washington's long-standing policies and begin to consider alternative approaches—despite the mounting evidence that US anti-drug programs are ineffective, and in many situations, counterproductive. Latin Americans know that, given the size of the US drug market and Washington's dominant role in shaping international anti-drug policies, no initiative to revise global strategies and put new approaches in place can succeed without US support and leadership. Without a change in US policy, there is little room for most countries to shift their own policies.

## NO POLITICALLY ACCEPTABLE ALTERNATIVES YET

*The basic information needed to assess the problem and measure policy results has not been routinely collected, analyzed, and made public.*

US anti-drug policies have not diminished the production or consumption of drugs either in the United States or overseas (although it is hard to rebut the argument that production and use would be much higher in the absence of US efforts). Nor have US initiatives succeeded in reducing the damage associated with the drug trade. In some places, the policies themselves are complicating the problems and creating international ill-will for Washington. Why then have alternative approaches been so staunchly resisted? Why do they remain so politically unpalatable?

Part of the answer is that no existing policy option offers a solution to the problem. No serious analyst suggests that drug consumption can actually be eliminated or even reduced very much. The alternative framework that has gotten greatest attention is not even aimed at curbing drug use. The so-called “harm reduction” approach is, instead, directed toward identifying and putting in place policies, laws, and practices that can diminish the damage that drugs and anti-drug measures do to individuals and their families, communities, and nations. Many advocates of this policy change acknowledge that efforts to lessen the harm that drugs inflict on people and society may actually lead to higher rates of consumption.

Alternatives that do not constrain consumption (and may even lead to greater use) have little appeal to parents who want to keep drugs away from their children—and even less to those who view drug use through a moral lens, and favor the “no tolerance” approaches that have long shaped US policies. Strategies like harm reduction are complex to explain and do not inspire much enthusiasm. On the contrary, they are easy targets for criticism, and often provoke fervent opposition. They appear nakedly pragmatic, short on principles, and a sign of resignation. They require trade-offs and choices that people do not want to make. Politically, there is not much to be gained by advocating them. Yet they are currently the best available.

Another major hurdle to change is the political and bureaucratic interests in the US government that have developed and hardened over the years, and which today staunchly defend the status quo and consistently resist any fundamental policy shift. Washington’s powerful anti-drug agencies have been largely impervious to new ideas.

*Evidence suggests that consumption is just not affected very much by government policies or programs.*

For a decade or more, policy debates and discussions on the issues and approaches have been muted, and US programs have not been rigorously scrutinized or evaluated. The basic data and information needed to assess the problem and measure policy results has not been routinely collected, analyzed, and made public.

## SO, WHAT CAN BE DONE?

Despite the drawbacks, there is a growing convergence among drug policy experts on the core elements of an alternative strategy for addressing the problems associated with illicit drugs. Intellectually, the ground appears increasingly set. Partisan differences are not a major factor. Conservative and liberal analysts have mostly come to the same conclusions. Reflecting this emerging consensus, the Latin American Commission report, entitled "*Drugs and Democracy: Toward a Paradigm Shift,*" sets out the essential framework and guidelines for developing new, more effective drug policies in the Americas.

- On the demand side of the equation, the Commission calls for policies aimed at reducing the harm associated with the use of illicit drugs. Efforts to eliminate drug consumption are largely futile and often end up increasing the damage to individuals and their families and communities. Evidence drawn from many different countries under very diverse drug control regimes suggests that consumption is just not affected very much by government policies or programs. The elimination or even a significant decrease of drug use is probably not a feasible policy objective in most places.
- The Commission recommends that substance abuse be managed as a long-term health problem, not as a criminal activity. Arresting and imprisoning drug users does little, if anything to reduce consumption, and may cause more harm to the individual and society than the drug use itself. Treatment not punishment is the right way to deal with drug addicts and abusers. Although efforts at treatment and rehabilitation so far have had only limited success, some promising approaches have been identified.

*Putting an end to the criminal sanctions on marijuana also eliminates most of its harmful consequences.*

- According to the Commission, governments should consider decriminalizing or de-penalizing the use and possession of marijuana, the most widely used and least addictive drug. The argument for treating marijuana differently than other illicit drugs is straightforward. Putting an end to the criminal sanctions on marijuana also eliminates most of its harmful consequences—including the crime and violence associated with its production, distribution, and sale; the damage done to the careers and lives of the many young people arrested and imprisoned; the health dangers from unregulated marijuana markets; and the huge financial burdens associated with enforcement (overstretched police and overcrowded prisons and courts, for example). Whether legalization will increase the number of users is uncertain, but what evidence there is suggests the effect will be modest. Several countries in Latin America—and the number is growing steadily—have already stopped punishing marijuana consumption. Although in international forums Washington strongly opposes decriminalizing marijuana, the trend is also beginning to take hold in the United States. By legalizing marijuana for medical purposes, California and a growing number of other states have gone a long way toward making the drug legally accessible to those who want it and signaled the widening tolerance of its use. And Californians will soon have the opportunity to vote on whether to make all marijuana use lawful.
- There is wide agreement that eradication and interdiction have not been effective in curbing the supply of illicit drugs, and have often proven costly and counterproductive. To be sure, they have, at times, succeeded in sharply curtailing the cultivation and transport of illegal drugs. In nearly every case, however, drug activity has simply shifted elsewhere, either within the same country or to other nations. The consensus, however, is weaker when it comes to alternative strategies for restricting drug supplies. Rising incomes in rural areas appears to have been a factor in declining drug crop cultivation in some areas. But rural or alternative development schemes have so far not shown much success in curbing drug planting and harvest. Multiple reasons are offered for their failure—inadequate funding and training of farmers; poor transport and other infrastructure; low and/or volatile prices for alternative crops; and little or no safety nets when there is a poor harvest. In most places where they are grown, no other crop can effectively and consistently compete with coca leaves or cannabis. National development that reaches rural areas and leads to increasing incomes and nonfarm employment may be the only sustainable path to reducing crop production.

*Most Latin American governments consider the control of drug related crime and violence—not the elimination of the drug trade—to be their main goal.*

- The drug trade is rightfully considered the greatest danger to security and safety in many countries of Latin America and the Caribbean—because of the extreme violence and widespread corruption that is associated with the production, sale, and export of drugs. Indeed, most Latin American governments consider the control of crime and violence—not the elimination of the drug trade—to be their main goal. The Commission endorses the view that national governments need to sustain their battle against drug criminals and cartel leaders in order to provide minimal levels of citizen security and check the growing influence of organized, transnational crime. But the fight against criminal activity, however necessary, has not significantly diminished drug activity anywhere. Colombia succeeded in destroying the huge cartels that once dominated the country’s drug business—but it was then taken over by guerillas, paramilitary forces, and new gangs of narco-traffickers. Most estimates suggest that the quantity of drugs produced and shipped overseas has remained largely unchanged.

This widening consensus notwithstanding, the political resistance to changes in US national drug policy is formidable. Even though most Americans believe their country’s anti-drug efforts have failed, and the fact that the Obama administration has begun to promote alternative approaches, public discussion and debate on drug policy has been largely muted in the United States. The issue was hardly mentioned in the 2008 presidential campaign, and most politicians today want to avoid taking a stand on the matter.

The main challenge for US drug policy is getting the relevant issues and choices onto the political agenda, and subjecting them to serious scrutiny and debate. Although most Latin American governments would welcome changes in US policy, the central purpose of a new strategy would be to serve the interests of the American people—to enable the United States to deal with its drug problems in ways that are less harmful to its citizens and communities, and allow Washington to work more cooperatively and effectively with other nations to address a critical regional and global problem. A more intelligent drug policy could help remove a major irritant in US relations in the hemisphere: the widespread perception in Latin America that the countries of the region are paying a huge price in violent crime and insecurity because of the US appetite for drugs.

## CHANGING US VIEWS AND ATTITUDES

*27 percent of Americans believe that legalizing some drugs is the best way to combat both the international and domestic drug trade.*

Evolving public attitudes and a changing US political context—along with changes in Europe and Latin America—may be setting the stage for a shift in US drug policy. Prospects are better today than at any time in living memory for consideration of alternative policy proposals. But still, there are no debates or discussions of these issues.

An increasing number of Americans support major change in US policies. Recent polls suggest that nearly half of all Americans favor legalizing the possession of small amounts of marijuana for personal use—although less than a third favors full legalization<sup>2</sup>. According to a 2008 Zogby poll, some 27 percent of Americans believe that legalizing some drugs is the best way to combat both the international and domestic drug trade. This is more than twice the number who advocate stopping the cultivation of drug crops overseas.

These shifting views appear more and more to be influencing state-level policies in the United States. By allowing marijuana to be prescribed and sold for medical purposes, California has essentially made its use and possession free of criminal penalties—and other states are following suit. Indeed, there are now few places in the United States that actively prosecute possession of small quantities of any drug. Relatively few Americans today are imprisoned for simply using drugs; the great majority of those behind bars have been caught selling or transporting narcotics and have agreed to plead guilty to the lesser crime of possession in exchange for a shorter sentence.

The past two years of economic recession have brought home to many Americans the immense financial and human costs of punitive drug policies. No other country keeps a larger fraction of its population in jail—the consequence of a US anti-drug policy that calls for the long-term incarceration of those involved in narcotics activity. That has now become too expensive, even if it keeps US drug consumption lower than it might be (and there is no reliable evidence that it does). The large and growing public expenditure needed to pay for prisons, and the resulting fiscal drain on states and localities are only part of the price. There is also the disruption of individual lives, the grave damage to families, vastly overburdened courts and police in community after community, and the nation's diminished image abroad.

<sup>2</sup> ABC News/Washington Post Poll, April 21–24, 2009; CBS News Poll, March 12–16, 2009.



*Latin Americans are troubled about US drug policies and how they affect the region—and increasingly, they are making their views known and acting on them.*

Economic shortfalls are compelling state and federal officials to consider alternatives to long-term imprisonment. An increasing number of states are establishing special courts to deal in a more targeted way with drug offenders; the exceptionally harsh sentences established for crack cocaine are being eliminated; and parole and treatment options are getting more attention. The trend toward de facto decriminalization of marijuana use may be also linked to the high cost of penalizing it.

Another factor causing Americans to reconsider their drug policies is the relentless brutality of Mexico's drug related violence—and the enormous media attention it has received.

Events in Mexico have made US officials and the general public painfully aware of the catastrophic consequences in Latin America of the massive US demand for drugs. It has also made clear how dangerous and destructive the spillover of that violence could be for US border communities and states.

Latin Americans are troubled about US drug policies and how they affect the region—and increasingly, they are making their views known and acting on them. Although few governments have directly challenged Washington on its drug strategy, they are, more and more, adopting the alternative menu of approaches offered by the Latin American Commission report. Even as the Mexican government fiercely battles powerful drug cartels, it has this year legalized possession of small quantities of narcotics. Several other governments in the region (including Colombia, Peru, Uruguay, and Venezuela) have adopted similar laws, and Argentina's Supreme Court recently decided that personal use should not be prosecuted.

Perhaps, most importantly, the Obama White House, more than any previous US administration, is critical of past drug policies and programs and open to new strategies for dealing with drugs and associated problems. Although proposed expenditures on anti-drug measures have not shifted much so far, the president has rejected the outworn "war on drugs" label for US strategy. In May 2010, he announced a revised national policy<sup>3</sup> that would, as recommended by the Latin American Commission report, treat drug use more as a public health issue, not just a criminal matter, and focus on prevention and treatment.

<sup>3</sup>. *The 2010 National Drug Control Strategy*, Office of the President of the United States-<http://www.whitehousedrugpolicy.gov/publications/policy/ndcs10/ndcs2010.pdf>

## GETTING DRUG POLICY ON WASHINGTON'S AGENDA

*It will be difficult to persuade Americans and their elected officials to seriously consider the policies of tolerance, which are counter-intuitive and frightening to many.*

Still, the shifting attitudes and emerging trends notwithstanding, core US policies, although widely recognized to be failing in their objectives, remain unchanged. They appear stuck on auto-pilot. Reform of US drug laws and policies is still barely a visible item on the Obama administration's agenda. So far, the changes announced by the White House are mostly of tone and emphasis rather than of policies, programs, and budgets. Drug policy largely remains a marginal matter for Congress.

Fear of illicit drugs—as a source of crime and violence and, even more, as a magnetic temptation for children and teens—is still a powerful deterrent to any public support for relaxation of hard-line, punitive anti-drug policies. The arguments favoring change, moreover, appear to many to be defeatist and unprincipled. They indicate a willingness to tolerate activities that we know to be harmful, dangerous, and immoral.

It will be difficult to persuade Americans and their elected officials to seriously consider the policies of tolerance and accommodation, which are counter-intuitive and frightening to many. The first challenge is to generate an honest, well-informed, and wide-ranging exploration and debate on alternative drug policies across the Americas. Such a debate might at least systematically expose the US public and lawmakers to the growing evidence that suggests that alternative policies could reduce the risks and damage of drug trafficking and substance abuse—both in the United States and in neighboring countries.

Some ideas and recommendations for the US government that would help to encourage the much needed debate and reconsideration of US drug policies are:

### Better Data and Information:

One substantial impediment to informed debate—as well as credible research and ultimately better policies—is the dismal state of data and information on virtually all aspects of the drug problem. The poor quality and inconsistency of basic data frustrates efforts to accurately assess existing policies and programs, compare results across countries, and devise and estimate the impact of new approaches. What information is produced is often not fully accessible, or it comes from agencies that employ different definitions and methodologies, yielding conflicting and confusing results. Moreover, the data and information is mostly gathered and interpreted by agencies committed to the status quo.

*We need to better understand the effects of the drug problem on individuals and communities... and to identify new ways to treat and mitigate harm.*

According to a recent European Commission report, "There remains a dearth of data or indicators for comparing how one country's drug problem compares to another, for describing how a country's problem has changed over time, or for assessing how drug policy has contributed to observed changes in national drug problems.

Data collection across countries and over time is particularly suspect because of incomparable definitions (for instance of what constitutes a drug offense or a drug-related death) and repeated changes in methodology. Serious policy studies, competent evaluations, and robust debate all require a huge effort to improve and expand the data and statistics on all dimensions of drug activity."<sup>4</sup>

It will never be easy to collect and interpret data or to compile reliable statistics on illegal, underground activities. But much more can be done to fill in basic gaps and remedy the incomplete, inadequate, incomparable, and often contradictory data on drugs. Some areas in which improvements are essential include (1) the number of users of each of the major illicit drugs, the frequency of use, the quantities consumed, and even a rough sense of the effects of use; (2) the charges levied against drug offenders, their treatment by police, courts, and in prison, and what happens to them after release; (3) the quality and prices of illegal drugs in different locations in the United States and worldwide; and (4) the extent of drug cultivation and production in different countries (reconciling the vastly different estimates by UN and US surveys).

In short, data on drug use and addiction needs to be brought up to the standards expected for other major health and medical problems confronting the United States and other nations.

<sup>4</sup> Trimbos Institute and RAND, *A Report on Global Illicit Drugs Markets 1998–2007*, (European Communities, 2009). [http://ec.europa.eu/justice\\_home/doc\\_centre/drugs/studies/doc/report\\_short\\_10\\_03\\_09\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/drugs/studies/doc/report_short_10_03_09_en.pdf)

### Careful Review and Evaluation of Programs:

*Substantially more attention should be given to understanding the multiple issues involved in battling criminal organizations and the violence, corruption, and other damage they perpetrate—and to developing strategies, both national and multilateral, for dealing with them.*

Like health measures and medical treatments, drug policies and programs should be designed and implemented to assure that the results can be thoroughly reviewed and evaluated. The agencies responsible for collecting and disseminating the data and information, and conducting evaluations, should be independent of those responsible for carrying out these programs. In the short term, it would be helpful for the US government, based on what evidence is available, to do what it can to single out the most promising anti-drug initiatives at the community, state, and federal levels in such critical areas as reducing drug addiction and lowering health risks to addicts, increasing opportunities for training convicted drug offenders, and diminishing drug related crimes. Efforts to intensely monitor and evaluate these initiatives should be quickly put in place, and a few especially strong programs should be scaled up so they can be tested among wider populations. Washington should also be encouraging (and increasing support for) international agencies, foreign governments, and academic analysts to carefully study the costs and effects of policy changes in other countries—for example, Portugal's decriminalization of the use and possession of small quantities of drugs, and Colombia's efforts to promote alternative rural development schemes in areas of intense coca growing.

We need to better understand the effects of the drug problem on individuals and communities, the impact of different responses, and to identify new ways to treat and mitigate harm. Substantially more attention should be given to understanding the multiple issues involved in battling criminal organizations and the violence, corruption, and other damage they perpetrate—and to developing strategies, both national and multilateral, for dealing with them.

### US Congressional Commissions:

Although President Obama appears ready to consider new approaches to drugs and drug-related issues, so far his administration has mostly continued the anti-drug policies of his predecessors. There has been little public discussion of the issues or choices outside the context of US programs to assist Mexico and Colombia (and more modestly Central America and the Caribbean) to address drug-related crime and violence. And regardless of the administration's preferences, it will be no surprise if the White House, with an already overly ambitious agenda, decides to postpone addressing the politically sensitive issue of narcotics.

*The US administration should support and encourage the approval of proposed legislation to establish commissions in both the House and the Senate to review US anti-drug policies.*

Still, the administration should support and encourage the approval of proposed legislation to establish commissions in both the House and Senate to review US anti-drug policies and develop alternative domestic and international strategies. The White House should make sure that all US government agencies are fully forthcoming and cooperative with these congressional inquiries.

#### *An International or Regional Task Force on Drug Policy:*

The Latin American Commission report has brought much needed attention to the failures of US anti-drug policies, and to the urgency of developing more effective policy approaches to regional and global drug problems. Governments, in this hemisphere and beyond, should recognize the valuable contribution that the report has made to debate and discussion of the issues, and consider how best to draw on that effort, and seek together to develop and mobilize support for new narcotics strategies.

One idea, for example, would be for the US government to promote the organization of an international task force on drugs (that could either be sponsored by the UN or organized as an independent body by a smaller group of governments) to review global policy efforts on drugs. The purpose would be to assess the effectiveness of current guidelines, policies, and programs of multilateral agencies and bilateral programs; how they can be made more effective; and how cooperation can be strengthened.<sup>5</sup>

Important emphasis should be given to scrutinizing the UN resolutions that set the legal underpinnings of the international narcotics regime. These have guided global activities—particularly those of the UN and other multilateral agencies—for nearly 20 years, and need to be revised and updated, taking into account the growing demand for alternative approaches to narcotics control.

<sup>5</sup>. The ideas for international cooperation put forth by Eduardo Posada in a recent Inter-American Dialogue paper “Reshaping Drug Policy in the Americas: In Search of a Multilateral Approach” are worth exploring. [https://www.thedialogue.org/uploads/Documents\\_and\\_PDFs/Posada\\_Paper\\_September\\_2008.pdf](https://www.thedialogue.org/uploads/Documents_and_PDFs/Posada_Paper_September_2008.pdf)

#### A Hemispheric Effort:

*Washington should certainly relinquish its dominant, sometimes stifling, role in shaping regional counternarcotics efforts and genuinely cooperate with Latin American governments in developing fresh ideas and strategies.*

There is also a strong argument for a hemispheric initiative, perhaps managed by the OAS, given the deepening urgency of drug related problems in Latin America and the Caribbean and the growing thought and attention that governments are now giving to alternative strategies. The Latin American Commission report provides the rationale and needed direction for new policy approaches across the region.

There are several immediate measures that Washington could pursue in support of the report's recommendations. These would be welcomed in Latin America and contribute to stronger regional anti-drug efforts. One important step would be to reorient law enforcement initiatives in the hemisphere so they are less US-centric. Instead, Washington should be actively developing and pursuing cooperative approaches with Latin American governments—not only at a technical and bureaucratic level, but in formulating policies and strategies. To date, these have been mostly drawn up in Washington, with US agencies taking the lead in devising plans for implementing them. Latin American governments should be encouraged to develop their own approaches and cooperate among themselves, as well as with the United States, on drug matters. The hub-and-spoke model, with Washington at the center, needs to be replaced.

The US government might also consider encouraging the OAS to extend its drug activities beyond the solid professional work done by the Inter-American Drug Abuse Commission (CICAD) in the assessment of the anti-narcotics efforts of member countries, and begin systematic efforts to evaluate the policy frameworks for dealing with drug problems in the hemisphere. CICAD can and should play a broader role in regional and national policy development.

Washington should certainly relinquish its dominant, sometimes stifling, role in shaping regional counternarcotics efforts and genuinely cooperate with Latin American governments in developing fresh ideas and strategies.

# INTER-AMERICAN DIALOGUE

*Inter-American Dialogue* is the leading U.S. center for policy analysis, exchange, and communication on issues in Western Hemisphere affairs. The Dialogue brings together public and private leaders from across the Americas to address hemispheric problems and opportunities. Together they seek to build cooperation among Western Hemisphere nations and advance a regional agenda of democratic governance, social equity, and economic growth.

The Dialogue's select membership of 100 distinguished citizens from throughout the Americas includes political, business, academic, media, and other nongovernmental leaders. Twelve Dialogue members served as presidents of their countries and more than two dozen have served at the cabinet level.

Dialogue activities are directed to generating new policy ideas and practical proposals for action, and getting these ideas and proposals to government and private decision makers. The Dialogue also offers diverse Latin American and Caribbean voices access to U.S. policy discussions. Based in Washington, the Dialogue conducts its work throughout the hemisphere. A majority of our Board of Directors are from Latin American and Caribbean nations, as are more than half of the Dialogue's members and participants in our other leadership networks and task forces.

Since 1982—through successive Republican and Democratic administrations and many changes of leadership elsewhere in the hemisphere—the Dialogue has helped shape the agenda of issues and choices in inter-American relations.

# THE BECKLEY FOUNDATION

*The Beckley Foundation* is an ECOSOC accredited NGO, which was founded in 1998 and is directed by Amanda Feilding, Lady Neidpath. The Drug Policy Programme was set up to develop a scientifically-evaluated evidence base with regard to the effectiveness and consequences of current drug policy regimes, and to promote informed and objective debate on the direction of future drug policy reforms. The Foundation works with leading academics, researchers and policymakers to cast light on drug policy options that minimise drug-related harms as well as respecting individual rights.

Over the last ten years, the Foundation has organised seven international drug policy seminars at the House of Lords in London and elsewhere. Working both within the UK and internationally, Beckley has produced over thirty five academic Reports, Proceeding Documents and Briefing Papers on key policy questions. The Foundation initiated the 2007 publication of the Scale of Harm Index, which represents one of the most innovative steps towards evidence-based policy in recent years.

In 2006, Feilding convened the Global Cannabis Commission which produced the book *Cannabis Policy: Moving Beyond Stalemate* co-published with OUP in 2010. It is the most current and in-depth overview of the scientific evidence on the health effects and social consequences of cannabis and its prohibition. The book concludes with recommendations and a New Draft Convention on Cannabis.

In 2010 the Foundation commissioned a new Draft Convention For All Drugs, which will enable countries to have the flexibility to enact drug policies tailored to their individual circumstances, with reference to their own national priorities.



# INTER-AMERICAN DIALOGUE

Most Americans believe that their country's forty-year "war on drugs" has failed. Yet, instead of a serious national discussion of how to reform US drug control strategies, there remains a silent tolerance of ineffective, socially harmful laws, institutions, and policies. What is most needed now is a far-reaching debate on alternative approaches that could reduce the risks and damage from the trafficking and abuse of illegal drugs. That was also the conclusion of a highly-regarded report prepared by a distinguished group of Latin American presidents and other leaders. This Inter-American Dialogue report proposes six US government initiatives that would set the stage for a thorough rethinking of US drug policy.



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