

UNIVERSITY OF LONDON

**Global Illicit Sectors: An Analysis of Drugs in International
Relations**

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Abstract

The complexity of international drug trafficking is not only derived from its inherent nature as a transnational illicit enterprise, but also from the themes and perceptions used to characterize, understand and explain it. The knot of perceptions and themes that comprise the drug trade are well evidenced in the discipline of International Relations and in the international policymaking arena. The following work primarily examines how both International Relations and the international policymaking arena treat the drug issue and also includes discussions involving other illicit activities. This research seeks to answer the following question: How have drugs predominantly been presented in both IR and in the arena of international policy making? In order to address this, several sub-questions will be explored: 1) What themes have been associated with drugs in International Relations literature? 2) How are drugs viewed in the international arena? 3) What is the historical background to contemporary perceptions of the drug issue? 4) What are alternative themes and approaches to understanding and explaining drugs? 5) What are the consequences from the answers to the preceding questions for IR and for the world of illicit drugs?

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“No man is an island, entire of itself; every man is a piece of the continent, a part of the main”

John Donne

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List of Acronyms

CAS	Central Asian States
CND	Commission on Narcotic Drugs
CURE	Consumers Union Report: Licit and Illicit Drugs
DAI	Drug Abuse Index
DATI	Drug Abuse Trend Index
DEA	Drug Enforcement Administration (United States)
EMCDDA	European Monitoring Centre on Drugs and Drug Abuse
FARC	Fuerzas Armadas Revolucionarias de Colombia
FATF	Financial Action Task Force
FIU	Financial Intelligence Units
FBN	Federal Bureau of Narcotics
GMC	General Medical Council
IMU	Islamic Movement of Uzbekistan
INCB	International Narcotics Control Board (also used to denote the annual report published by that entity)
INSCR	International Narcotics Strategy and Control Report
IPE	International Political Economy
IR	International Relations (the discipline)
ir	international relations (the international arena/policy sector)
JAMA	Journal of the American Medical Association
NCCT	Non-Cooperative Countries and Territories
NGOs	Non-Governmental Organizations
NNOAC	National Narcotic Officers Associations Coalition
NSA	Non-state Actor
OC	Organized Crime
OECD	Organization for Economic Cooperation and Development
TNC	Transnational Corporation
TOC	Transnational Organized Crime
UK	United Kingdom
UN	United Nations
UNDCP	United Nations Drug Control Program (now the UNODC)
UNGASS	United Nations Special Assembly General Session

UNODC	United Nations Office of Drugs and Crime
US	United States
USC	United Society of Chemists
WDR	World Drug Report
WHO	World Health Organization
WTO	World Trade Organization

Preface: Manas Airport

The plane descended an icy runway at Manas airport and my 22 hour journey had come to an end. The distinctly oversized Russian guard with piecing blue eyes checked my passport attentively and then handed it back while making a series of deep guttural chuckles and wishing me a cynical “good luck”. In 1997, long before 9/11 would put Kyrgyzstan and Manas Airport on the headline news clips around the globe, Central Asia was still associated, for most people, with romanticized images of the Silk Road and the Great Game. My initial research plan in Kyrgyzstan had been to study post-Soviet identity and to bring back much needed primary source information on the region as a whole. However it soon became clear that no such research was possible. Aside from a myriad of social and cultural barriers, there was no one in Kyrgyzstan occupying themselves with such thoughts. The intelligentsia has long fled “abroad” and those who remained were tired, dejected and out of touch. Looking around the streets of Bishkek, poverty and hopelessness arose from every impression from the dilapidated streets and buildings, the broken down cars, the faces of those I met.

One day the local newspaper reported that a new road was being built to connect northern and southern Kyrgyzstan with funding from foreign sources. In the context of the time nothing could have seemed more curious. I began to ask around why in light of so many more urgent needs, there should be expenditure on such an arbitrary and expensive project. The secular north and Muslim south lived mostly as independent regions. There was little commerce, little travel and little exchange of any kind. As my curiosity grew about the mysterious road, I began to conduct interviews which led me to discover that there was in fact an urgent commerce that was being held up by poor roads connecting the north and south: Afghan opium on its way to Moscow. I never did resolve the mystery of the road, nor did I manage to verify that the drug trade was the reason for its construction; however the process had left me with a number of pressing questions: for all the research and analysis in International Relations (IR), why were drugs not taken into account as a daily, ever-present and determining factor in politics and economics across the world? Why were my own views that drugs are a “criminal issue” best left to law enforcement? How is it that a trade, which seemed to be

sustaining the economies of at least five nations in the east, was completely ignored aside from some sensationalized stories in America and Europe about opium fields in far-off places?

At the time, drugs were not considered important to IR and many of my colleagues looked at me quizzically when I mentioned that I was researching the drug trade. They would ask me, “Why, are you working for the DEA? What do drugs have to do with IR?” Research into illicit drugs was often confined to Latin American studies or the Italian Mafia, the former used to highlight corruption or north-south dynamics while the latter perpetuated Godfather-style intrigue about the role of the Mafia in mid-20th Century politics. So began what would become a Master’s Thesis on narcopolitics and narcoeconomics in Central Asia.¹ The drug trade was everywhere and no corner of the region was untouched by it. My research took me to the southern city of Osh where the great “ethnic” riots had broken out in early 1990. These riots had remained a point of curiosity in the new nation’s brief history. Scholars and analysts had pegged this as manifestation of ethnic conflict between Uzbeks, Tajiks and Kyrgyz who all lived in the region. At the time, ethnicity seemed to have become the de facto explanation for conflict in any region where the population was not homogeneous. The story of the riots was long and complex. However there is just enough information to question why a group of people that had lived together in peace for over half a century would suddenly take up arms. Furthermore where would they, mostly poverty stricken peasants and unemployed workers of the previous government, have procured arms and trained themselves to use them in the first place? Questions like this lead to another discovery which was that perhaps in IR we look at certain situations and say that they happened because of ethnicity or scarce resources or what have you as an expedient resolution to social problems in obscure locations. Yet these explanations arise exactly because we cut out half of the world in which we live, the illicit half. It did not take too much effort to see that the Osh riots could have been as much a result of turf wars for trafficking routes (thereby explaining the well-armed and trained participants) as they were of ethnic conflict (of course there are many details regarding the Osh riots and the drug trade which I have

¹ Padideh Tosti (1999)

omitted here). My Masters Thesis focused on demonstrating that drugs have a place in IR, a central place, and that when we ignore the illicit sectors we end up with a false idea of what is happening around us.² Osh was just one example. It turned out that many regions with “ethnic conflict” also had a strong presence of the drug trade, the implications of which I never followed and therefore cannot comment on further. However when I hear of conflict, there is a cliché which always inevitably comes to mind: things are not always what they seem.

Then came 9/11. After that, people stopped asking me why drugs were important to IR. The primary connection made in the media was that terrorists were all drug funded and therefore drugs became an even greater security concern. As it turned out, most terrorists had plenty of legitimate funding support without needing to resort to drug trafficking. By this time I had already spent several years in Washington, DC attempting to demonstrate the extent to which much the drug trade was a part of our daily lives and that no blanket policy could possibly address or engage it in any meaningful way. My work and my new firm had led me to a variety of new issues and questions. Drugs were far more than a legal issue and the law was the least interesting aspect of the drug trade. Traffickers were some of the most intelligent and forward thinking businessmen we had. The trade sustained several large and key regions around the world (as the US military discovered when it entered Afghanistan in 2001). At the same time, drugs had arguably produced for us some of the greatest thinkers and revered poets, the very same ones nations were apt to present as testaments to the nation’s creativity, intelligence and success—yet violence and devastation also followed the trade and, by 9/11, addiction rates along with HIV had exploded not only in my former host-city of Bishkek but also region wide.

As I watched the policy machine churn in DC between Capitol Hill, an array of universities such as Georgetown and Harvard, and a myriad of policy institutes and government contractors, it became clear that something was not working. The nature of this “not working” lay in the perception of policy makers. There was the

² Illicit sectors are simply defined as areas of activity formally considered against domestic or international law. See for example Charles Goredema (2002). As we shall see in later sections such definition are not without their problems.

global illicit sector of the world economy and then there was the perception of it. This perception permeated policymaking circles as much as within the halls of academia. This perception had a very particular composition: they were telling a story without history. Gangsters and thugs were the makings for good films and the stories of the drug escapades of Hunter S. Thompson in *Fear and Loathing in Las Vegas*³ spoke to the secret hippie that resided in the business-suited and mortgage-enslaved man on the street. Along with a lack of history was the nagging sense that, whatever policy was doing and whatever academia was writing, it never seemed to capture the full weight of the trade as I had experienced it in the Central Asian States (CAS). Dialogues and recommendations always struck me as thin, one-dimensional and uninformed even if, in many cases, quite well-intentioned. Thus was born the current work. To take IR and the international arena as a starting point for examining drugs and how we view drugs, then to add history as a way to inform these views and finally to offer some lines of thought from other disciplines in order to further enhance and enrich this view, to capture the 'weight' of drugs without entering into debates on morality, while taking into account these ethical and moral debates as a part of a larger system which we simply call the drug trade.

The fieldwork experience and subsequent work in Washington, DC (1997–2001) served to highlight the contradiction between drug research, analysis and policies, and drug realities witnessed on the ground. With the passing of each day, it became increasingly evident that those who studied and made policy recommendations on the drug trade did not understand something, even if at the time what that 'something' was exactly remained unclear. As the drug trade seemed to permeate every level of local society in producing regions, it also clearly had the same effect along the drug chain all the way to the Western markets. The details of how this permeation worked and why it existed were intricate, changing at every point on the drug chain: from cultivation sites to production sites where raw opium was transformed into heroin, to trafficking routes and finally destination markets. The contrast of this system with facile characterizations of drug lords and mafia bosses, and simplistic calls to eradicate

3 Hunter S. Thompson (2005).

drugs forever was stark. The drug realities seemed completely removed from anything being said or written in the West.

At the same time it seemed odd that IR should be willing to address the role of multinational and transnational corporations (TNCs) in the world economy while simultaneously ignoring the illicit businesses.⁴ Today it is common for journalists to enter into the once forbidden zones of Afghanistan and venture into once remote countries such as Kyrgyzstan. Observations on drug realities and the intricate social and political connections along the drug trade are becoming more commonplace. Yet while IR appears to still be struggling with the drug issue, policy making has demonstrated that it does not have the capacity to address the drug issue as it would like to in order to solve the problem. As Professor Simon Commander of the London Business School simply and succinctly put it once, “The whole thing seems like a big mess.”⁵ This background narrative serves to establish the point of departure for this research project.

⁴ A point of caution should be added here. This work does not support the idea that licit and illicit businesses are analogous though they certainly can have many aspects in common. Making such an analogy risks excluding important details that pertain to illicit activities and the environments which give rise to them. For example, instability and uncertainty in a region can be a plus for illicit businesses while for licit businesses such an environment can be detrimental.

⁵ Simon Commander (2002).

Chapter I. Castles in the Sky: World of Illicit Drugs and the World of IR

Introduction

Core Questions

The complexity of international drug trafficking is not only derived from its inherent nature as a transnational illicit enterprise, but also from the themes and perceptions used to characterize, understand and explain it. The knot of perceptions and themes that comprise the drug trade are well evidenced in the discipline of IR and in the international arena (what Chris Brown has called big 'IR' and little 'ir' respectively, where the big 'IR' was tasked with explaining little 'ir').⁶ The following work primarily examines how IR and ir treat the drug issue and also includes discussions involving other illicit activities. This research seeks to answer the following question: **How have drugs predominantly been presented in both IR and in the arena of international policy making?** In order to address this, several sub-questions will be explored: **1) What themes have been associated with drugs in International Relations literature? 2) How are drugs viewed in the international arena? 3) What is the historical background to contemporary perceptions of the drug issue? 4) What are alternative themes and approaches to understanding and explaining drugs? 5) What are the consequences from the answers to the preceding questions for IR and for the world of illicit drugs?**

Referring to criminal networks, the international sociologist Manuel Castells writes that although there is a "general acknowledgement of the importance and reality of this phenomenon", it has been "largely ignored by social scientists."⁷ The underconceptualization and weak empirical recognition of the drug problem is also prevalent, even if it is acknowledged as an important phenomenon, in the public and policy making domain, both domestically and in the international arena. The condition of underconceptualization has several components which can be addressed, at least in large part, by undertaking the core questions above,

⁶ Chris Brown (2001) 1-2.

⁷ Manuel Castells (2000) 167-168.

thus allowing us to move from the current impoverished IR view of this subject to a more “thick” conception of drugs. First, IR itself usually addresses drugs in terms of dangerous or delinquent non-state actors. This literature, as we shall see in the next chapter, is itself sparse and lacks a deep engagement with what we could call the world of illicit drugs as a whole. References here usually involve illicit actors as a threat to the state or how they compromise political systems through corruption. Then IR also addresses drugs when discussing north-south relations in the Americas. Here relations between Mexico, Colombia, Bolivia and the US tend to include a drug angle. In the next chapter we discuss this in terms of the IPE of drugs in Latin America and subsequently in terms of the US anti-drug certification processes.

Second, IR does not engage with the policy making arena since it does not provide any extensive views regarding the nature and characteristics of national drug policies. This is not to say that IR does not have an understanding of the bureaucratic processes and inter-agency/state connections that lead to drug policy formation (which it does not), but that drug policy itself can be seen as oscillating between questions of legalization and criminalization, more laws, less laws, and so forth. Furthermore this oscillating debate lives on the arc of history, dating back at least to early American alcohol prohibition, even if its roots could probably be traced to the earliest discourses on religion. The former takes as given an assumption that drugs are unequivocally bad whether from a health, religious, economic or moral point of view. The latter sees drugs as neutral to good with some negative effects which are caused more by criminalization than anything inherent in the use of drugs themselves. History reveals a far more dynamic and complex situation, exposing the legalize-criminalize debate as only a portion of a more extensive set of events. This is the third point; that IR ignores the history of drugs and where history is mentioned it is usually made as an introductory remark to say that drugs have long existed in human societies. This exclusion of history in IR and ir, leads to a lack of understanding as to where current attitudes and perceptions of the drug trade are derived from.

Fourth, IR could draw from other disciplines in order to engage with the drug issue in a more substantial way. Here criminology serves to bring in new ideas

and points of view particularly through the foundations and concepts associated with “enterprise”. The focus here is absolutely *not* to cut and paste a model from criminology into IR. In fact enterprise as a formal model is highly problematic. However, criminology’s attempts to make sense of crime over decades of debate can add to IR’s current views on drugs. Therefore we will use the term “enterprise” to refer to some early foundations and concepts that have risen out of this debate. Furthermore enterprise could be viewed as having some points of connection with IR concepts of non-state actors, so that it is not too alien to discuss ideas from it in IR. Again the goal is not to defend any formal conceptions of enterprise models or debunk them; the aim is to move IR’s conception of drugs closer to the world of illicit drugs.

At its core, this thesis argues that the drug ‘problem’, understood as the production and consumption of illegal narcotics in many countries, and the international trade that accompanies it, has not been adequately addressed in IR. Furthermore, it argues that IR has neglected a serious engagement with the topic. This neglect has at least three dimensions: a lack of empirical information on an illegal and ever changing subject; a general failure across IR and ir to tackle this issue in depth or at least an adequate manner; and the specific failure on the part of IR to recognize drugs as a major feature of global trade with its many implications for an understanding of the transnational or non-state dimensions of the contemporary world. Finally, taken together, the preceding points create a debate that is intellectually poor, lacking historical depth and a sound basis for analysis.

The following research addresses this unexamined perception of drugs and tries to elaborate a general framework which may encompass the character, both complex and unseen, of the drug problem. Such an analysis is not easy since the manner in which the drug problem manifests itself is dynamic rather than static. Indeed production, processing, transport and consumption can occur with amazing speed. This difficulty is compounded if we take into account the origins of the drug question as well. Here the focus of work is loosely demarcated by the last decade of the twentieth century, i.e. from the end of the Cold War in 1991 to September 11 2001. The former marked the beginning of a period in which state controls

over the movement of commodities, including drugs, money and people, were greatly reduced, while the latter brought to world prominence transnational forces involving drugs, money laundering and security, and marked the start of a distinct chapter in the history of this subject. This last chapter is still unfolding, and, though some preliminary observations can be made, it is too early to make long-term assertions about drugs post 9/11.

The 1990s

The 1990s were not just one defined by changes in world politics and in the role and power of states. Throughout the 1990s, the world experienced changes that can be broadly arranged into at least three major categories: technological, social and economic. Though there have been overstatements as to the extent and significance of these changes, e.g., with regard to the impact of new conceptions of time and space, these changes have certainly had an impact, to varying degrees, on all societies, businesses and individuals and, with considerable relevance for the drugs question, on leisure and consumption as well as on institutions and the economy. It is, therefore, reasonable to consider that illicit sectors have also been affected by the changes of this period. Most obviously, drug traffickers, as much as anyone else, seem to have benefited from the increased travel, liberalized trade policies and new technologies such as Internet gaming and Internet based banking. The 1990s were also a period of major responses to the drugs trade by states, in the form of increased counter-narcotic efforts.

Primarily it has been the United States, and secondarily the United Kingdom, United Nations (UN) and the Organization for Economic Development and Cooperation (OECD) who have either advocated or directly led drug interdiction measures. For example, CIRUS, the Combined Interdiction Unified Strategy for Iran, is one of four elements in the United Nations' counter drug measures in Iran. The program aims to reduce supply and demand while providing community education and legal assistance. The US Coast Guard, as part of a long term partnership with Caribbean governments in maritime patrolling, implemented Operation New Frontier in 1999 to secure coastal borders from drug traffickers through the use of armed helicopters and high-speed small boats. The US\$10

million project was aimed at traffickers coming in from the Caribbean and eastern shores of Central America.

To counter these policies there have been a range of individuals and organizations that view the “war on drugs” as a failure. Their goal, in varying forms, is drug policy reform, at national and/or international levels. DrugSense, for example, a leading forum for policy reform, states clearly, “We exist to provide accurate information relevant to drug policy in order to heighten awareness of the extreme damage being caused to our nation and the world by our current flawed and failed ‘War on Drugs.’”⁸ Such statements are backed not only by moral sentiment, but also by some of the most prominent individuals in the United States such as Peter Lewis, chairman and CEO of Progressive Corporation (the fourth-largest U.S. personal automobile insurer), financier George Soros and Laurance Rockefeller.

The triad of the changed global context, increased interdiction and movements for reform represent only the most superficial aspects of the drugs debate. Yet even from these brief statements begin to emerge several areas generally felt to fall under the purview of International Relations (IR): elements of globalization, new security challenges, the role of international organizations, transnational and non-state actors, and the political economy of drugs to name a few. As will be discussed in later sections, the drug problem reaches into nearly every aspect of IR, though illicit drugs remain under-conceptualized in the discipline. The remainder of this chapter addresses why drug research is required and why it is relevant to IR as a discipline. It begins with a synopsis of the role of illicit drugs in the IR discipline and an extended sketch of the ways in which the drug issue manifests itself in society both domestically and internationally. Next is a brief overview of drugs in relation to various IR theories. The latter sections deal with the historical aspects of illicit drugs and how history bears upon the central research questions. The final section outlines the structures of this research project and addresses questions related to the time frame chosen and the methods employed. Included here are also discussions on the uses of the terms directly and indirectly related to drugs within the literature.

⁸ DrugSense, ‘Mission Statement’.

Importance of Illicit Drug Research in International Relations

Castells pointed to the two reasons why there is a barrier to the study of drugs within any academic discipline. First is that data is not reliable and therefore difficult to build any analysis upon, and second is that sensationalism alters or clouds interpretation, conclusions and recommendations.⁹ This fact, however, does not justify excluding drugs completely from academic research. He concludes that,

If a phenomenon is acknowledged as a fundamental dimension of our societies, indeed of the new, globalized system, we must use whatever evidence is available to explore the connection between criminal activities, societies, and economies at large.¹⁰

The first reason justifying why such an exploration is the need is to uncover any concepts or frameworks in which drug research is conducted. Speaking in general terms, Stephen Walt addressed this point by stating:

Why should policymakers and practitioners care about the scholarly study of international affairs?... Even policymakers who are contemptuous of “theory” must rely on their own (often unstated) ideas about how the world works in order to decide what to do. It is hard to make good policy if one’s basic organizing principles are flawed, just as it is hard to construct good theories without knowing a lot about the real world. Everyone uses theories—whether he or she knows it or not—and disagreements about policy usually rest on more fundamental disagreements about the basic forces that shape international outcomes.¹¹

In the international arena, conceptualizations of drugs are used to make determinations about policy action. As Walt notes, such theories can be unstated or unrecognized. Theory may be a strong word in this case. More concisely, there are general frameworks or principles embedded within the assumption and

⁹ Manuel Castells (2000) 168.

¹⁰ Ibid.

¹¹ Stephen M. Walt (1998).

particular modes of thought that must be gleaned from statements and publications by major international organizations.

The second reason to justify an interrogation of any anti-drug policy relates to the effectiveness of the policies themselves. Deeper exploration in the debate on illicit drugs may reveal inconsistencies and contradictions in current policies that would otherwise remain hidden. Efforts have been made in this direction, primarily by criminologists. One example is the idea that current countermeasures are inherently positioned against democratic structures and civil society. Farrell's study on the success of the Taleban regime in implementing UN anti-drug policy using draconian methods showed a need to deeply question such policies.¹² Predominately, why do countermeasures only seem to be successful under non-democratic governments?

Ironically, while the discussion herein centers on why drugs need to be brought in to IR as an analytical subject, there are some criminologists who state that the very problem of drug policy today is due to the preference given to IR (or Government/Politics) departments as the source for governmental policy advice on illicit sectors, including drugs, terrorism and trafficking of arms:

The intense policy activity around this threat is indicative of a key trend in post-Cold War international relations, that is the reorientation of western security, intelligence and defence agencies toward crime control. Risk assessments and research evidence provided by international relations departments in higher learning institutions, especially in the USA, have been particularly influential in providing the rationale for this reorientation.¹³

The implication is that the over-emphasis on security and threats allows IR to provide, conveniently, the justification of an existing trend towards control the control of illicit sectors. At the same time, and for some of the brief reasons already sketched here, IR is not yet ready to provide meaningful analysis of illicit activities. It is understandable that criminology, with its long standing and rich

¹² John Thorne and Graham Farrell (2003).

¹³ Adam Edwards and Pete Gill (2002) 245.

debate on most illicit factors would find IR unsuitable for such a task. Criminology has historically included factors far beyond mere threat concerns and much of the bases for countermeasures rest on traditional notions from criminology. However, it is also true that crime has moved more and more into the international political arena and criminology may not have the deep understanding of political relations between states, and the nuances of policy implementation that can be provided by IR. Therefore, the two disciplines have much to offer each other.

The Drug Problem and Areas of Impact

The following section outlines a number of areas where drugs have a direct impact in order to demonstrate the extensive reach of drugs into the subject areas under the purview of IR. IR here extends beyond the strict scholarship on security. For simplicity, crime, drugs, drug trafficking, drug production and organized crime are taken as a whole in this section. The definitional concerns are addressed below.

Politics

In 2003 Bolivian President Gonzala Sanchez de Lozada was forced to resign under the pressure by Evo Morales. Morales has been called the head “narco-trade unionist” and, along with the farmers, many of whom are Aymara Indians, links the right to grow coca with Aymara autonomy. The Aymara nation is an “ethnic group of two-and-a-half million people that inhabits the heart of the Andes (in Bolivia and some southern regions of Peru)”¹⁴. The Indians had taken advantage of their democratic vote, and had become a political force not easily dismissed. Victor Hugo Cardenas, Bolivia’s former Vice-President (1993–1997) said, “In building democracy it is no longer possible to ignore Indians, that is what the mobilisations tell us”.¹⁵ The Indians opposed what they perceived as the laws of the colonials and maintain that coca leaves are a natural part of their culture and history. Felipe Quispe, a leading Aymara figure, argues that it was in fact the

14 Luis Gómez and Al Giordano (2002).

15 Diego Cevallos (2003).

greedy Spanish colonials who were responsible for the mass cultivation of coca.¹⁶ These sentiments could be dismissed were the farmers in Chapare not represented by six federations of coca growers, having organized resistance to counter drug operations through armed conflict if needed. As it turned out Cardenas was right and in 2006 Morales became the first person from amongst the indigenous peoples to be elected President of Bolivia and he is currently making a strong case for the legalization of drug production in Bolivia, a measure that, against many barriers and outrage from the US, may pass.

In the US, drugs are connected to a controversial policy process called state certification program. Every year the US President is required to certify whether a country has been cooperative with US anti-drug efforts. If a country is decertified, it faces the suspension of all US aid except for counter narcotics and humanitarian programs. In addition, the country can be prevented from receiving loans from organizations such as the IMF and face full economic sanctions as was the case of Afghanistan. In terms of Bolivia's pending legalization of cocaine production, decertification is one of the main 'threats' that the US can issue against Morales. However, Morales is more likely betting on coca industry money to replace and repay the lost income that decertification would bring and while at the same time ending the cycle of dependence on and debt generated by foreign aid.

The decertification program itself has had many critics and whether actual relations between the US and countries under scrutiny has any real basis in the drug issue is under debate.¹⁷ In an unusual letter to the US Congress, the National Narcotic Officers Associations Coalition (NNOAC) expressed its concern over the certification of Mexico as a 'cooperative' state:

Our National Drug Control Strategy tells us the certification process is a way to pressure foreign governments to stand up against drug traffickers. The United States has certified Mexico each of the last ten years. Each year, about two weeks before the certification vote, the President of the United States meets with the

¹⁶ Luis Gómez and Al Giordano (2002).

¹⁷ See for the debate on certification see Sewall H. Menzel (1997); Ivelaw L. Griffith (1997) and Council on Foreign Relations (1997).

President of Mexico and makes a major announcement about what they are doing to cooperate in the drug war...It seems to us that the only time you hear from the administration on what the two countries are doing about the drug problems on the border is when Mexico is up for certification.¹⁸

This statement reflects one common concern over the state certification process conducted by the US government: that it is more about inter-state politics and foreign policy than any actual concern over counter narcotic efforts within a given state. The bargaining involved over this process is based on several factors including national security issues related to certification where states can be certified even if they are not cooperative because they are seen as critical in a larger national security context.

In Burma drugs and politics take on a different dynamic. Kean and Bernstein argue that the SPDC ruling regime of Burma (formerly SLORC: State Law and Order Restoration Council)

depends on the resources of Burma's drug barons for its financial survival. Since it seized power in 1988, opium production has doubled, equalling all legal exports...[and it has] become a major regional producer of methamphetamines. With 50 percent of the economy unaccounted for, drug traffickers, businessmen and government officials are able to integrate spectacular profits throughout Burma's permanent economy.¹⁹

In the case of Burma drugs are inseparable from the formal government. While most government involvement in Burma, as under the former Taliban of Afghanistan, occurs in the form of tax collection, it is difficult to discern in such cases the location of the divide between criminality and complicity. Taking a narrow view, the presence of drug production does bring minimal stability, even if repressive, by the fact that the drug money allows a single government to stay in power. Both cocaine and opium, as labor intensive crops, also provide work, even if at poverty levels. While, by Western standards, such arguments are

18 National Narcotic Officers Associations Coalition (1999).

19 Leslie Kean and Dennis Bernstein (1998).

unacceptable, drug cultivation does in certain cases prevent the instability caused by large scale unemployment and frequent changes of government.

A final point regarding politics and drugs refers to the softer issues of prestige and image. Countries with high drug production or trafficking have an image of being dangerous and risky locations for business investments or as travel destinations. While in some cases these perceptions are valid, it is also clear that anxiety and media tendencies to report violence do give an uncommonly grave view of such situations. Conscious of the 'shame factor', as it could be termed, Thailand turned its opium history into a tourist attraction with the opening of the Opium Museum in Chiang Saen, the center of the Golden Triangle.²⁰ Visitors are able to visit the museum in what was once supposed to be a lawless region, taking a journey through thousands of years of opium history using high tech multi-media presentation and viewing the hundreds of artifacts on display.

Militarization

The relationship between militarization and drugs manifests itself in two ways. The first is in the increasing movement towards military solutions for drug interdiction. This movement is attributed to the post Cold War context in which military activities had to be transitioned into other sectors. In 1986, in the midst of the Cold War and in the general context regarding insurgent movements in Afghanistan and Nicaragua, Ronald Reagan gave the responsibility of combating drug trafficking to US military and intelligence agencies.²¹ That this transition has now actually occurred is undisputed and military personnel openly state their transition, as one officer called it, "from a post Cold War soldier to a War on Drugs soldier".²²

The second form of militarization is related to the profits of drug production and trafficking. The revenues from drug trafficking are said to serve as a funding source for Columbia's FARC, Al-Qaeda, and for smaller groups such as the Islamic Movement of Uzbekistan (IMU). Drug trafficking, in this way, is a means

20 'Thailand Opium Museum Opens' (2002)

21 Ted Galen Carpenter (1999).

22 LCDR Kent A Stewart, 'Navy Veterans of the United States of America member's page'.

to an end and not an end in itself. It is important to distinguish here that not all drug money generates a tendency towards militarization and much depends on where and when the drugs are moving. The intense trafficking of drugs in the Caribbean specifically during the 1980s and 1990s did not create support for armed movements in that region but rather created a nouveau riche class of consumers who flooded stores in Miami purchasing luxury goods from Cartier and Gucci.

Finance and Economics

Beyond questions of money laundering, the sale and consumption of illicit drugs effect financial relations between states and financial activities within states. Afghanistan's involvement in opium cultivation and production has been widely commented upon. However one element, often overlooked, was where exactly the large profits from the trade were being held. Statements accusing the Taleban of using opium to fund their regime did not address the larger implications.²³ The Taleban government admitted that the opium trade brought in over \$US10 billion per year, other estimates placed the sum even higher. At the same time, however, there was no indication within the country itself of a large availability of tangible cash, either through physical construction, unusual financial activity in localized areas or through the more formal financial structures as was witnessed with the Latin American cocaine trade during the 1980s. Raman posited through some provocative, even if circumstantial, evidence that, in fact, the Taleban's monies were exported to Pakistan. He argued that:

- There are no reports of large amounts in US dollars circulating in private hands in Taleban-controlled Afghanistan, whereas Pakistan is awash with them.
- There are no large-scale developments or other activities in Afghanistan that indicate the availability of large quantities of cash. In fact, there is so much poverty due to lack of development that thousands of Afghans have been migrating to Pakistan.

²³ For example see Raphael F Perl (2001).

- Since its capture of Kabul in September 1996, the Taleban had not been publishing its budget figures. Some details are now available for the first time. According to these figures, during 2001–02, the Taleban had an estimated expenditure of \$82.53 million, of which \$43.53 million is shown as the Discretionary Fund of Mulla Mohammad Omer, the Amir.²⁴

Raman sets annual heroin income at \$US12 billion and argues, considering the Taleban's expenditures above, that about 80% of that income was placed in Pakistani banks. Using the reported figures of the State Bank of Pakistan on bank deposits and discussing the lack of other potential income sources such as foreign investment and aid, Raman concludes that the money had to have its origin in the heroin trade.

Raman's argument is not without its problematic points, the main one being the validity of the figures used. A simple example is what his \$US12 billion actually refers to. If this figure represents estimated street value in western markets, then it significantly exaggerates the total income for the Taleban. This said the questions raised by Raman remain suggestive. The Taleban did earn money from the trade and the presence of this money did not manifest in any known way within Afghanistan. If Taleban money was placed in Pakistani banks, then the next implication is on the value that money created within the Pakistani economy. Raman argues, somewhat extremely, that this money was used to prop up Pakistan's otherwise failing economy since the 1990s, a claim larger than the data can presently bear. However, the presence of this money in Pakistan would certainly have created areas of wealth and would have also distorted the figures related to GDP and economic growth. The details of this would depend on the specifics of the economic situation in Pakistan though indicative patterns could be derived from other drug producing regions such as Latin America, Mexico and Burma.

Environment

²⁴ B Raman (2001).

Both heroin and opium cultivation have a negative impact upon the environment. For cocaine cultivation, virgin forests have been cleared in the Andean region in order to make space for increased coca bush planting. The Bureau for International Narcotics and Law Enforcement Affairs reported,

[n]arcotics cultivation and processing cause serious damage to the ecology of the Andean region...As tropical rains erode the thin topsoil of the fields, growers must regularly abandon their parcels to prepare new plots—increasing soil erosion and runoff, depleting soil nutrients, and, by destroying timber and other resources that would otherwise be available for more sustainable uses, decreasing biological diversity.²⁵

Forests are also cleared to allow for infrastructure, such as transportation routes (roads and airfields) as well living space for migrant workers. Additionally, the herbicides and pesticides used in farming can damage the sensitive ecology of the forest and rivers. In some cases, the conversion process to cocaine occurs within the forested regions. This process involves other chemicals such as ammonia, sulfuric acid and gasoline, which are dumped openly into nearby rivers that serve as drinking water.

At the same time, the herbicides used in crop eradication programs to destroy these illicit crops also have a negative impact upon the environment. The disputed chemical glyphosate is the main ingredient found in crop sprays. Glyphosate is highly toxic to plants and animals as well as humans. Paraquat, another chemical used in spraying, is:

highly toxic to animals by all routes of exposure...A single large dose, administered orally or by injection to animals, can cause excitability and lung congestion, which in some cases leads to convulsions, incoordination, and death by respiratory failure.²⁶

Both substances appear to destroy plant life that may otherwise be desired and have been also blamed for illnesses caused to adults and children in sprayed areas. In the 1980s, the US used paraquat sprays as a method to destroy marijuana crops

²⁵ Bureau for International Narcotics and Law Enforcement Affairs (2003).

²⁶ Cornell University Extension Toxicology Network (1993).

in Chiapas, Mexico. The chemical residues were soon located in marijuana on US streets and the chemical was banned. In 2001, glyphosate was used in crop eradication programs in Columbia. United States Representative Jim Kolbe refuted the criticism made about the action. Kolbe assured the public that the chemical was safe, noting that he uses a domestic version of glyphosate to eliminate weeds at his own home. He further stated that there was no harm to the environment or illnesses.²⁷

Migration, Refugees and Diasporas

Nancy McGuire from Georgetown University argues that economic downturn in the Bolivian mining industry in the mid-1980's spurred mass migrations of laborers to the Chapare region to cultivate coca leaves.²⁸ She notes that migration patterns are, in fact, indications of larger phenomena. Since, in the major growing regions of Columbia and Bolivia, the farming and production of cocaine are not carried out by those indigenous to that specific region, there must have been some other factors at play that caused the migrations in the first place. In this case, the factors were the inability of the government to properly manage the economy, which then led to large scale job losses. Attention to migration and immigration patterns in coca farming could then lead to larger clues about the roots of illicit drugs, which exist beyond the reach of countermeasures. McGuire also raises a point that may not be readily obvious to a Western reader: drugs provide jobs usually for those who would otherwise not have the minimum income needed to live.

The movement of people can also serve as a facilitator for the trafficking and distribution of drugs. As Justin Miller argues a key area that requires attention is:

the role of outside supporters for insurgencies, primarily diasporas and political refugees...Significantly, analysts often overlook the role that migrants sometimes play in simultaneously supporting insurgencies and the drug trade.²⁹

27 Michael Easterbrook (2001).

28 Nancy McGuire (2002).

29 Justin L Miller (2003).

Miller points out that refugee camps played a strong part in bolstering the Islamic Movement of Uzbekistan (IMU), an alleged fundamentalist organization operating in the Fergana Valley in Central Asia. The IMU is said to be involved in drug trafficking and other criminal activities as a support for their political ends.

Another aspect of the movement of people involves the consumption side of the illicit drugs equation. The return of refugees into Afghanistan did not bring increased opium cultivation as feared, but rather increased opium consumption. Desperate living conditions in Afghanistan combined with the trauma of decades of war: The loss of family members, poverty, and lack of work all facilitated (even amongst the educated classes) increased heroin use. The UN Office on Drugs and Crime in Kabul noted that “historically, Afghanistan never had a drug problem. This is something new”.³⁰ Similar patterns can be seen in other refugee camps such as those throughout Africa.³¹

Gender, Ethnicity and Culture

There has been a long debate about, and substantial literature criticising, the relationship of drug laws to women and particular ethnic groups.³² The debate is not only theoretical. Cases such as Regina McKnight, the first woman in the US charged for the stillbirth of her daughter, illustrate the connections between gender and drugs.³³ McKnight used cocaine during her pregnancy and was found guilty of homicide. The debate on this issue maintains that the causal relationship between cocaine use and stillbirths is still unclear and that cases such as McKnight are really about race and gender discrimination. Similarly drugs sometimes become entangled with larger issues like anti-abortion and anti-treatment.

In the same way drug laws are blamed for a disproportionate amount of imprisonment of certain ethnic groups. In the US and UK, minority groups:

30 ‘Afghans Succumb to Their Own Most Lucrative Export’ (2003).

31 See for example, Paul Spiegel (2004).

32 See for example, S Boyd and K Faith (1999) and Hilary Klee (1998).

33 Silja JA Talvi (2003). Also see Silja JA Talvi (2002).

African, Mexican, Latin American and Caribbean comprise large portions of those arrested for drugs.

More than 1,700,000 people are in prisons and jails in the USA. Half of all prisoners are African Americans and over 60 per cent are from racial and ethnic minority backgrounds. Nearly 20,000 are less than 18 years old.³⁴

This is part of a well known argument about discrimination against minorities and the social and economic conditions which predispose certain groups to be involved in drug use or sale.

Cultural attitudes and religious beliefs towards drugs can also place laws at odds with the norms of a particular society. Marijuana use in Rastafarian religion and coca leaf chewing by Andes Indians serve as two examples. The prohibition of khat, the leaves of the *Catha edulis* plant chewed in some African and Arab cultures, has been seen as part of the larger anti-Arab and anti-Muslim sentiment in the West. Its placement as a Schedule I drug beside heroin was seen as discrimination, allowing the Drug Enforcement Agency (DEA) to carry out raids on Arab residences and firms.³⁵

Individual rights, rights of states and the law

The issue of rights whether at the level of the individual, communities or states enters into the drug trade via anti-drug policies. Afghan opium farmers, as well as the cultivators of other drugs, have long argued that they are unfairly blamed for the drug trade when those making the real profits are left unmolested. Since profits are minimal at the cultivation stage, the ability to grow drugs is more often a matter of survival than the wealthy lifestyle associated with popular perceptions of the drug trade.

The fear of drugs and its potential harm touches questions not only of the relationship between the state and citizen, but also state sovereignty. The Bahamas was faced with a flurry of regulations after it was blacklisted by the Financial

34 Amnesty International, 'Rights for All Project'.

35 For a discussion on discrimination and khat see Medrek Ethiopian Discussion Forum (2003).

Action Task Force (FATF) as a “non-cooperative” nation. It was argued that the Bahamas served as a main location for money laundering of drug proceeds and that the government had not done enough to curtail this activity. Controversy surrounded new regulations such as the establishment of Financial Intelligence Units (FIUs) within the Bahamas. FIUs were seen as extensions of other governmental agencies, namely the US Department of Treasury, implanted in sovereign territories to gather personal information on those citizens and then send that information abroad. Moreover, Morris argues, the FIUs are against the Bahamian constitution where they purport:

to effect a delegation by Parliament of its essential legislative function (namely, the exercise of its judgment as to what the law should be, by defining what conduct shall constitute an offence and prescribing the punishment to be inflicted on those persons found to be guilty of that conduct by an independent and impartial court established by law) in circumvention of the constitutional separation of powers; in the result depriving or being likely to deprive the individual citizen of constitutional safeguards essential to ensuring the protection of the law as guaranteed in Chapter III.³⁶

Compliance demands placed on states then bring into public discussion debates on the law, whether it is legal to enact laws which override individual state constitutions. As Morris suggests compliance would not only alter the relations between the branches of government but would fundamentally alter the status of the citizen. Morris’ main contention is less that things should change, but more that the change is taking place within a process that is closed rather than through a process of open and transparent democratic dialogue.

Other Areas

There are other relevant areas such as history, development, shipping and transportation, where drugs have an impact as related to International Relations. However, already from the preceding section a few brief conclusions should be drawn. First, how drugs are conceptualized depends largely on which drug is

³⁶ Gilbert MNO Morris, ‘International Financial Services Regulations with Emphasis on Legitimacy in International Law’.

addressed, where and when, as well as what are the main areas of manifestation: politics, economics, and who are the primary actors: farmers, militaries, politicians. Second, given all of the areas under consideration, one-dimensional perspectives on the drug problem, whether from IR or ir, are not able to engage the drug issue in any meaningful way.

Overview of Theory and Drugs in IR

This section examines some of the theoretical basis found in IR that either have or could be applied to the study of drugs within the discipline. It serves as a foundation for the literature chapter that follows by opening up some points for further exploration on the IR and the drug issue debate. This section draws largely on the work of Professor Angela Burger at the University of Wisconsin who conducted a brief but concise review of the different theoretical approaches in IR and how each could contribute to a better understanding of drugs. Burger addressed the role of theoretical approaches in IR that can or are being used to examine the drug problem by dividing the theoretical categories of IR into Realism and Security Studies, Neo-Liberalism or Neo-Institutionalism, Economic Liberalism, Mercantilism and Dependencia or Structural World Systems Theory.³⁷ Though these categories are subject to criticism, Burger's account serves as a useful way to introduce the general discussion. In surveying IR literature, very few theories or frameworks engage with the drug issue, at least not substantially enough to encompass the intricacies of drugs as previously outlined. This is not to say that existing theories and frameworks are not applicable, but that they require revisiting with the drug problem in mind.

Burger points out when treating drugs in IR, most works tend to be Realist or Security Studies based.³⁸ However Realism and Security studies are not able to encompass the complexities that drugs bring with them. The basic perception is that drugs represent a threat or at best a corrupting element in society. Realism/Security simply positions drugs as a threat to the state which leads to

³⁷ Angela S Burger (1999).

³⁸ Ibid 4.

unrest and conflict in much the same way that Ronald Reagan portrayed drugs in 1986.

In the third world the concept of national security embraced threats to state borders (secessionist efforts of Shan in Myanmar, Sikhs and Kashmiris in India,) to domestic ruling elites (Medellin and Cali cartels of Columbia), as well as internal political rebellion (Shining Path in Peru, tribes in Afghanistan against the Soviet puppet-government) [footnotes omitted].³⁹

This analysis shows how, from both sides, consumer countries and producer/trafficking countries, the Realist and Security paradigm was driving perceptions of the drug problem. While it was fair to say that drug profits were assisting in certain cases to bolster threats to the state, it is not clear whether the Realist view was useful in the subsequent actions it suggested. Since threats to the state are to be met by force, the natural course of action was to declare a “war on drugs”, to use Nixon’s phrase.

Since then however the success of the war on drugs has been questioned. Bertram et al asked in their book on the drug war, “Why have our drug wars failed and how might we turn things around?”⁴⁰ They attribute the reasons for failure to a paradigm, or system, based on punishment rather than tolerance. Nadelmann called global drug policies, “failed and futile” referring mainly to the United Nations General Assembly Special Session on the World Drug Problem, 1998 (UNGASS).⁴¹ According to Nadelmann, the 2003 Mid-Term Review of UNGASS evidenced clearly that international drug policies had failed as the United Nations’ own statistics showed the “use of cannabis, cocaine, heroin, and other drugs has not decreased. HIV/AIDS and hepatitis rates across the globe are soaring; the dimension of the global illegal drugs trade continues to expand”.⁴² Such views bespeak a deeper concern with the general Realism and Security framework (that they are a threat and must be purged), which governs, and has governed, the view of illicit drugs.

39 Ibid 2.

40 Eva Bertram, Morris Blachman, Kenneth Sharpe and Peter Andreas (1996).

41 Ethan Nadelmann (2003).

42 Ibid.

In an interesting turn of the argument, Burger posits that if the Realists and Security supporters were true to their beliefs, particularly that of self-help, then in countries with extensive debt, like Mexico, they would have recognized that profits from the drug trade were a natural choice to alleviate the debt cycle.⁴³ In the 1980s, acting on the principle of self help, Mexico chose to use illicit profits to cope with its economic crisis. Burger notes that while this was not acceptable to the Realist/Security paradigm that governed the countermeasures policies of the US, it represented a clear example of the very framework under which these policies were operating. Thus analysts should have anticipated Mexico's action. Extending this further, Burger argues that this process could be viewed as "a new form of economic assistance from the First to the Third World" whereby "the transfer of wealth is neither controlled by the First World in terms of its use, nor has it to be paid back with interest."⁴⁴ This view is somewhat reflected in the strategy of Bolivia's President Morales to legalize cocaine production as discussed above.

Burger next posits that Neo-Liberalism or Neo-Institutionalism provide better contexts for analysis as theories such as complex interdependence can more fully explain why states behave the way they do in regards to drug policy. Set against the emphatic rhetoric of the drug war, Neo-Liberalism/Neo-Institutionalism begins to show a less rigid view of the drug trade. Burger notes that under Neo-Liberalism, at least the choice of debt-ridden governments to use drug funds can be understood; "priorities change."⁴⁵ Additionally, Neo-Institutionalism brings about a greater understanding of the anti-drug regime, how it was formed and how it has endured. From Neo-Liberalism/Neo-Institutionalism, we can begin to examine the links between the historical roots of the League of Nations, the goals of individual states and diplomacy post World I. Already, the one-dimensional view of Realism/Security gives way to a more complex view of actors, circumstances and the normative elements of the drug issue. Neo-Liberalism/Neo-Institutionalism reveal how drugs became an international issue and how their illegality arose from a sets of relationships that developed as a result of US views on drugs and from

43 Angela S Burger (1999) 3.

44 Ibid.

45 Ibid 4.

the early days of the League and its various conversations on opium to then shape drug policy today.

Another aspect of Neo-Liberalism/Neo-Institutionalism and regime theory illuminates the process through which drugs are defined in the international arena by depicting how beliefs, values, and ideas are given form through counter drug agencies and groups. As Burger notes, and this author emphasizes, the great contribution of regime theory is to point out the historical factors which are simply omitted from most of the debate on drugs⁴⁶. Regime theory brings to light the deep relevance of history, for example by challenging a key moral assumption of Realism/Security: that drugs have been, are now, and should always be considered negatively. Regime theory also brings with it other questions such as how can we know if the regime is successful, a question central to illicit drugs. Other questions include agent-structure and role of institutions, and global governance.

Neo-Liberalism and Neo-Institutionalism however can address only one aspect of the drug issue, that of the institutions and policies. These frameworks are adept at explaining why we have the process we have in the international arena. They do not say anything particular about the drugs themselves, why they exist, how they function politically, except to say that the presence of drugs leads to bargaining and cooperation between states at the institutional level.

To address these concerns, Burger discusses Economic Liberalism and Mercantilism as possible approaches to understanding the economy of drugs.⁴⁷ Economic Liberalism can open discussions on the drug industry, how this industry interplays with domestic and international interests, the value the industry creates and the areas of negative impact. Under Economic Liberalism, we could also discuss the political economy perspective of drugs where the governments might balance the benefits of certain economic activities while considering the cost of these activities domestically and internationally.

46 Ibid 5.

47 Ibid 7-10.

Economic liberalism by its nature refers to a modern, post-Adam Smithian context, where mercantilism could provide a better description of drugs particularly on the cultivation and production side that resemble a time more akin to post-feudalism than post-modernism. Modern day farming of opium in East Asia is one possible example of this condition. The idea of drugs as a mercantilist system is not new as was noted by Pierre Chouvy, a researcher at the French National Centre for Scientific Research and a prolific writer on the drug trade in Asia. Chouvy argues that the drug trade today can be characterized as mercantilist, as can the drug trade historically.⁴⁸ Considering, for example, opium's early days under the British, mercantilism could provide a useful comparative tool for understanding how drugs continue to function today.

The last category of IR theory addressed by Burger is Dependencia or Structural World Systems Theory. From this approach drugs can be examined through the lens of North-South relations, which encompasses a discussion of core-periphery analysis.⁴⁹ Anti-drug policies are seen, in this case, as privileging the needs of the North at the sacrifice of livelihoods in the South. Drug production could be seen as a form of liberal economic activity that benefits producer nations. In this light, counter measures take on a different impact as they are seen to impose the economic and morally based policies of the North onto regions where the growth of illicit drugs is economically viable and culturally accepted. World Systems Theory captures the perceptions of producer nations in that it represents their response to interdiction policies that are often perceived as forms of imperialism imposed by more powerful nations.

Burger concludes by stating that,

international relations theories and comparativist approaches do not usually provide a framework for analysis...Most paradigms of international relations are designed to assist our understanding of...licit and legal entities...Few models or theories exist to approach illicit narcotics.⁵⁰

48 Pierre-Arnaud Chouvy (2002).

49 Angela Burger (1999) 11.

50 Ibid 10-12.

It should be clear that Burger is examining possible avenues for exploration in the application of IR theories to drugs. This is not to imply that such a research has already been conducted or that there is even a trend to move in this direction. Burger is simply laying out possible courses for such a research and raising some of the issues such as the role of history or the absence thereof and the tendency for IR to be realist focused when discussing illicit drugs. As she concludes, within the discipline of IR, the main focus remains the upperworld and not the underworld of international relations.

The Drug Issue and the Historical Debate

A main criticism of the drug problem, whether in IR or it is that it is perceived as ahistorical. In his history of drugs in the 19th century, Mike Jay notes that drugs are often presented as a “subject without history” with occasional

glimpses of Victorian opium dens, or perhaps the stupefying effects of toxic plants on primitive people [sic] that [imply] drugs had always been illegal at least as soon as societies had evolved far enough to make sensible laws.⁵¹

Historical accounts of the drug trade tend to focus on some three themes: the role of opium in colonial Britain, the genesis of international counter drug policy at the hands of morally driven Christian fanatics, and the study of drugs throughout historical periods dating back to the beginnings of human civilization. The conclusions drawn from these accounts are contested. Jay continues,

It’s one thing to cast a critical eye over the cultural and scientific context in which opiates were criminalized, and its another thing entirely to argue that history proves that these substances should simply be legalized...But we should remember, when we hear calls to return to traditional moralities and Victorian values, that those values included a regime of mass market, legally available opium.⁵²

There is, within history departments, a certain trend toward using history exactly for such purposes. When RK Newman presented data at a conference

51 Mike Jay (2000) 9.

52 Ibid 87.

demonstrating that actual opium addiction rates were not at the epidemic proportions commonly believed, his work was “left out” of the book publication of the conference papers. Newman argued this occurred because his view challenges the anti-imperialist agendas that have long promoted the sickly Chinese addict as a symbol of the British crimes.⁵³ That drugs were *not* and perhaps are not a scourge in China is a rather radical idea. Even those who promote legalization policies are hard pressed to make such an assertion and usually promote legalization as a solution to an existing crisis, but still accept as a given that there is a crisis. Newman’s point is related to Jay’s statements in that he challenges the use of history to support anti-imperialist arguments by taking away one of the debate’s pillars: that the British enslaved the Indians and the Chinese through opium addiction in order to create wealth. Whether this is true or not is beside the point. The question here remains the use of history and historical facts to support one argument over another.

Thus there are two factors to draw from Jay’s comments. First is that drugs are presented *usually* as being ahistorical, making anti drug policies seem natural, as if it has always been that way. Second is that whether promoting legalization or criminalization, when history is used, both sides are mining for proof to support their existing viewpoints. In this case history in and of itself can be said to support both and neither side of the debate at the same time.

Jay’s analysis of history and drugs reflects many comments made by Stephen Hobden and John M Hobson on the role of history in IR.⁵⁴ They caution against the ahistorical attitude in IR which can be described in two terms: chronofetishism and tempocentrism. The former refers to a kind of ahistoricism, which manifests in three modes: reification illusion “where the present is effectively ‘sealed off’ from the past”, naturalisation illusion, “where the present is effectively *naturalised* on the basis that it emerged ‘spontaneously’ in accordance with ‘natural’ human imperatives” and the immutability illusion “where the present is *eternalised* because it is deemed to be natural and resistant to structural change”.⁵⁵

53 RK Newman (1995).

54 Stephen Hobden and John M Hobson (2002) 5-41.

55 Ibid 7.

This leads to tempocentrism where an isomorphic illusion has taken hold that extrapolates “backwards in time to present all historical systems as ‘isomorphic’ or ‘homologous’...leading to an *inverted* ‘path dependency’”.⁵⁶ This view is precisely Jay’s argument that drugs are represented as a topic without history which leads to a sense that drugs have always been illegal and should always be illegal.

As a solution, Hobden and Hobson point towards resolutions provided via an historical sociological approach. In response to reification historical sociology reveals “the present as a *malleable construct* which is embedded in an historical context” while for the naturalization illusion it shows that the present emerged as a result of “processes of power, identity/social exclusion and norms.”⁵⁷ The immutability illusion of the present is remedied by the revelation of “the present as a constituted by transformative [sic] processes that reconstitute present institutions and practices,”⁵⁸ In short, that the present is in a constant state of movement and not static. Finally for tempocentrism, historical sociology “traces the differences between past and present international systems” thereby revealing their “unique features”.⁵⁹

History then should neither be a mine from which supporting data is arbitrarily retrieved, nor a justification for why situations and events are as they are today. For the purposes of this research, a historical review of drugs reveals a debate that moves between legalization and criminalization which in turn illuminates certain perceptions and characterizations of drugs today. However the conclusions drawn from the binary view are not definitive, but rather suggestive of a larger context from which current perceptions are drawn. In this sense, history does not serve to prove one side of the debate over another, but places both within a deeper context of actors, interests and behaviors.

Definitions and Terminology

56 Ibid.

57 Ibid.

58 Ibid.

59 Ibid.

As is often the case in the social sciences, terminology presents an area of concern for the study of drugs. 'Drugs' can mean the drug itself, such as opium, or refer to the production-to-market process, or to legal definitions under the Controlled Substances Act, for example. Additionally, there are terms of concern to the present work such as 'crime' and 'addiction'. Beare and Naylor said of defining organized crime,

Definitions are boring and we would have thought that no longer was it necessary to re-hash what is or is not organized crime. Unfortunately it is still an issue...if there is no specific type of crimes, types of criminals or even a distinct process that is distinguishable as being 'organized crime', or if the term refers equally well to all serious crime, then it refers to nothing. In which case the crimes exist but organized crime as a category of crime does not exist. If this were a mere issue of semantics, no one should ponder the issue—this is not the case however. There are direct policy and law enforcement implications to the quest of actually attempting to 'understand' the phenomena."⁶⁰

Beare and Naylor argue further that terms affect the way a particular issue is perceived since the words used have clear ramifications in legislation and lead to very practical concerns when they serve as the basis for arrest and prosecution. A cautionary note however: the nature of this work demands less attention to rigid definitions and more attention to the specific types of connections these terms indicate within their contexts. As such the definitions below should be taken as flexible indicators within a larger argument.

Drugs and narcotics here are taken to mean specifically two of the three common "natural" drugs of concern to international trafficking: coca and opium. Marijuana as the third is included where appropriate though the system revolving around the marijuana trade does have some key distinguishing features which make its inclusion with coca and opium misleading. Designer drugs are included in some parts, though not directly addressed. The data on coca and opium is more advanced and subject to deeper analysis. Designer drugs such as

60 Margaret E Beare and RT Naylor (1999).

methamphetamines, from an international relations perspective, are relatively new. Though some patterns can be applied to them from the drug trade in general, it would be unfair to make similar conclusions as “natural” drugs. For example, a chief feature distinguishing designer drugs is the fact that they are not agriculturally based and do not require a large labor force for cultivation. Furthermore they cater to a different market that requires periodic changes in colors, shapes and presentation of the drug. Marijuana and cocaine are not narcotics, though the term is used broadly to mean illicit substances, as in the counternarcotic programs which target marijuana trafficking.

Furthermore, it should be clear that cocaine is derived from the coca leaf and heroin from the opium poppy. To say transport in cocaine has different ramifications than transport in coca for example, because coca leaves are harvested in bulk and thus make transport cumbersome while the less bulky cocaine is a refined powder ready for sale and can be shipped pure, and then cut with fillers at distribution points.

It should be clear that crime, or more relevant here, transnational organized crime is not the same as drugs or the drug trade or money laundering. As Beare and Naylor note, there is no agreement on what is organized crime and this can be extended to all such terminology. The issue of definitions is indeed a difficult one, especially when dealing with IR which does not have a history of dealing with definitional problems associated with illicit sectors and which, in fact, exacerbates the issue by using various terminologies quite interchangeably. As such the use of terms here will, by perforce, also remain somewhat interchangeable, taking the lead from the author or work under discussion. In order to add some parameters, drugs will refer almost exclusively to opium and cocaine unless indicated otherwise. The drug trade will refer not just to drugs as an economic activity, but rather a set of processes which involve illicit drug cultivation, production (the conversion of raw materials into cocaine and heroin), trafficking and consumption. Crime and organized crime will refer most often to networks or systems of affiliations among people or groups of people involved in the process of illicit drug trafficking and selling usually at the international level. Again the use of these terms will follow the author or work under discussion.

Statistics

In the study of drugs, statistics play a dominant role in shaping views on the size and depth of the drug problem. As such, the reliance on statistics for conceptualizing drugs and the criticism that has followed require a brief discussion here. Statistics have become, as Harry Gelber states, a prescriptive tool rather than a descriptive tool.⁶¹ When a study shows that opium production has increased in a certain country, the immediate reaction is to step up counter narcotics strategies in the region or to politically pressure local governments. However, between the statistic and the resulting action are several assumptions. First, we do not know how much opium, for example, is generally produced, as all figures are an attempt to quantify an inherently hidden activity. Second, even if production has actually increased, there is no indication that the excess yield will not be consumed locally. For example, if the US reports with great alarm that opium cultivation has increased, the assumption is that the destination of the opium is the US. It is possible however to imagine that the excess may be consumed at the local level or shipped to new markets. Third, even if sentiments of social responsibility prevail, there is no relationship between increased counternarcotic strategies and suppression of production. Statistics serve to perpetuate the tautology of the drug debate on all sides and often 'fictional' numbers are used to claim success based on other fictional numbers. One prominent case serves here to make this point.

Of the most widely quoted numbers for the value of the drug trade, \$300–500 billion per year is the most commonly adhered to number. In this there are already several concerns. What drug trade does this number refer to exactly? Is this gross or net income, because even traffickers have operational costs that need to be accounted for when discussing why the drug trade is lucrative (because it may not be)?⁶² Does it include designer drugs like the Ecstasy or does it refer to opium

61 Harry G Gelber (1997) 240.

62 Dominic Streatfeild reported that many street dealers were actually not the stereotypical, limo-driving, gold-wearing men, but that dealers actually made somewhere around the average minimum wage income per year. This was because it simply was not that lucrative of a business but many chose this work because no other opportunities were available to them. Dominic Streatfeild (2001).

gum or heroin only? Does it refer to crime in general including prostitution and sale of counterfeit Levi jeans? Where does the research basis of this number come from? What methods were used to calculate it? Since Pino Arlacchi, now the former head of the UN Drug Control Program, first uttered the figure, it has taken on new meanings. It is quoted as the amount of money laundering per year worldwide, or per year in offshore financial centers, a noteworthy distinction. The variations in using this figure include:

- “The data compiled by the European Union indicates that \$400–500 billion worth of drugs are sold worldwide every year, or one-tenth of global trade turnover.”⁶³
- “Money laundering, bank secrecy, and off-shores allow for the advent of a new economic power which manages ca. \$500 billion, equivalent to ca. 2% to 3% of the world’s Gross National Product. This new economic illegal power is ranked 6th–7th in the hierarchy of the greatest world powers.”⁶⁴
- “US crime achieves an annual turnover of 500 billion dollars. Ten years ago this was 100 billion dollars. About 80 percent of total turnover is from the drug trade.”⁶⁵

As it turned out the \$300–500 billion figure is more guesswork than fact. “The figures of \$300 billion to \$500 billion for international flows are banded around and become ‘facts by repetition,’ but there is very little evidence to justify them.”⁶⁶ In his book, *Wages of Crime*, Naylor writes about encountering one of the UN officials responsible for the now-famous estimate that the world trade in illegal drugs is worth \$500 billion each year. When pressed by Naylor, the official confessed that the estimate was based on rather flimsy evidence, but, the official added, it was great for catching public attention.⁶⁷ Some might argue that it is enough to bin current policy and the surrounding debate based on this simple illustration alone. However, there is more to consider. This number has been used to justify just about every counter narcotic action in the last years. If it is true that

63 Natalia Shiryayeva and Vladimir Rudakov (2002).

64 Sandro Calvani (2000).

65 ‘Criminals Turn Over 1000 Billion Dollars’.

66 Michael Levi (2002).

67 Daniel McCabe (2002).

numbers have become perceptive rather than descriptive, then there is serious cause to reassess current countermeasures.

A corollary to the matter of statistics is the broader status of statistical calculation, of any kind, in the Social Sciences, a largely unanswered dilemma. As will be discussed, statisticians themselves argue about what their calculations mean, what they can, or should, represent and how they should be applied. Therefore, this research remains highly suspicious of statistics used to promote one kind of policy over another. It strives to avoid the use of statistics unless the study is deemed to have particular relevance or credibility. Instead it takes the use of statistics on two grounds: 1) to consider the validity or invalidity of relevant statistics, and 2) whether valid or invalid; following the possible lines of argument that could result.

Structure of Research

Methods used to explore the current perception of drugs in the international relations will comprise an analysis of official government documents and other secondary sources. Academically, the analysis will incorporate literature which attempts to address either drugs or immediately relevant subjects such as crime and terrorism. Additionally, concepts from criminology will be applied to bolster non-state actors and develop a more concise starting point for examining drugs in IR. Literature and documents that will also be used range from current policy reports to historical information. Since documents and writings draw from a variety of international sources, there is some variation in the spelling style used between UK and US. In such cases quotes were kept in the original spelling language while the rest of this work follows US English spelling.

Chapter Two will begin with a review of IR literature, surveying specifically how it is that drugs are treated within the discipline. This discussion will show how these approaches do not adequately address the complexity of the drug issue. The drug debate is fragmented in IR and while certain approaches such as non-state actors can be a “good start” for understanding drugs, they largely remain too flat to address the issue more substantially.

Chapter Three will focus on how drugs are shown and treated in the international arena, especially by international organizations such as the United Nations. The first purpose is to unveil the contradictions between drug realities as briefly sketched above and the international treatment of the issue. Second, the purpose is to provide a point of comparison between how drugs are commonly viewed in the international arena and IR. Third, this chapter will begin to flesh out the often unstated principles which guide counter-drug operations and challenge the perceived objectivity of annual reports. Chapter Four serves to provide a historical background on how and why drugs became seen as a problem over roughly the last 100 years. This is done by opening up a series of vignettes in history as a means to demonstrate how little history figures into drug research and analysis today. Vignettes are used, first, as a way of mediating the tremendous amount of historical literature on drugs—consider for example the micro histories of drugs in the US, drugs in the UK, drugs in France, etc, and add in the micro-histories of cocaine and opium in each region while accounting for the various arguments over which history is actually correct. Second, vignettes are used because a lengthy analysis does not serve any better to illustrate the degree in which history is left out of the drug policy debate. This omission is thus remedied, at least in part, through an attempt at presenting, as outlined by Hobden and Hobson, a broader context for understanding the drug issue by engaging history as a means to illuminate current perceptions. Chapter Five will assess the view of criminology on drugs by providing a brief background on the history of crime in order to introduce concepts from criminology that may enhance drug research in IR. Chapter Six will conclude with some summary remarks and the next steps for research.

Chapter II. Waiting for the Ring: The Engagement between IR Literature and Drugs

Introduction

The debate in IR on drugs is fragmented and there is almost no deep conceptualization of the drug issue. With few exceptions, IR research has neglected to take stock of the drug debate: where it stands within the discipline, what categories of IR address it and what conclusions about it suggest for the discipline. Some barriers to discussing drugs in IR literature should be kept in mind. First, IR itself does not have strictly bounded literature as its interdisciplinary nature accepts works from a host of fields such as sociology, criminology, law, history and economics to name a few. There are no fixed boundaries for what is considered literature on drugs or illicit activities as there is no field of “drug studies” in IR, as there is a field of “war studies” or “terrorism” for example. This literature review is itself a preliminary attempt to define the parameters of such a literature. The authors represented below were chosen largely based on the common usage of their work, meaning that their works are likely to be found in a wide range of research that address drugs, crime and illicit sectors and which have an IR dimension. Included below are also some lesser known authors, such as Ivelaw Griffith, who have researched and written extensively on the drug trade even if their work is not well-known—this being a relative term since, for the most part, there are no well-known drug scholars in IR.

Second, within IR literature, drugs are intermingled with terrorism, money laundering, trafficking and organized crime making it unclear whether the focus is drugs themselves as a commodity, drug trafficking as acts and sets of relations, or organized crime and terrorists as the actors. Third, within IR literature, drugs are categorized under various subheadings and where there is crossover between security studies and IPE; for example, drugs can be viewed as a transnational economic threat. Fourth, to say drugs are addressed in IR often means a few dozen sentences mentioning crime, trafficking and organized groups in some combination before moving on to the primary aim of the work. Friman and Andreas note that even with the current recognition of the economic potential of

illicit sectors, few works on international relations make more than a “passing reference” to the subject.⁶⁸ For example, when writing on the causes of internal conflicts, Michael Brown lists “Criminal Assaults on State Sovereignty” as a subheading under which he mentions how post-Cold War reductions in foreign aid from Moscow and the US caused many regions to turn to drug trafficking.⁶⁹ An additional sentence only points out that the presence of drugs complicates conflicts but does not expand the notion of drugs further. Francis Fukuyama mentions drugs in his argument about weak states, but does not engage with the topic further in his work.⁷⁰ Thus, given the current state of affairs, it is not unusual that there is a wide range of literature to be considered here as a means to survey exactly what is being written about drugs in IR.

Non-state Actors

Non-state actors are highlighted as the binding thread in the effort to give some shape to the body of IR literature on drugs. Because of this a few paragraphs here are devoted to discussing the concept. Illicit non-state actors generally center on the post-Cold War environment and the new opportunities provided by globalization, how open borders, new technologies and increased movement of people and goods gave drug traffickers new avenues in which to work. Organized crime, drugs, and terrorist groups were the “new” players on the world stage that challenged the role of the state. These new players brought into question the role of the state and its supporting structures such as the government agencies and their methods as well as presented new security challenges.

The debate on illicit non-state actors after the Cold War developed largely as a response to observations by scholars, journalists and law enforcement officials on the increase, not decrease of drug production and criminal activity.⁷¹ This observation had a question hidden inside: how is it that the triumph of liberal

68 H Richard Friman and Peter Andreas (1999) 5. I will use the terms illegal, illicit and underground in line with how each author’s preferences. For example authors in economics tend to use underground while in IR the term illicit is more common.

69 Michael E Brown (2000) 191-192.

70 Francis Fukuyama (2004) ix.

71 Sarah Boseley (1993) 16; Terry Kirby (1991) 5; Europol Annual Drug Report (1998) and Paul Stares (1996).

economics and capitalism did not bring with it an end to cocaine and opium production, but in fact increased it? There was an expectation that things should be good now. It was the dawn of “democratic-egalitarian consciousness” as Fukuyama put it which perhaps also purified of the darker side of international relations.⁷² The situation was quite the opposite. International policing agencies began to see new and more complicated forms of crime associated with internet-based money laundering and complex logistical processes for transportation of drugs. Scholars who had been following the Latin American drug trade through out the 70s and 80s noted that something was changing; the trade was growing and becoming more flexible. Demand also was increasing. As new middle and upper classes came into existence, they brought with them a new demand to enjoy the fruits of their success through a decadence that not only included the purchase of luxury goods and the elevation to jet setting lifestyles, but also the increased use of illicit drugs—a phenomena currently being witnessed in the second wave of opium addiction in China.⁷³

Non-state actors in IR has traditionally dealt only with licit actors such as transnational corporations. Bob Reinalda and Bertjan Verbeek present a typical argument in their discussion of the role of power between the triad of NGOs, (non-governmental organizations) IGOs (international governmental organizations) and states where they challenge the realist tradition of dismissing the influence of non-state actors. They argue that NGOs, for example, do influence power relations in the international system and that by considering NGOs then different paths of power relationships are brought to light which are hidden when taking the strict realist view. Non-state actors are not restricted to NGOs and can include the Catholic Church and diasporas, grassroots movements and universities.⁷⁴

It should also be noted that non-state actors and transnational relations concepts are not specific to the post-Cold War era. During the 1970s Joseph Nye and Robert Keohane made significant contributions in their work on transnational

72 Francis Fukuyama (1989).

73 Jan McGirk (2004) 27 and Richard Bestic (2000) 12.

74 See Srilatha Batliwala (2002), Kendall W. Stiles (2000), Thomas C Bruneau (1980) and Shahrzad Mojab (1998).

relations, world politics, and global economic processes. Keohane and Nye were responding to the state centric view, dominant even more then than now, which was excluding the important role played by non-state actors both historically and contemporaneously. Keohane and Nye discuss for example the links between Communist parties and the international brigades in the 1930s as well as multinational enterprises such as the Hudson Bay Company.⁷⁵ The authors also developed these linkages into their concept of complex interdependence—a theory that Thomas Risse-Kappen, professor at the Center for Transatlantic Foreign and Security Policy at the Freie Universität Berlin suggested “was about to receive the new lease on life” due to networks of NGOs and their activities who are altering transnational relations.⁷⁶ Extending this sentiment to drugs is reasonable; however within the literature complex interdependence, as a formal concept, it has yet to be fully applied to analysis of the presence of drugs in the world economy.

The 20 years that passed between Keohane and Nye’s first articulations of transnational relations and the collapse of the Soviet Union were filled with a rich and dynamic debate in IR. This debate can be divided into the three camps of IR theory: neorealism, transnationalism and globalism to use Torbjörn Knutsen’s admittedly somewhat problematic taxonomy.⁷⁷ Knutsen ties these three categories of IR theory to three ideological traditions: conservative ideology, liberal ideology and radical ideology respectively.⁷⁸ In the 70s and 80s drugs were mentioned in all three contexts but rarely if ever as a theoretical or conceptual issue. Other authors like Rensselaer Lee wrote about drugs from a supply and demand perspective. The main argument was that drug policies had failed because in places like Latin America drugs are too embedded in politics, economics and culture.⁷⁹ Therefore the solution is to control the demand side. Later Lee would write one of the most well-known books on Latin American cocaine, *White Labyrinth*, which would detail why drug interdiction interferes with development

75 Joseph S Nye, Jr. and Robert O Keohane (1971) 721-748, Joseph S Nye, Jr. (1974) 961-996.

76 Risse-Kappen in Richard Higgott (1999) 31.

77 Torbjorn Knutsen (1992).

78 Ibid 237-239.

79 Rensselaer Lee is a Senior Fellow at the Foreign Policy Research Institute and President of Global Advisory Services. He has been researching and writing on the drug trade for over 20 years. Rensselaer Lee III (1989).

in Latin America and that the best solution still remains to solve the cocaine problem at home, not abroad.⁸⁰

Then came globalization. Arguably already in full force by the 1990s, at least from the point of view of business and finance, the rest of the world (and its scholars) who had been distracted by the complexities and fears of the Cold War woke up to new era. In 1990, Ethan Nadelmann published an article in *International Organization* called “Global Prohibition Regimes: The Evolution of Norms in International Society”.⁸¹ Nadelmann who graduated from the LSE with his PhD in Political Science would later help found the Lindesmith Center which is now (called the Drug Policy Institute) one of the most well-known organizations for drug policy reform. His article, though it is just one a few works he ever published directly on the subject, is still cited today as the basis for a variety of research in drug policy.⁸² Nadelmann concerns himself not with international regimes as commonly studied but with those particularly aimed at producing prohibition policies. He posits that contrary to the common view that emotions and morals have no bearing on policy making, prohibition policies show that a large role is played these factors. But Nadelmann not only talked about drug trafficking, but he throws into the mix illegal poaching of animals and slavery, subjects that often provoke high moral sentiments, exactly to illustrate his point. In line with neo-liberalism and regime theory, Nadelmann traces back the historical roots of current prohibition policies. Ultimately he is concerned with how it is that some prohibition norms fail and some succeed—with the successful ones often appealing to a moral sentiment or emotion to affect deviant behaviors. This article served as the doorway into the illicit at a time when increased trade and movement of goods were slowly proving to be an asset to traffickers as well as licit corporations. Nadelmann’s concluding points were hard to ignore: global norms reflect the moral and emotional dispositions of the dominant members of international society, usually the criminal laws of those states and that either states

80 Rensselaer Lee (1989) 231

81 Ethan Nadelmann (1990).

82 See, for example, Harry G. Levine (2001).

themselves or moral entrepreneurs such as religious groups move to mobilize public and political opinion in the direction of prohibition.⁸³

Drugs, Crime and Terrorism

Beyond non-state actors and transnational relations, there are several additional authors who have written works that depict drugs, terrorism, transnational organized crime and networks in different combinations. Mark Galeotti, Director of the Organized Russian & Eurasian Crime Research Unit (ORECRU) at Keele University, is one of the few authors who has written in depth on the role of illicit sectors and non-state actors and whose work is often used in International Relations.⁸⁴ What distinguishes Galeotti's work, and the reason for its inclusion here, is the comprehensive manner in which he brings together a multitude of perspectives and arguments. Having a degree in Political Science from the LSE, Galeotti is sensitive to the political, social and economic nuances missed by many authors. Galeotti positions transnational organized crime as the underside of the global era. Following a common theme, he states that although organized crime existed before, what is unique is the depth and reach of its current manifestation. Open societies and the technological revolution transformed not just the global market for licit commerce, but also for criminal actors. Thus, criminal actors have become transnational.

Galeotti adds observations on the conditions that are required in order for non-state actors to be successful in obtaining their objectives, a point whose parallel can be found in discussions of licit non-state actors. For instance, in regards to nonprofit environmental organizations, Rodger A. Payne, Professor of Political Science at the University of Louisville examined how such organizations attempt to obtain their respective objectives by influencing governments and other non-state actors.⁸⁵ Payne observed that particular political conditions must be in effect so that transnational relations can manifest in favor of obtaining the policy objectives of the nonprofit organization. These conditions could be at times contradictory. A closed government meant that it was hard for environmental

83 Ethan Nadelmann (1990) 47.

84 Mark Galeotti (2001) 203-217.

85 Rodger A Payne (1995) 171-182.

organizations to enter, while an open government almost guaranteed access. At the same time, open governments tended to be decentralized which opened up many competing voices on a given issue—a complex debate could then ensue. Closed governments however tended to be centralized, therefore once in place, the organization was either ignored or its proposals readily accepted without much debate. Taking up this theme, Galeotti writes how both authoritarian and democratic political systems provide a suitable environment for criminal non-state actors. The difference is that under authoritarian regimes criminal actors rarely have the opportunity to become transnational while democratic regimes, by their nature, create transnational links which foster international criminal activity.⁸⁶ In a recent statement the Chinese government blamed their increase in drug use on globalization and liberal capitalism.⁸⁷ While one may not expect any different of an accusation from a Communist government, in this case it may be more truth than propaganda.

Galeotti also includes a host of ‘players’ on the illicit stage including the Sicilian Mafia, Neapolitan Commorra, the Japanese Yakuza, the Russian Mafiya, and an assortment of criminal groupings from Chechnya, Nigeria, Dagestan and the United States. In this way Galeotti links organized crime with the diasporas.⁸⁸ These groups are involved in various activities only one of which is drug trafficking. For Galeotti, it is not as important what they are doing, but rather how their presence creates certain political, economic, and social conditions. For example, their presence may have a destabilizing effect, it may determine the political agenda between states in terms of countermeasures, or it may compromise the economic viability of the nation or region.

It should be clear that Galeotti is not focused on drugs but rather on transnational organized crime. Transnational organized crime is associated with a series of “businesses,” only one of which is drug trafficking (others include trafficking in small arms and trafficking of women and children). Here some distinctions within the literature can be made between drugs as an object or commodity, drug

86 Mark Galeotti (2001) 203-204.

87 ‘Asia: China Says Drug War is Failing’ (2005).

88 Mark Galeotti (2001) 205-211. Also see Frank Bovenkerk (2001).

trafficking as an act and organized crime/terrorism as actors. A parallel can be drawn between Reinalda and Verbeek's conception of non-state actors and Krasner's conception of transnational flows. Krasner argues it is less non-state actors themselves and more transnational flows that are important.⁸⁹ Transnational flows or transnational relations are the interactions between states and non-state actors. While the actors remain important, the relationships they create and the movement of power they imply is more significant than their characteristics, e.g. being *non-state*. Krasner stressed that illicit behaviors as transnational flows are not easily controllable. Referring to the smuggling of illegal immigrants and drugs he notes that even if states made efforts to control borders it is not likely that they will meet with success.⁹⁰ In this case, and as Galeotti implies, transnational organized crime is clearly an actor while drug trafficking is the set of relations that are created as a result of the objectives of these actors. The drugs themselves become a static object at best.

In contrast, Ivelaw Griffith developed the first structured steps for examining the role of drugs in a broad international relations context through his framework of geonarcotics.⁹¹ Griffith has written several books on the security dimension of drugs in the Americas and is currently the Dean of Political Science at Florida International University. At the onset Griffith frames his argument within the concepts of non-state actors and transnational relations. He posits four factors within the inter-relationship of drugs since the Cold War: drugs, geography, power and politics. Geonarcotics describes a system of interactions between the main "problem" areas (production, transportation, consumption/abuse, and money laundering) and the security dimensions and threats that they produce. Furthermore the security dimensions and threats demand countermeasures both on the domestic and international level. This in turn incorporates a series of subnational to international actors such as corporations, guerrilla groups, drug cartels and individuals into the framework. "Two basic kinds of relationships are driven by the drug operations: conflict and cooperation. These exist among

89 Stephen D Krasner in Thomas Risse-Kappen (1995) 259.

90 Ibid 259.

91 Ivelaw L Griffith (1993-1994). Also see Ivelaw L Griffith (2000b) and Ivelaw L Griffith (1997).

different actors at different levels within the global environment. Relationships are bilateral and multilateral, and symmetrical as well as asymmetrical.”⁹²

Griffith’s framework is concise in that it indicates lines of special relationships such as the more intimate connection between transportation and consumption/abuse. Specifically, this depicts a phenomenon observed on drug trafficking routes where in drug transportation networks contain leakages and that addicts begin to appear along the transportation pathways at these points of leakage. Griffith’s framework thus provides the additional capability of explaining certain observed data regarding drugs. The strength in Griffith’s framework is the even treatment of actors, objects and relations each of which makes up a micro-system of its own. For instance the movement of drugs from production to markets is portrayed as one micro-system with distinct relationships. However, this micro-system interacts and gives rise to other systems of relations involving actors such as the military, vigilante groups and NGOs. Furthermore, characteristics are taken into account such as the environment engendered by each set of relations: corruption, violence, resource depletion and so forth.⁹³ Ultimately Griffith’s concern is how actors and their relationships lead to conflict. A drawback to Griffith’s work is that it does not take into account factors such as motivations, cultures and beliefs which in turn impact drug behaviors, whether on the consumption end, production end or in between. For instance, Griffith does not distinguish between different drug cultures. Marijuana trafficking is far less susceptible to violence and generates less cash than either heroin or cocaine. Additionally, Griffith’s framework underemphasizes the effect of the economic motivations perhaps only because economic factors are so often overemphasized when discussing drugs.

Moving beyond conflict as Griffith envisions it, and bringing in the security dimension firmly into the debate, Frank Cilluffo, Associate VP for Homeland Security at George Washington University, argues that crime, terrorism, narcotics and information warfare are the new transnational threats for the next

92 Ivelaw L. Griffith (1993-1994) 34.

93 Ibid 32.

millennium.⁹⁴ Specifically, Cilluffo refers to the involvement of transnational crime in the different types of transnational markets which include counterfeit goods, weapons, and prostitution as well as narcotics.⁹⁵ Furthermore, business relationships are developed across national boundaries through organized crime groups in countries such as Russia, China, Nigeria, and Mexico. The theme of the new era and the role of non-state actors and transnational relations is maintained, however the nature of transnational relations becomes distinctly economic.⁹⁶ Thus, a picture is presented of actors operating across national boundaries, creating corruption and instability while generating significant sums of unregulated cash. Cilluffo's view is representative of narcotics and transnational crime as a security threat, a depiction more elegantly articulated by Kaldor in her *Nation* article a few weeks after 9/11 where she called for a less alarmist approach to recent events, addressing the "new war" brought on by interdependence.⁹⁷ Again, the actors are privileged over drugs as the focal point of the argument, leaving drugs as a means through which organized crime can become a threat.

Similarly, Cilluffo also places the relationship between terrorism and drug trafficking as a means to a politically motivated end.⁹⁸ This is also sometimes called narcoterrorism. Terrorist groups can traffic drugs directly or indirectly through the taxing of farmers and therefore where terrorism meets drugs is at the point of cultivation. Cocaine in Colombia and opium in Afghanistan are the most widely cited cases. From this situation arise sets of geopolitical and cultural considerations such as traditional relationships to coca farming, complicating the responses in terms of countermeasures.

A weakness in Cilluffo's work (and similar types of arguments) is that he does not substantially examine the motivation, the political end for which groups are using drug money to fund. For as often as this concept is stated, the actual political end remains elusive. Sometimes the best assumption that can be made is that a group wants power for power sake. Erenfeldt attempts to address this by linking clear political objectives with specific terrorist groups and the drug trade. Her argument

94 Frank Cilluffo, S Oznobishchev and JH Brusstar (1999).

95 Ibid.

96 Also see Richard Clutterbuck (1991).

97 Mary Kaldor (2001).

98 Frank Cilluffo (2000).

is that “Marxist-Leninist oriented regimes and terrorist groups have in fact, initiated, developed and nearly totally dominated this particularly dirty business” and furthermore that most terrorist organizations in the world today are influenced by some degree by Marxist ideology.”⁹⁹ She posits that it was part of the official Soviet policy to use the linking of drugs and terrorism as a part of ‘unconventional warfare’ to destabilize countries.¹⁰⁰ Whether her argument is empirically valid or not, it is a theme that continues to be repeated up to the present, usually referring to leftover socialist movements who can only maintain their power through drug trafficking. During the aftermath of 9/11 this argument was again revived until it became clear that terrorists did not need drug money because private donations provided sufficient funding for activities.¹⁰¹

There are a few additional variations on the theme of drugs and terrorism. Martin Navias from Kings’ College London takes an approach from the financial side, discussing how terrorism can be controlled through new financial regulations that would deny terrorists access to their funds.¹⁰² Navias’ argument maintains the primacy of actors and almost discards drugs entirely. Drugs here again take a tertiary role and are hardly mentioned except as the possible means of expanding anti-drug financial regulations to cover terrorist groups.

Navias is not the first to hint at connections between organized crime and terrorism. When Consultant and terrorism expert Tamara Makarenko examines the nexus between terrorism and organized crime she posits that during the last 10 years there has been a decline in the state funding of terrorism.¹⁰³ She does not clarify who these groups are and where their funding was from initially. In establishing the relationship between terrorists groups and organized crime she imagines a continuum where each exists at an opposite end of a line with a point of convergence at the center. There the convergence leads to four types of relationships, two of which are alliances and operational motivations.¹⁰⁴ Alliances

99 Rachel Erenfeldt (1990) ix-xv. Also see Alison Jamieson (1994) and a slightly earlier work by Juliana Geran Pilon (1987).

100 Ibid. Erenfeldt bases these statements on the Soviet Military Encyclopedia, 1979.

101 Council on Foreign Relations (2002).

102 Martin Navias in Lawrence Freedman (2002) 57-78.

103 Tamara Makarenko (2003).

104 Ibid.

for example are the joining together of FARC with Russian groups in cocaine trafficking. Convergence is the increased use of terror tactics by criminal groups and the increased criminal character of terrorist groups. Makarenko moves beyond singular motives of politics and profits as well as describing a more dynamic group structure. Here the drugs drop out almost entirely from the picture, and it is only the illicit actors and the relationships they have with each other that matter. What is more, the relationships these illicit clusters have with other licit actors is also diminished, though not excluded altogether.

Using the theme of the terrorist-organized crime nexus, organized crime expert and author Joseph Albini, describes a system of global networks where the networks are characterized by patron-client relationships of various kinds.¹⁰⁵ Terrorists will use these relationships to expand their power and reach, ultimately producing new challenges to the security and intelligence agencies. These new opportunities are permitted by the breakdown of security systems both in the US and Russia after the Cold War. In the Albini's conception of networks, patrons seek to have as many clients as possible as a means of gathering power while at the same time expanding their relationships, rendering them able to provide more services to their clients. Therefore, a mutually beneficial relationship develops between, for example, drug traffickers and terrorist groups. Contradicting Ehrenfeldt, the authors assume here that terrorists and drug traffickers are independent groups or at least had been during the Cold War and that the changes within the international environment caused or allowed them to become interlinked. Ehrenfeldt maintained that these links were already in place and in some cases terrorists and traffickers were indistinguishable.

Albini brings into the discussion the concept of networks. Networks present a different way of examining drugs through a more fluid and decentralized understanding of actors and relationships. Networks can be seen as a deeper extension of both non-state actors and transnational relations theories though there is not a linear progression of these concepts. A network is:

105 Joseph L Albini, RE Rogers and Julie Anderson (1999) 3-6.

a series of connected nodes. Nodes can be individuals, organizations, firms, or even computers, but the critical element is that there are significant linkages among them. Networks can vary in size, shape, membership, cohesion, and purpose. They can be large or small, local or global, cohesive or diffuse, centrally directed or highly decentralized, purposeful or directionless. A network can be narrowly focused on one goal or broadly oriented towards many goals, and its membership in the exclusive or encompassing. Networks are at once pervasive and intangible, everywhere and nowhere. More prosaically, they facilitate flows of information, knowledge, and communication as well as more tangible commodities. They operate in licit as well as illicit sectors of the economy and society.¹⁰⁶

As pertains to international illicit sectors, the concept of networks presents an alternative to the standard view of international criminal activities as hierarchical in nature. This was largely due to a well-worn idea of Italian mafias and later of Latin American cartels which were organized in a top-down structure.¹⁰⁷ Such conceptions were perhaps once accurate enough and eventually led to the fall of the great cocaine cartels, but currently this perception is proving ineffective in characterizing illicit activities the era of globalization.¹⁰⁸ Old rigid structures that were supposed to mimic corporations have given away to more flexible entities that can even be temporary alliances or projects which will disappear tomorrow.

RAND Corporation authors Arquilla and Ronfeldt's research envisioned networks as early as 1993.¹⁰⁹ Though they were concerned particularly with conflict, their focus is on characterizing the new relationships between non-state actors—again moving away from rigid organizational/hierarchical models with distinct lines of connectivity.

106 Phil Williams (1998) 155.

107 Ibid 62. According to Williams, the most complete articulation of an organized structure with assigned roles for its members was published in a report by Donald Cressey in 1967.

108 The term cartel refers commonly to a group of producers who work together to increase their earnings through what are called restrictive economic practices such as controlling supply and price fixing. The term is used here not necessarily to imply this particular practice, but because it is common to and often appears in IR literature.

109 Originally published in 1993 and reprinted as John Arquilla and David Ronfeldt, "Cyberwar is Coming!"

What distinguishes the victors is their grasp of information—not only from the mundane standpoint of knowing how to find the enemy while keeping it in the dark, but also in doctrinal and organizational terms. The analogy is rather like a chess game where you see the entire board, but your opponent sees only its own pieces—you can win even if he is allowed to start with additional powerful pieces.¹¹⁰

The result is two different kinds of potential conflicts: cyberwars and netwars. In each drug traffickers and terrorists are seen as exploiting network relationships, in that they are more nimble than the heavy, rigid institutions that are trying to respond to them. Arquilla and Ronfeldt characterize drug traffickers as non-state actors who are opponents and conclude that, “institutions can be defeated by networks. It may take networks to counter networks. The future may belong to whoever masters the network form.”¹¹¹

In networks, as in Albini’s patron-client model, this value is not fixed and depends on two new elements: time and speed. This element is not made explicit in either work, though it is certainly implied. Drugs, traffickers and trafficking all become intangible assets with “potential value.” This potential value comes from the moment in time, when there is a convergence of client needs and the patron’s ability to meet them.¹¹² These needs are unpredictable and it is difficult to know, for example, when a patron’s access to certain transport routes may take on a high value due to the specific needs of another group in that moment. In Griffith’s conception value was constant and lines of relations were fixed. It is worth noting here that value based on speed and time is a characteristic common to contemporary, licit businesses as well. Even if still rather mysterious, drugs and cyberspace recall, though cannot be reduced only to, earlier discussions on non-state actors and transnational relations—that the power and reach of state can be modified, altered or, in the case of networks, evaded altogether.

The drawback in networks is the propensity to say nothing other than the drug world is unpredictable. This problem arises partially out of its inability to provide

110 Ibid 23-24.

111 Ibid 40.

112 It should be clear that Arquilla and Ronfeldt do not use the terms patrons and clients. These are Albini’s terms.

a concise way of identifying relevant actors and relations at a given moment. Actors themselves resist definition and relationships can be fixed or temporary. The contribution of networks is to break open the rigid structure of organized illicit activities and fixed actors, moving us from Fidelistas to Zapatistas, from the Palestinian Liberation organization to Hamas, from the KKK to the American Christian Patriot movement and from Cosa Nostra to Asian Traids.¹¹³

Drugs, IPE and Economics

From the perspective of economics the main concern regarding drugs has been how to measure or quantify the underground economy. There is a general belief that various fiscal policies have an impact on the size of the underground economy, particularly when determining the number of individuals or entities that are willing to participate in response to a given policy. The underground economy can include illicit activities such as drug trafficking or parallel activities such as the sale of licit goods through illicit means. An example of the latter would be the sale of cigarettes or whiskey through channels that bypass the normal means of commerce and thus state tax. It can also include illegal labor markets where payments are made in cash and tax procedures are not followed.

David Giles, professor of economics at the University of Victoria in Canada, has researched the relationship between taxation policy and the varying size of the underground economy. Using data from New Zealand he was able to offer an explanation as to why it is the relative size of the underground economy has consistently grown in certain countries over a period of time.¹¹⁴ The study shows a statistically significant relationship between the overall tax burden and the size of the underground economy—the higher the tax burden, the higher the incentive for participation in the underground economy. Therefore, minimizing the size of government could be one solution in reducing the underground economy since smaller government would require less tax revenue.

113 John Arquilla and David Ronfeldt (1997) 6.

114 David EA Giles (1998). Also see, Friedrich Schneider (2001) and Peter Reuter and Victoria Greenfield (2001).

In another study Giles et al. showed the reaction of the underground economy to changes in tax policies by classifying a series of causal relationships between how quickly actors would enter into the underground economy, and how long they would stay within the underground economy versus the benefits gained by not doing so.¹¹⁵ The study showed a more fluid conception of the underground economy where participants would go in and out depending on a 'cost-benefit' analysis of their respective situations. It also implied that some participants might prefer to stay in the licit economy and only choose illicit behavior out of need. This view brings into question the idea of choice for participants in illicit activities—to what extent do the participants choose to participate in illicit sectors and to what extent do external conditions force them into adopting illicit behaviors?

As a brief side note to the issue of why participants choose illicit behavior, there are studies from the fields of medicine, psychology and branches of sociology, where many authors have analysed why a person may commit a certain act, to steal or take drugs for example. While these studies are out of the scope of this research as they are rarely incorporated into the literature on drugs and IR, there is some value in briefly mentioning here that they are related to a discussion that related to the root causes of criminal activity.¹¹⁶ The study of root causes in IR is focused primarily on terrorism and only addresses the drug issue as a subset of terrorist activity. For example, Karen von Hippel from the Centre for Defence Studies at Kings' College, London, placed poverty amongst the commonly believed root causes of terrorism. Through her analysis she shows "while it appears that a higher socio-economic status may be positively associated with participation in and support for acts of terror, the research is mixed with as to whether this also extends to volunteers."¹¹⁷ There are a variety of factors that could influence choices, for example families of martyrs are paid well and this could be a motivation for an otherwise destitute family as well as the fact that the rural poor in certain areas believe that sending family members to jihad will fulfill a spiritual debt. At the same time it is also true that the profile of suicide bombers

115 David E Giles, Gugsu Werkneh and Betty J. Johnson (2001).

116 See for example, the Journal of Addiction, Journal of International Drug Policy and Journal of Substance Abuse Treatment.

117 Karin von Hippel in Lawrence Freedman (2002) 27.

has shown them to be of well-educated and middle class to upper middle class backgrounds. There are comparisons to be drawn in the sale of illicit drugs as well. Though it is commonly believed that only the poor and uneducated deal in drugs, testimonies by the famous Latin American cocaine trafficker George Jung showed that at least some of those involved in the dealing cocaine in California, including himself, were from middle class and skilled backgrounds.¹¹⁸ Thus, while it is not conclusive whether poverty promotes illicit behaviors, questioning individual's choices and the environment which gives rise to those choices adds another dimension to the conceptualization of drugs.

Returning to the underground economy, such studies therefore can be interesting in what they imply, though they do not address drugs in a direct manner. At times they can seem "more scientific," and therefore more reliable to some audiences, because these studies tend to be more statistically based and are not complicated by the seemingly disordered context of political and social realities. The only actor is the individual and relations are established through the choices they take. Non-state actors and transnational relations are nearly absent in this literature. There is now a call to bring in more of the social and political context when analyzing statistical data to render a less sterile understanding. This call however does not indicate any formal ideas about non-state actors, though it could be seen as a distant step towards that inclusion.

The Founder of the Drug Policy Institute, Colombia and the author of several books on the drug trade, Francisco Thoumi, rejects the sterile view of drugs that economics proposes and instead shows how drugs are intimately woven into the politics and economics of the Andean region. His observations are common to works on the IPE of drugs in the major producing regions.¹¹⁹ A main issue faced in analyzing drugs from the IPE perspective is a carry-over from economics, i.e., how to measure the size of the illegal economy. The problem has many facets. First, what is illegal and where can the line be drawn? There is a familiar example

¹¹⁸ Bruce Porter (2001) 21-40. George Jung was part of the famous Medellin Cartel that, along with Pablo Escobar, flooded America with cocaine in the 1980s.

¹¹⁹ Francisco E Thoumi (2003). It should be noted that Thoumi has written extensively on the political economy of drugs and that his contribution is of particular importance to the research. Also see for the following discussions on IPE, Francisco E Thoumi (1995) and Ivelaw L Griffith (2000b).

of a drug dealer using his money to purchase cigarettes. The convenience store and Phillip Morris both take a percentage of this money each using it to purchase other *licit* goods and services, and those businesses in turn use the money for other goods and services and the cycle is repeated again. The question is when does money and the value it creates stop being illegal?¹²⁰ The case of the European Commission (EC) and RJ Reynolds highlights this problem well. The EC has brought several lawsuits against RJ Reynolds cigarette company for money laundering and cigarette smuggling. A main question is whether RJ Reynolds knew that they were selling cigarettes to organized crime groups and therefore receiving dirty money as payment which in essence makes the transaction an example of money laundering.

The second problem is how can a clandestine industry not subject to normal procedures of record keeping and tax reporting be represented? “Data on the size and ownership structure of the [illegal drug] industry are inaccurate, difficult to obtain, and frequently, at best, a fuzzy approximation of reality.”¹²¹ How could the effects of this business on money flows and national economic figures then properly be assessed? One proposal is to look at the size of the consumer market in Western countries because better data and reporting processes in those countries can yield more reliable estimates. Another proposal is to use satellite imagery to estimate coca and opium crop sizes and then estimate the probable costs and profits along the supply chain. A last approach is to actually survey farmers in a region on the amount of drugs they grow and then estimate the size of production based on the sample obtained and the number of producer regions known.¹²² Thoumi concludes that each of these approaches has their own drawbacks and none are entirely satisfactory.

As a corollary to estimating the size of illegal industries, Thoumi also discusses the role of money laundering. Money laundering is problematic in that it involves a process of complex financial transactions worldwide to clean cash and assets of illegal industries. In terms of estimates the question is whether money laundering

120 Douglas Farah (2002).

121 Francisco E Thoumi (2003) 141.

122 David Mansfield (2002).

should be included in sizing the industry. For example, Thoumi notes that Steiner's study on illegal drug income in Bolivia uses figures that were "total export estimates independent of the money actually repatriated back into Bolivia...which implied that there were no Bolivians involved in money laundering".¹²³ Though later Thoumi does discuss the negative impacts, he also demonstrates that money laundering can shape perceptions. To imply that Bolivians do not launder money becomes, despite the authors' intent, not merely a political or economic statement, but also a moral one. Thoumi's ultimate aim is to make better counter drug policy, the success of which he remains doubtful can occur in regions with weak states.¹²⁴ The doubt stems from the fact that in order to have sound policy it must be applied over an entire country and that country must have the political and legal structures to sustain such a plan. The weak states in Latin America do not allow for such conditions and therefore anti-drug policies remain ineffectual.

Griffith argues that money laundering and drug trafficking can have a positive effect in income regeneration and revenue enhancement—this being the view expressed by Burger in the previous chapter when she suggested that Mexico could use drug money to pay off its national debt.¹²⁵ This was the case, for instance, in Jamaica where drugs and money laundering replaced jobs that were lost in the declining agricultural sector. Going one step further, Morris characterizes "money as money. It does not know that it is bad, and unwittingly creates value wherever it goes. The problem is not the money; the problem is our perception of what it is doing."¹²⁶

It is important to understand the problems associated with money laundering since profits are often a central point, if not the central point, in discussions on drugs. Thoumi notes that "money laundering has not been the subject of academic research until recently" and therefore there remains much to be explored and

123 Francisco E Thoumi (1995) 153.

124 Francisco E Thoumi (2003) 369.

125 Ivelaw L Giffith (2000b) 17.

126 Gilbert Morris (2001b).

several key questions to be answered.¹²⁷ There are concerns over definition of terms, reliability of data used and the conclusions made about its impact. The examples from above on convenience store purchases and the RJ Reynolds case illustrate some of the complications faced. Under current laws and perceptions, purchasing goods at a convenience store is not considered money laundering because it does not create a sizable wealth whereas large purchase orders placed to RJ Reynolds do generate wealth. The distinction is questioned since in both cases the money creates bubbles of economic activity, distorting the economic realities of cities and regions as well as entire countries—this being the case of the Taleban’s money in Pakistan discussed in Chapter One. A further peculiarity associated with money laundering is that until very recently, only the placement of proceeds from drug activity were considered dirty money, where as the proceeds from other crimes such as robbery were not subject to anti-money laundering legislation. It is here that the unique and intimate affiliation was created between money laundering and drugs rendering a situation where the two are used almost synonymously.

Money laundering is itself a diverse and varied field of research. Factors studied include not just money laundering and drugs, but also methods of laundering, the post-Cold War increases of money laundering and its micro and macroeconomic consequences, the dangers of money laundering to state and international financial systems and structures, money laundering and tax evasion, regionally relevant effects of money laundering such as within the EU or Former Soviet Union, and finally the regulation of money laundering through state and international legal structures.¹²⁸ Money laundering covers various categories of study, some of which are altogether divorced from the drug trade. Jeffrey Robinson’s famous book *The Laundrymen*, explores precisely this point. Robinson showed how money laundering was not only a way to move drug money into the licit economy, but also served as a service to world leaders such as Saddam Hussein who used these mechanisms to export state funds. Furthermore, with such large quantities at

127 Franciso E Thoumi (1995) 165. Also see Griffith (2000a) 25-26 and HRichard Friman and Peter Andreas (1999).

128 See for example, Peter Lilley (2000), Nathan Chipela DeAssis and Stuart Mankana Yikona (1996), Jeffrey Robinson (1998), Mandy Bentham (1998), DC Jordan (1999), Bertil Linter (1997), BAK Rider (1997), J Wiener (1997), E Edwards (1995), and Gianluca Fiorentini and Sam Peltman (1997).

stake, bankers, lawyers, accountants and a host of other licit actors were more than willing to put themselves at the disposal of questionable clients.

Thus in examining money laundering, the concept of drug money becomes more complex than previous characterizations of economic means to political ends, while focusing on the flows of money creates a more tangible line of relations than those of networks. However, in IPE these lines are less rigid than imagined in the organized crime model. For instance, in Griffith money laundering completes the cycle of drugs as the final step in the production, transportation-consumption chain.¹²⁹ It is at the same time dependent and independent of the drugs themselves. Alone it drives its own sets of relations creating conflict and cooperation. However it is still clearly the result of the trafficking process and therefore does not exist outside of the cycle. In this sense money laundering is indicative of flows and relations, both internal and external to states and somewhat distanced from the non-state actors that create it.

At the same time, money laundering is addressing another facet of drugs which is corruption. Corruption is again another complicated aspect of illegal industries, for much the same reasons as drugs and money laundering; corruption is difficult to define or measure and much more subjective than either of the former. Corruption is important to understand because it is the means through which drug money gets translated into power. Thoumi locates one kind of corruption in the Columbian political structure arguing that political parties had to rely on local leaders to deliver votes since political parties tended not to have strong ideological cohesion.¹³⁰ This structure led to the development of political support for the drug industry via the local level and also dispensed with the need for national level support since indirect support was created through the parties' dependence on votes for their survival. Another manifestation of corruption is the ubiquitous direct payments to government officials to promote favorable legislation, policies and decisions. The most famous example of this was in 1984 when the Medellín

129 Ivelaw L Griffith (1993-4) 33.

130 Thoumi (2003) 201.

Cartel proposed to then president Betancur to pay Colombia's entire foreign debt (US\$13 billion) in exchange for immunity from prosecution and extradition.¹³¹

Corruption then is the manifestation of non-state actors modifying or influencing the state. This is a point often not clarified in the literature. When statements are made about drugs and crime diminishing the power of the state, the implication is usually through corruption. This can occur either to infiltrate the state, while maintaining the status quo, as in the Medellín case, or breaking the integrity of the state. However corruption is itself a much larger field of study than drugs. Corruption occurs in licit activities and is not necessarily a result of drug trafficking alone. In fact it could be conceivable that certain parts of the drug trade function without engaging in corruption at all. In regions with long porous borders for example, traffickers are able to move goods without needing to bribe officials. Then there are the more common stories of corruption such as the Enron scandal in America, political scandals of the Philippines' Marcos, Suharto in Indonesia, Mobutu of Zaire and more recently Italy's Berlusconi. These examples were about financial misuses of licit resources and the misuse of the offices and the privileges granted by those offices.

In discussing the political side of the drug issue, Thoumi also distinguishes the social aspects. In most works however they are presented together. The social and political elements then are commonly described as changes in social values such as materialism and easy money, use of violence and as a means to achieve goals, corruption in all strata of government and a weakening of the state.¹³² Change in values usually refers to a change vis-à-vis traditional social structures and behaviors. In economically depressed areas drugs are sometimes the only means to a desired lifestyle. This can be as true in the Middle East as in the United States.¹³³ The use of violence is an ever-present characteristic of the drug trade worldwide. Violence can be associated with the previous discussions on terrorism and drugs, though ordinarily violence in the drug trade refers to local killings,

131 RB Craig (1987).

132 Thoumi (2003) 170.

133 Marwand Roghaniwal (2004). Roghaniwal reported in IPWR a story where Afghan farmers were using opium money to purchase cars: in particular Toyota's luxury SUV Land Cruiser was named.

torture, turf wars and border skirmishes. Catherine Brown discussed violence and the drug trade using a political economy perspective in order to examine Burma. Brown posits that the enduring conflict in Northern Burma is as connected to ethnicity as it is to opium, both largely ignored factors in international efforts to aid Burma. Traditional approaches to conflict do not take into account the political and economic factors together. Here she argues that violence serves as a way to achieve short and long term goals related to economic gain, resources, ethnic identity as well as security.¹³⁴ She concludes that the opium economy in Burma serves at the same time to fund armed opposition to the government while giving the government money to fight the insurgents. In this sense both sides are the beneficiaries of the drug trade and it is in neither sides' interest to stop it while other groups have understood that the state of violence is profitable and therefore are invested in perpetuating it; a similar argument is made by Barnett Rubin with regards to the former Taleban in Afghanistan.¹³⁵

From IPE we see that the effects of the drug trade industry are thus manifold, sometimes positive, though more often negative. The industry can cause economic instability in producing regions and surrounding cities where drugs are present, can cause currency overvaluation and loss of competitiveness for exports and can increase expectations of high-risk investments.¹³⁶ At the same time the industry does create jobs on a vast scale since coca and opium crops are labor intensive. Furthermore, the industry has an environmental dimension as seen in the use of herbicides and pesticides as well as in the clearing of forests for planting crops.

The concern with most IPE research works on drugs is that it is heavily empirically based tending more towards economics and less towards politics. This does not readily allow for the abstraction of concepts and the creation of links to existing theories. In order to make use of the data, patterns would have to be teased out and then linkages to other concepts made. The situation is as such because the IPE approach usually attempts to argue purely using the economic

134 Catherine Brown (1999) 236.

135 Ibid 252-253. Also see Barnett R Rubin (2000).

136 Thoumi (1995) 161.

data on drugs.¹³⁷ In fact, Thoumi's work attempts to address this problem by integrating attitudes and values into a theoretical model that looks beyond economics data, therefore rendering a more balanced IPE approach.

Rodrigo Uprimny moves away from Thoumi's empirically based approach and calls for developing an IPE theory of drug trafficking, a sentiment echoed by Jim Thomas, professor of Economics at the LSE.¹³⁸ Uprimny begins by clarifying several key points. First, drug trafficking is an illegal and not a parallel market. The illegality stems from the prohibition of those items in particular and therefore creates illegal markets only for those goods. In parallel markets the goods themselves are legal while their method of sale is not whereas in illegal markets both the goods and their sale are illegal. Uprimny concludes that studies which mix parallel and illicit markets cannot be useful because the nature of the illegality of a commodity leads to unusual manifestations in price elasticity while in Giles' view the underground economy can include various types of illegal/informal/parallel activities under the same umbrella.¹³⁹ At this juncture it is worthwhile to note that there is a need for such nuanced distinctions in discussing the drug economy as illicit activities do not have the same ramifications as parallel ones. A hypothetical characterization can illustrate the point: if we take the drug trade defined as a totally illicit act, we note that it tends to be populated by individuals who have a tendency to want to influence politics, society etc. while the those who work out of their homes making dresses and providing babysitting services for neighbors populate the informal economy and may not be as concerned with political power and influence.

137 Thoumi (2003) xv Thoumi presents a clear example of this when he contrasts the positive outlook of economic performance figures for Columbia and the declining standard of living he was witnessing during his research. He concluded that the economic figures could not have accounted for what was happening and other social and political elements had to be brought in.

138 Jim Thomas (1999) F381-F389. Rodrigo Uprimny is a professor of Constitutional Law, Human Rights, and Theory of the State at the Universidad Nacional, in Bogotá.

139 Rodrigo Uprimny (1994) 12. In the basic concept of price elasticity, the more the price of a consumer good increases, the less demand there should be for it. Consumers are expected to find cheaper replacements for that good. However with drugs, demand seems unaffected by increase in prices and therefore price is considered inelastic. Price inelasticity is important because one of the bases for drug interdiction policies is to make business too costly for traffickers and therefore the drugs too costly for consumers. However both traffickers and consumers seem unaffected by higher costs. Uprimny is making the argument that the total and completely illegality of drugs leads to this inelasticity.

Second, drug trafficking is not a crime like robbery but rather a 'positive' commercial process though an illegal one. This can be shown in the fact that drugs are more stable than traditional crops, which means at least more stable income regionally.¹⁴⁰ In this way drugs can be characterized as a productive market rather than destructive economic activity. The drug trade also operates following the regular mechanisms of the market and includes the relatively consensual nature of all those involved even if violence and coercion also do occur. Viewing the drug trade as a consensual activity shows why farmers choose to grow coca since the previous beliefs that they were forced and coerced into growing crops did not adequately explain the protest of coca farmers against intervention efforts. Uprimny adds that the trade's consensual aspects explain why repression efforts have been ineffective since "no one is interested in denouncing it because everyone benefits."¹⁴¹ Furthermore, he argues that because of its commercial nature, high level dealers view themselves as positively contributing to society rather than their common portrayal as criminals, cancers or parasites. Therefore they do not see themselves as criminals and at the same time nor do the others around them.

Uprimny's third point is that drugs have an international character a view which is now widely accepted. The benefit is that this characteristic can assist us in understanding the pricing of drugs, a key issue in estimating the size of the global drug market. Uprimny uses the case of Barco's war on drugs to illustrate this point. The countermeasures instituted against the drug mafia caused,

an increase in the wholesale price of cocaine in the United States while causing a dramatic fall in the price of coca leaves and paste in Peru. The reason for this was that the repression by the Colombian government destabilized the few Colombian organizations which were supplied with materials from Peru. This in turn caused an excess of coca leaves in the Peruvian zone, accompanied by a relative decrease in the supply of the finished product to the US market.¹⁴²

140 David Mansfield (2002). Mansfield noted that modern-day Afghan farmers choose to grow opium not because it is the most lucrative crop, but because it is the most risk free.

141 Rodrigo Uprimny (1994) 13.

142 Rodrigo Uprimny (1994) 15.

The example shows that the drug trade is segmented as suggested by Griffith, divided into production, transportation and consumption. Disruptions at any point on the chain do not disrupt the entire system because modifications can be made (market flexibility). The result of disruptions is that certain anomalies arise. For instance, efforts to eradicate coca in one region lead to a production increase in a neighboring region. The economic data would reflect a boom in economic activity of the new region as an anomaly, pointing again toward the example on Pakistan presented in Chapter One.¹⁴³

Uprimny, like Griffith, balances actors, commodities and actions, locating them in a market system. His conceptualization of drugs then is driven by rules of the market such as supply and demand, and rational choice. What Uprimny does not address is if it is possible to make a direct analogy between licit and illicit markets. One question to answer whether the mechanisms of supply and demand work the same way whether the product is licit or illicit and why?

Critical Approaches

Edwards and Gill take a constructivist approach to the concept of drugs, illicit activities and specifically transnational organized crime.¹⁴⁴ Edwards and Gill, professors of criminology and political science respectively in the UK, emphasize empirical analysis rather than metatheory by exploring the discourse of transnational organized crime. Their research challenges many of the works above by challenging the context in which many authors write about the drug trade and their impetus for doing so in the first place. Edwards and Gill begin by describing the post-Cold War marriage between government and academics. They accuse journals such as *Transnational Organized Crime* of being oriented towards practitioners while at the same time using evidenced based data from the very same communities for research. This creates a ring around the possible debate available to academics and puts them at risk of falling into a trap where they respond within a predetermined view. Practically, this means:

143 Rodrigo Uprimny (1994) 16-17.

144 Adam Edwards and Pete Gill (2000b) 204-205. Also see David Dingelstad, Richard Gosden, Brian Martin and Nickolas Vakas (1996).

the ways in which knowledge about TOC [transnational organized crime] is organized pre-suppose[s] certain interventions and interpretation of their outcomes. In this sense ‘what works’ and what should work in the policy response to TOC are not questions that can be imposed externally upon a given construction of ‘the problem’ and ‘the response’. Rather policies for the control of TOC need to be understood as *governmental saviours*...¹⁴⁵

The way to escape the trap is by following a reflexive line whereby academics and policy communities consider treating terms such as transnational organized crime as the actual focal point of study since such terms are otherwise products of practitioner communities and by their very nature construct the parameters (ring fence) of the issue under analysis.

To illustrate what the ring fenced approach is we can take into examination Anton Weenink’s conception of the Russian Mafia.¹⁴⁶ Weenink posits that the Russian Mafia can be conceptualized as a private actor not dissimilar to a private corporation. Weenink considered a taxonomy of organizational types based on their scope and form. Their form can be private or public and their scope can also be private or public. In this way, he distinguished between different types of organized crime that is criminal organizations versus corporate crime or state crime. Weenink demonstrates a debate on how exactly to define and categorize crime and criminal actors that when contrasted with the analysis offered by Edwards and Gill, reflects the ring fenced notion of possible academic dialogue.

Edwards and Gill proposed two main discourses through which the threat of transnational organized crime is conveyed. These are associated with two conceptions of the state: one as a commanding sovereign and the other as steering or managing society. The first is associated with criminologies of the other and the second with the criminologies of the self.¹⁴⁷ The former is based on a hyperbolic language of looming dangers, unseen threats and the need to wage war on crime and drugs. The latter is based on cooperation and “aims to modify everyday routines of social and economic life by limiting the supply of

145 Adam Edwards and Pete Gill (2002a) 247.

146 Anton Weenink (1998) 279-280.

147 Adam Edwards and Pete Gill (2002a) 245.

opportunities, shifting risks and redistributing costs.”¹⁴⁸ If the state is a command sovereign (Leviathan), then it is required to combat TOC—those outsiders who challenge ‘our’ society externally corrupting licit structures for their own gains. According to Edwards and Gill, this is the dominant discourse of government and the proponents of crime as security threat.¹⁴⁹ In their conceptualization the authors see drugs, organized crime and other threats as subsumed within a discourse which can be based on the subject, commodity or behavior though such a distinction becomes somewhat secondary. A vague recognition of this sentiment is visible in Uprimny when he argues that the characterization of drugs using concepts such as the Mafia or organized crime leads to a superficial understanding and has many theoretical implications.¹⁵⁰

In a similar vein, Peter Cohen’s *Social Construction of Drugs*, examines drugs not in terms of what they “actually” do, but how and why we believe this is the case—in essence a larger expansion of the point hinted at earlier by Morris when he argued that money is money, having no inherent goodness or badness outside of our perceptions of it.¹⁵¹ Cohen is an Associate Professor, CEDRO Centre for Drugs Research at the Universiteit van Amsterdam and has been carrying out research on drug use and policy since 1980. Cohen begins with a critical view of science in general since his main focus is on addiction rather than the drug trade. However, his points are a concise representation of common depictions of drugs as a construct. His initial comments resonate with Edwards and Gill:

The determination of which branches and concepts of science will be developed or applied is, apart from chance and some interdisciplinary logic, dependent upon economic and political power. Because power cannot be evenly distributed in a community (the university included) those in power will develop science according to their interests and taste.

148 D. Garland (1996) 451.

149 Coincidentally, they place Cilluffo as of the exemplars of this discourse.

150 Rodrigo Uprimny (1994) 12. At its core the argument put forth by Edwards and Gill is concerned with the role of power in society and the nature of regimes which facilitate that power—in this case law enforcement regimes. For an in-depth examination of regimes see Michel Foucault (1995).

151 Peter Cohen (1990). Social construction means that an idea or institution is invented by individuals within a particular culture and society. The construction is accepted only because all those involved agree to behave as if it does exist, however, this idea/institution has no objective basis in a larger reality or truth.

One should not look upon this as dishonesty or exploitation per se, but in most cases, as honourable and quite inescapable.¹⁵²

Cohen however does not take this to be a corrupting of academia, but an already existing and neutral fact. The conditioning then that has been created by the self-interested output of institutions is so pervasive there is no space for alternative views to be examined regarding drugs in society. He holds the medical establishment responsible for the overemphasis on the pharmacological and the dismissal of the social context; worse still the overemphasis is based on suspect “psychiatric models of explanation.”¹⁵³ The result is a discourse on drugs that cannot escape the medical characterizations of pharmacology and pathology.

In an attempt to explore the positive view on drugs, Cohen proposes examining the pleasure of drugs empirically while leaving out the pathological dimension. Instead he argues research wastes time looking for the background causes of drug use, which include financial status, culture and ethnicity.

Is one’s major preoccupation our overdeveloped welfare state, then drugs are taken because of too much welfare state. Is one’s preoccupation unemployment, then drugs are taken because of unemployment. And when one’s preoccupation is pluriformity of culture, or uncertainty of about where to go in the world, the backgrounds or causes of illegal drug use and addiction are there. It is a ritual providing us with an ever new deus ex machina, one which is every time as impotent as any other.¹⁵⁴

Cohen’s conception of drugs supersedes actors, commodities and actions, and sees drugs as words and processes within the larger system of self-perpetuating institutions. Specifically, he takes exception with projects such as determining root causes of drug use by asking:

how such knowledge about social backgrounds could be of any political relevance. Just assume that affluence among youth was a cause of drug use, would economic measures be taken to curb wages? Or assume that poverty among youth was a cause, would wages be made higher? And

152 Ibid.

153 Ibid.

154 Ibid.

what if both were true for different groups? And continuing this argument, let us assume identity problems are a cause, will we facilitate identity searching?¹⁵⁵

In contrast to von Hippel, determining root causes for Cohen can have no value other than to produce actions which only maintain the status quo while appearing to have proposed a solution.

Conclusion

From the survey above a few points should be readily evident. First, the debate on drugs in IR and neighboring fields is in fact fragmented. The broad range of fields, concepts and levels of analysis incorporated is a double-edged sword. In one instance it adds to the diversity and richness of ideas, on the other it adds to the fragmented nature of the debate. In the IPE discussion on drugs, for example, the difficulty in finding a common framework for traditional economic concerns and the political concerns of crime and corruption leads to a abundance of statistical data, with no clear way to conceptualize it.

Second, to varying degrees, non-state actors and transnational relations can serve as a binding thread within the literature, even though this link becomes distanced when discussing the purely economic view on drugs and vanishes altogether in the critical approaches. The literature contains often a generic acceptance of non-state actors and transnational relations without necessarily applying or appealing to the concepts formally.¹⁵⁶

Third, most conceptualizations of drugs are one-dimensional. Especially within the debate on security, flat conceptualizations of mafia characters and thinly explained links to states render a superficial understanding of drugs. This is perhaps the most basic and often repeated problem within the literature. As with all one-dimensional views the depth of drugs in society and how they function is hidden by this characterization. It is one thing to envision Italian Mafia bosses at seaside cafés in Palermo, and quite another to understand the flexible and dynamic

155 Ibid.

156 See for example, Tamara Makarenko (2002).

working of the drug business that the Mafia caricature represents. The point is not solely about the impressions produced, but ultimately the sets of relationships that are assessed and the actions taken. This case was most clearly demonstrated in networks when the rigid mafia structure was released into the net of information exchange. As Arquilla and Ronfedt noted, this kind of view on drugs and crime leads to a radically different response. In fact not only do policies need to be reformed, but also the rigid and bureaucratic entities that execute them. Law enforcement has long made this point: drug traffickers are more flexible and better funded than governmental agencies and therefore always are a few steps ahead.¹⁵⁷

Fourth, when in those instances in the literature drugs are discussed, it can mean variously, drugs, organized crime, terrorism, corruption or a vague illicit sector or economy. The distinction is important because, as shown above, each implies its own set of relations and connection to either other actors or the state. Even if there is a convergence of terrorism and organized crime, they are still not the same entity. However, the greatest confusion arises when actors, commodities and behaviors are intermixed. To say that drugs are a threat or drugs cause violence does not reveal anything about how or why this occurs. Furthermore it provides no way of assessing the validity of the claim even if certain relations are drawn between drugs funding terrorist groups.

Fifth, the most common perception of drugs is as a negative factor, though some attempts have been made to include the positive side. Arguably, this is the most deeply rooted conception of drugs across all fields. Accordingly, a few authors have reacted to this characterization by questioning whether drugs actually have a negative effect and what leads us to believe so. The critical approach authors address this point directly by asserting that no drug issue exists outside of that which is made through discourse.

The implications of these five points on IR are profound. A fragmented debate means that there is no deep engagement with the research. For example, one question to ask is whether non-state actors are sufficiently addressed in the drug

¹⁵⁷ PBS Frontline (2000).

issue, or if, given the complexity of factors proposed by network theory, IR is fishing in the wrong conceptual pond. But as it is, non-state actors are not yet recognized as the foundation for addressing drugs in IR, therefore more pertinent questions remain unaddressed. Even if recognized, it is not enough to say that for decades we have studied ‘good’ non-state actors, so now let us add in ‘bad’ ones as well. We have seen from the discussion on illicit and parallel economies that these sectors exhibit subtle distinctions that are foreign to our usual “licit world” spectacles. Therefore to say that there are bad non-state actors who need to be dealt with firmly through policing (today’s standard anti-terrorist argument) negates the very unique characteristics that have allowed the drug trade to survive. At this point we could also, ask but what of the connection between terrorism and organized crime? Many of those who facilitate the drug trade have an affiliation to neither category—peasant farmers are only the most obvious example of this point. And finally, going back full circle to the licit world, where does all this debate leave the underworld-underworld nexus? The common realist based argument on drugs is that they are a cancer to be eradicated. Since realists see the international arena as anarchic, it is by nature subject to coercion and violence, and the war on drugs is simply another facet of this nature. But if the underworld were to fall away tomorrow would the upperworld find itself suspended in mid-air as many conspiracy theorists suggest?¹⁵⁸

There are still deeper questions about the role of the state, and the nature of the international system with regards to drug trade. In his book *Drug Politics* Jordan brings together a collection of data regarding drugs, ultimately connecting the drug issue to the moral foundations of democracies. Jordan argues that the basic notion of the state has always been intertwined with religion and morality. But in the modern era religion has been replaced by drugs and promoted through famous counterculture authors such as Timothy Leary. Along with the counterculture there are a series of actors such as liberal capitalists (Jordan cites in particular George Soros) who use their wealth to promote drug legalization along with

158 A long standing argument from conspiracy literature is that no one really wants to eliminate drugs because everyone understands that drugs are an economic foundation. If drug were to disappear, certainly regional and perhaps even the world economy would collapse as the argument goes. See for example Mike Ruppert who was quoted as saying “The CIA has dealt drugs in this country for a very long time. The CIA sells drugs to support the U.S. economy” (Matthew Continetti (2004)). See also Michael Ruppert (2002).

concepts such as harm reduction which only undermine democracy. Though Jordan's conclusions on a return to the religious roots of democracy are debatable, he is one of the only authors to engage the liberal notion of the state and its role in facilitating the drug trade on one side and its inability to control it on the other—a kind of Frankenstein's monster born out of the ideals of free trade and liberal utopianism. It is not just that the frenzy of globalism has opened new access points for criminal activity, but that this activity is central to sustaining the system—a kind of conspiracy argument minus malicious intent—the logic of liberal capitalism playing itself out. But at the same time the very existence of the 'dark side' brings with it an increase in violence and law enforcement, going directly against the core ideals of transnationalism and individual autonomy. The practical problem with Jordan's argument, and as many temperance advocates discovered, was that morality is considered boring and drugs are considered fun. This was the dilemma faced then as now, especially among the younger, affluent classes. We will return to this issue in Chapters Four and Five when exploring earlier attitudes towards alcohol, crime and drugs.

We could also note at this juncture that the 'non-state actor' is itself a theory rooted in liberalism thereby again putting into question its viability. For now this concept, being at least one unifying element in an otherwise patchy debate, can serve as a starting point. For now we turn to little ir and its conceptualizations of the drug trade.

Chapter III. The Objective of ‘Objective Authority’: An Examination of Institutional Reports

Introduction

The purpose of this chapter is to look at a selection of the written sources used in IR from the international arena that shape the drug issue. The purpose is to give a point of comparison for IR and also to take into account little ir, since, as the object of IR’s study, it should not be eliminated from the examination of how drugs are presented. Drugs within the international arena are examined here using documents from governments and international institutions, as it is these entities that primarily frame and express the direction of drug policy internationally. By the international arena it is meant the policy making, ‘non academic’ view on drugs.

The documents addressed here are as follows: The two United Nations World Drug Reports (WDR 1997 and WDR 2000), and the OECD/Financial Action Task Force on Money Laundering Forty Recommendations (FATF). These are the most widely referred to non-academic documents on drugs. The UN reports are the most well known in terms of international drug policies and therefore receive greater attention here. The FATF report is examined because researchers who approach drugs from a money laundering or economics perspective often refer to it. Additionally, controversy over the FATF strategy against money laundering in 2000 increased attention to the report, making its use even more popular. The WDR reports together are lengthy and an effort is made to include the relevant points without over-representing the texts.

Three additional notes serve here for clarification on the choice of the WDRs as the primary focus of this chapter. First, while there are other drug reports that are available their reach in shaping the drug debate internationally is limited. These reports include the US State Department’s International Narcotics Strategy Report (INSCR) and The International Narcotics Board’s Annual Report (INCB).¹⁵⁹ The INSCR has the main focus of examining nations with regards to how compliant

¹⁵⁹ See United States Department of State International Narcotics Strategy Report and International Narcotics Control Board Annual Report for current and previous reports.

they are with US counternarcotic and anti-money laundering strategies. This report serves more to assess the 'credibility' of nation rather than the international drug situation. The INCB reports tend to be thematic in that they take one aspect or issue seen to be of particular relevance to the drug trade and then examine it with the aim of policy recommendations. The INCB reports again do not address the international drug trade as a whole. For example, in 2002, the INCB report engaged a topic already discussed by some of the authors in the previous literature review chapter: the issue of drugs leading to economic prosperity in a region, therefore being value added.¹⁶⁰ Of course as an entity partially bound to the UN it is not surprising that the report maintains that no such economic benefits ultimately are forthcoming from the drug trade. Second, the particular case of the WDR 1997 and WDR 2000, aside from their wide use in research and their attempt to address the drug trade as a global phenomenon, illustrates, as shall be shown below in the analysis put forth by Rossi, how such reports may not as objective as they might appear. Finally, the inclusion of other reports as well as other dates of the WDR publications seemed only to belabor the point that is the aim of this chapter which is to illustrate some of the ways drugs are presented in it.

World Drug Reports

The following sections will examine two World Drug Reports: WDR 1997 and WDR 2000. Each report will first be described in terms of content and general message. As the drug issue is multifaceted, even the particular subjects discussed and omitted from each report help to characterize a certain perspective on the drug problem. Next, each report will be examined in terms of how it presents the drug problem and how it copes with various competing views on drugs. Lastly the reports will be compared to each other and views from other scholars concerning the implications of these reports will be incorporated to give a more comprehensive view.

Background on World Drug Reports

¹⁶⁰ International Narcotics Control Board Annual Report (2000)

There are three recent UN Conventions that shape the framework within which the current drug reports are produced. The first was the 1961 Convention on Narcotic Drugs. One of its main functions was to consolidate other international drug control Conventions and treaties under Article 44 including The Hague 1912 International Opium Convention, Geneva 1925 International Opium Convention, the Geneva 1931 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs and the Bangkok 1931 Agreement for the Control of Opium Smoking in the Far East. The 1961 Convention was also the first time that the cultivation of illicit drugs in their raw form, rather than the production of latter stage drugs, was placed under the purview of international drug control efforts. Ten years later, the 1971 Convention on Psychotropic Substances added non-plant based drugs such as hallucinogens, stimulants and sedatives. The common examples of these are LSD, amphetamines and barbiturates respectively. Both conventions assigned maintenance of the four-Schedule classification system of drugs to the World Health Organization (WHO).¹⁶¹ The 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was the third major convention of international drug control. The contribution of this convention was to allow for the confiscation of the proceeds of illicit drug sales, including the forfeiture of seized assets and accounts to government authorities. Additionally, it tackled extradition and banking secrecy issues while striving to increase access to people and their personal information if suspected of drug trafficking.

In order to implement the pledges made within the conventions, before and after 1961, the UN established several bodies to address the international drug problem. The first was the Commission on Narcotic Drugs (CND) which was found in 1946 by the Economic and Social Council of the United Nations. Its main focus was policy-making for international drug control through analysis and recommendations. The International Narcotics Control Board (INCB) was established under the 1961 Convention to monitor compliance of the treaties agreed to by signatories. The INCB is also in charge of monitoring licit

¹⁶¹ The four schedule classification system divides drugs into Schedule I, Schedule II, Schedule III, and Schedule IV in descending order of “danger”/potency with Schedule I being the highest degree. Opium and cocaine are listed as Schedule II drugs. See Controlled Substances Act, 21 USC Sec. 812 01/22/03 Schedule II.

production since licit production for pharmaceuticals often is siphoned off into illicit markets. As mentioned, the INCB is a quasi-independent entity and publishes its own reports.

The final and perhaps most important department is the United Nations Drug Control Program (UNDCP), now the United Nations Office on Drugs and Crime (UNODC), which was established in 1991 by the UN General Assembly. This office here will be referred to by its current name UNODC. The aim of the UNODC is to assist member states in their respective efforts to fight drugs and crime. This is conducted through their ‘three pillars’ approach:

- “Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence-base for policy and operational decisions
- Normative work to assist states in the ratification and implementation of the international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies
- Field-based technical cooperation projects to enhance the capacity of Member States to counteract illicit drugs, crime and terrorism”¹⁶²

The culmination of this activity is documented through the various publications of the UNODC. Of these, the WDR serves to offer a global perspective on the drug trade. There are two WDR reports that are of concern here: the World Drug Report 1997 and the World Drug Report 2000.¹⁶³

WDR 1997

The WDR 1997 begins with the premise that the quantity of media attention given to the subject of drugs has created a false sense of knowledge about illicit drugs when in reality we really know very little about this subject. Thus the function of the WDR is to provide a more in depth view of the global illicit drug trade. The WDR includes in this approach issues related to production, trafficking and

¹⁶² United Nations Office on Drugs and Crime, “About Us”.

¹⁶³ Complete versions of both reports can be found at United Nations Office of Drugs and Crime, http://www.unodc.org/unodc/world_drug_report.html (hereafter WDR 1997, WDR 2000 or WDR 2004). The following sections will draw from these reports directly as they outline what each report communicates at face value.

consumption as well as the various policies which attempt to address the problem at each point. It aims to do this through a sober analysis of the data available while at the same time acknowledging the shortcomings of the data. Drug data is first of all difficult to obtain due to the nature of the drug trade. Second, data is difficult to correlate because different countries use different methods to gather their drug information if they gather the information at all. This makes assessments on the international scale suspect since the data is not comparable or simply nonexistent. In these cases statistical methods can be used to compensate or to make educated guesses about the international situation.

WDR 1997 is structured into five main parts: Recent Trends, Theories and Interpretations of Illicit Drug Use, Health and Social Consequences of Drug Abuse, The Illicit Drug Industry, and Drugs and Public Policy. Part one is an overview of recent trends in cocaine, opium and cannabis production as well as the use of synthetic drugs. Here seizures of drugs and precursors are discussed as a main way of determining how much illicit trade is actually occurring. This means the total tonnage of a particular drug or the total amount of precursor material used in making a certain drug, for example opium into heroin intercepted by law enforcement, are used as a partial indication of the size of that industry. Seizure data is then weighed against other factors such as demand and price fluctuations to give a more accurate view of the overall illicit trade. Other indicators such as drug related deaths, arrests and emergency room visits are used to determine the demand for a drug. In addition the WDR 1997 relies heavily on the results of its Annual Reports Questionnaire (ARQ) responses. Member states are required to submit the ARQ yearly and some non-members also participate in the survey.

Part two addresses the various views on why people take drugs. Drug use is attributed to personal factors such as genetic make-up, interpersonal factors such as peer groups, social-environmental factors such as culture, sensation seeking, perceptions of drug use, and finally social controls on drugs. It should be noted that the WDR 1997 maintains the distinction between different types of drugs and their accompanying factors. For example, physical predispositions do not just

lead to a person choosing to use drugs, but more specifically these dispositions can determine what kind of drug the person will choose.

Part three examines the health and social consequences that arise from the abuse of drugs. Here the outcome of drug abuse is based on two variables: characteristics attributable to the drug itself and characteristics attributable to the user.

“The former include: pharmacological properties; route of administration, i.e. oral ingestion, snorting, inhalation, injection (subcutaneous, intravenous or intramuscular); whether it is taken alone or together with other drugs or alcohol; level of purity and presence of adulterants; dosage level. The latter include: personality of the user; intensity or frequency of previous use; user’s pre-existing state of health; social and economic circumstances of the user; the user’s expectations of the drug’s effects”¹⁶⁴

It is the interplay of these factors that account for the widely varied experiences of drug use and explains why some people can become addicted after just one experience while others can have a ‘take it or leave it attitude’ despite several experiences.

At this point, the report touches on several other consequences focused on women, family, crime and work productivity. Specifically, it looks at the gender issue in three ways:

1. Female non-drug users with drug-abusing families or partners;
2. Females who consume drugs illicitly;
3. Females who are involved in the production and/or distribution of drugs.¹⁶⁵

In all instances, the consequences for female involvement in drugs are graver than for men. For example, females who are involved in drug production are at greater risk on several counts. First, females are the primary caretakers of the family, making the consequences of addiction or incarceration much stronger than for young males. Second, laws and prison systems tend not to favor females, leading to possibilities for extended sentences as well as physical abuse. For families,

164 WDR (1997) 71.

165 WDR (1997) 79.

drug abuse has the now well-known consequences of violence, psychological disruption for children and financial stress.

The WDR 1997 notes that another consequence involves crime. Drug related crime refers to a range of offences. The WDR 1997 establishes four categories: drug law violations, violations of other laws induced by the use of drugs, predatory crimes such as robbery and the expanded effects of drugs and crime such as corruption and terrorism. The report continues to say that in terms of drug use, there is no causal relationship between drugs and crime though some specific studies on cocaine and crack have been able to establish specific drug-crime relationships for those drugs in certain regions.

Finally, WDR 1997 examines drugs in the workplace based on three factors: safety, productivity and cost. In this section, WDR 1997 includes also alcohol along with drugs. Safety is affected through the inability of the body to function properly, leading to accidents. Productivity is the quality and quantity of work a person is able to produce.

The fourth section of the WDR 1997 is perhaps the most relevant to International Relations and is often the section discussed in the IR literature when the report is cited. The illicit drug industry is run by a single motive according to the report, profits. The contrast of this fact to the myriad number of factors that lead to drug use is highlighted. As such the WDR 1997 focuses on the economics of the drug industry. Here the distinction between licit and illicit cultivation of plant based drugs is brought forth. The drug industry is likened to licit business structures where organizations are characterized by centralized top management supported by a descending chain of smaller managers and workers. Also included in this view are the various lawyers, accountants and scientists required to keep different aspects of the business operational.

The WDR 1997 maintains that the best way to look at drugs is as an industry, bringing in supply and demand dynamics. The framework for analysis then includes four factors: preferences, technology, factor endowments and institutions.

Preferences is the term used by economists to describe the objectives of consumers...technology determines where and how the product can be produced; factor endowments determine which economic actors will engage in the production/ manufacture of the product; and institutions, by determining the legal status of drugs, thereby establish the degree of risk which is run by those participating in industry-related activities.¹⁶⁶

Another key calculation made in addressing the drug industry is price elasticity. Price elasticity as discussed in Chapter Two, measures the degree of responsiveness of demand to a change in price with all other factors held constant. In the case of drugs, price elasticity shows the degree to which consumers respond to a change in heroin prices, for example, by choosing cheaper drugs if the original price has increased. Price elasticity calculations for major hard drugs are not based on direct data but by extrapolating information from other goods such as alcohol and tobacco, thus making these calculations highly theoretical. In policymaking it was believed that an increase in price would lower consumption. However, the report shows that demand side behaviors have shown themselves to be more complex than price elasticity has been able to account for, echoing the point made by Rodrigo Uprimny in the preceding chapter when he noted that the illegal nature of the drug trade made it unresponsive to price increases: both traffickers and consumers seem unaffected by changes in drug prices which means there is price inelasticity.

The final way presented to examine the drug industry is through risk and price. The WDR 1997 maintains that, unlike licit agriculture, illicit cultivation is not dependent on factors such as labor and capital, but rather on perceived risks at various stages of production and sales. The closer the drug gets to its final destination, the higher the risk and therefore the higher the cost. In this sense, a major disruption of cultivation would not have the same cost impact as a major disruption at the point of market delivery. In this sense, crop eradication programs would have little impact on final prices unless there was an overwhelming perception that the risks to continue would not be outweighed by the profits.

¹⁶⁶ WDR (1997) 124.

The report states that profits are derived mainly from the value added to drugs during the trafficking stage. Local farmers and local traffickers only receive a marginal percentage of the trade's profits and very little of these profits ever return to the source country. The UN estimated that, of the vast Bolivian cocaine trade, the farmers received only 7% of the profits. Here it should also be considered that the number of farmers is high and thus this 7% is spread over a larger population.¹⁶⁷

The WDR 1997 implies that it is organized crime that takes the largest share of drug profits. It posits the role of organized crime as principle investor in the industry, citing the investment of emerald smuggling profits into the drugs trade by the Sicilian Mafia.¹⁶⁸ These groups operate, for the most part, like corporations. One of their chief characteristics is their flexibility, which makes law enforcement efforts difficult. If a certain precursor chemical is banned, organized crime is able to respond quickly by developing another chemical that will allow them to manufacture their product.

The corporate model of the drug industry implies that the corporation is an employer. If this is the case, then there are questions regarding the employees and their impact on national economies. The presence of the drug industry as an employer remains difficult to discern due to lack of data. The WDR 1997 estimates that in Bolivia, 60,000 farmers are employed by the coca leaf industry.¹⁶⁹ However there is no reliable data that can show how much income is generated from this labor not does the WDR clarify the relationships between the number of employees and the 7% profit-share figure quoted above. Additionally, the export of illegal products show up as a positive increase in the balance of payments for the exporting country because of the incoming flows of foreign exchange created through drug exports which can further distort attempts at calculation.

167 WDR (1997) 131.

168 WDR (1997) 133.

169 WDR (1997) 142.

Movement of drug money within licit state economies leads to questions of money laundering and, specifically whether this money undermines government policies and weakens the authority of Central Banks, since illicit capital investments are made not for the benefit of the country, but in considering the best way to guard against detection. Money laundering is used to lower the risks associated with dirty money. Unlaundered money is not useable because it links the criminal and the crime. One observation from the WDR 1997 is how criminals launder money through licit investments and “simultaneously ‘launder’ themselves, moving from underworld crooks to apparently bona fide entrepreneurs and financiers.”¹⁷⁰

The last section of WDR 1997 deals with drugs and public policy. Here is found the basis for the UN’s international policies. The WDR 1997 establishes what are the function of law, morality and the differences between Christian-based and Islamic-based legal systems. The problem is that international legislation must encompass all traditions, balancing ethnocentrism with social relativism.¹⁷¹ A web of arguments that moves from tribal uses of drugs pre-colonialism to discussions of Jeremy Bentham and John Stuart Mill concludes that the UN must enforce anti-drug policy, but also it must be culturally sensitive in the process.

WDR 1997 acknowledges, somewhat surprisingly, that all drug policies develop in a social and political environment. As attitudes and ideas shift, so does policy which is why there has been a swing between tolerance and intolerance over the decades since drug legislation began within and between states. Today policy objectives of different countries vary. Examples of this include Sweden which has a low tolerance for drug use, and the Netherlands and Australia that have a high tolerance for drug use and believe it is better to focus on harm reduction rather than eliminating use. Formulating policy then remains a complex task. The main function of the UNODC is to promote cooperation in international drug control efforts primarily through Memorandums of Understanding (MoUs), treaties, conventions and mutual legal assistance treaties. The report ends by listing some of these and finally it discusses the support role provided by international agencies

170 WDR (1997) 137.

171 WDR (1997) 157.

and nongovernmental organizations. International agencies include Interpol and the World Customs Organization (WCO) who work closely with the UN on drug control. NGOs, because of their diversity of interest areas covered, can serve more directly to assist drug control efforts through social development such as poverty alleviation. Its last point refers to the legalization-criminalization debate, stating that legalization is dangerous because it is irreversible once in progress and that majority of people surveyed in Italy and the US have said they do not want legalization.¹⁷²

WDR 2000

The World Drug Report 2000 by comparison to the 1997 report, contains only three sections: Recent Trends in Production, Trafficking and Consumption; The Three Pillars of Demand Reduction, Epidemiology Prevention and Treatment; and Alternative Development. WDR 2000 can also be distinguished by an unusually long and signed introduction from the then-Executive Director of the UNODC, Pino Arlacchi. Previously Arlacchi was a member of the Italian Senate (1995/1996) and the Chamber of Deputies (1994/1995). He served as Vice President of Italian Parliamentary Commission on Organized Crime and taught at the University of Florence and Columbia University in the late 1980 to early 1990s.

In the introduction, Arlacchi attempts to reverse the pessimistic attitude towards drug control he sees. He argues that it is possible to reduce demand and stop all opium and cocaine production especially if we examine the successes of drug control to date. The height of this example is the successful control of opium production by India and the reduction of addiction by China in the middle part of the last century. Ignoring these and other successes leads to a 'psychology of disempowerment' that no longer is applicable due to:

- Changes brought about by globalization that provide a different environment from that of the failed drug control operations in the 70s and 80s

¹⁷² WDR (1997) 199.

- Changes from using embellished drug statistics to a more sober approach to measuring drugs
- Changes in the post Cold War political attitude from conflict towards cooperation, thus opening doors for real cooperation on treaties. Additionally, as the drug trade has become more international, more countries are affected and therefore have a reason to cooperate.¹⁷³

From here Arlacchi addresses briefly several points regarding international drug control. First, in 1998 the UN General Assembly held a special session on the drug problem where 185 countries signed a declaration committing themselves to address this issue, marking a significant moment in global cooperation. This implies that there is now an infrastructure forming that was not previously in place to make a success of international policies, going back to his earlier point of a new environment of cooperation. Second, Afghanistan, as the greatest producer of opium in the last decade, presented the largest challenge to drug control. Therefore, the Regional Action Plan for Afghanistan was developed to prevent trafficking, consolidate national institutions, prevent displacement, support country efforts and implement alternative development.¹⁷⁴ Added to this are elements of human security and failed states that serve as the context for illicit drug production. UNODC has begun to address these issues through increased cooperation on criminal justice. Thus, there is a concise plan in operation for Afghanistan commensurate to the problem of drugs cultivation in the country. Arlacchi concludes with a positive view on the role of the UNODC and the future of drug control. He lists several elements such as providing quality data and innovative initiatives in the future.¹⁷⁵

Chapter One of the report is divided into three sections: production, trafficking and consumption. These sections cover opium, coca and cannabis. Though there were periods of sharp increase in opium production in the last decade, overall production was much less than initially imagined. Coca leaf production has showed a clear decrease since the 1980s while cannabis has expanded

173 WDR (2000) 4-5.

174 WDR (2000) 8-9.

175 WDR (2000) 20-21.

significantly. In considering all the problems associated with estimating drug production, cannabis estimates are blocked by the additional barrier of the plant's tendency to grow in the wild. It is not clear what the amount of wild growth is and how much of it is harvested for use.

The use of seizures as a means of measuring the overall trade appear again in WDR 2000, however this time with much more confidence as to their value in yielding proper estimates. The confidence is shown through a lack of examination of the problems associated with statistics. WDR 2000 makes superficial mention of the problems with statistics, yet does not engage in detail as to what the implications of these problems are for the data presented in the report. Thus the impression is that there are indeed problems with the statistics, however not enough to warrant serious pause. Additionally, seizures show trafficking patterns as more countries report the quantity and kind of seizures they are making yearly. As a result, key trafficking routes have now been identified for all three drugs.¹⁷⁶ The remainder of the trafficking section focuses on detailed statistics of each drug and its recent history in terms of increases and decreases. This section also includes Amphetamine-type stimulants, commonly referred to as the ATS drugs.

Consumption of drugs is the last section in Chapter One and deals with the "consumer side issues" of drugs. Drug use becomes problematic when, "the use of a certain drug leads to treatment demand, emergency room visits...drug related morbidity...and other related social ills such as drug-related crime and violence."¹⁷⁷ Using this definition as a basis, the WDR 2000 statistically examines drug use in every region, showing where certain drugs have a high use and others not. It also examines some trends in drug use, for example showing that, of the regions that reported an increase in drug use, the highest increase was for cannabis and the ATS drugs.¹⁷⁸

Chapter Two focuses on demand reduction and the three pillars set forth by the UN to address this objective. The first is epidemiology. This approach defines

¹⁷⁶ For a list of routes see WDR (2000) 34-35.

¹⁷⁷ WDR (2000) 56-57.

¹⁷⁸ WDR (2000) 63. It is not clear why ATS were added to the discussion of opium, coca and cannabis. It is perhaps that ATS are becoming of increasing concern.

drugs first as a disease and second looks at the environment that allows that disease to either grow or decline, following the basic definition of epidemiology.¹⁷⁹ In this approach three elements are measured: patterns of drug abuse, consequences of drug abuse, and the factors that link drug abuse to contingent circumstances.¹⁸⁰ The patterns that result from this are then used to look for prevalence of a drug

problem with respect to the overall population, its 'incidence' (the number of new users), the frequency or intensity with which the behavior occurs the routes of administration (e.g. nasal inhalation, injecting or oral use), and the settings in which consumption takes place...thus in addition to measuring drug abuse, information is required on the socio-demographic correlates of drug abuse, e.g. age, gender, income, education, occupation, ethnicity, community size, region, as well as other factors such as attitudes towards drugs, involvement in activities or exposure to specific factors which are associated with an increased vulnerability to drug abuse problems.¹⁸¹

The key to this approach is that it traces data over time, presenting this as the most reliable way to have a comprehensive understanding of drugs. Again surveys are employed for gathering relevant data, except this data is less reliant on the ARQ and more on general population surveys. General population surveys provide basic information on income levels and demographics for example. Therefore, the WDR 2000 takes various general populations surveys and processes the data so as to determine prevalence and numbers of users versus total populations as well as mortality rates, drug use amongst young adults and efficacy of treatment programs. The WDR 2000 notes the limitations to the epidemiological approach, one problem being the limitation of some countries to gather the proper data.

The second main heading of this chapter is prevention. Prevention takes many forms, such as information dissemination media campaigns. Sometimes prevention strategies have had adverse effects. For example, if the information on prevention (perhaps on advertisement on why teens should not take drugs) appears

179 Merriam Webster dictionary defines epidemiology as "the sum of the factors controlling the presence or absence of a disease or pathogen." (Merriam Webster Online, 'epidemiology').

180 WDR (2000) 87.

181 WDR (2000) 87-88.

too sensationalized it is discredited and causes a backlash or rebellion resulting in increased drug use. Different studies are used to examine what kinds of prevention methods are the most effective though there is no one conclusive way identified.

As another means of prevention, WDR 2000 also identifies the risk factors contributing to drug use. Risk factors are those factors which if present can lead to a greater chance of drug use. Of the risk factors identified family and peer groups are the strongest. If there is drug use amongst peer groups of an individual, there is a greater chance that the individual will also use drugs. There are also other factors such as education, individual characteristics (as noted in WDR 1997) and social competence—a sense of future possibilities and “feeling in control of one’s life”.¹⁸² Risk factors interact with proactive factors. The latter are factors supporting the non-use of drugs. To take one illustration not noted in the report, we could envision a situation whereby if young individuals were involved in formal after school activities such as football, they might be less likely to engage in drug experimentation. The availability and participation in organized sports then is a proactive factor which can balance risks such as chaotic neighborhoods or poor family structure.

The last section examines treatment. Treatment is simply the different ways people with drug problems can better their circumstances. It is common to place treatment as a part of drug reduction strategies in an effort to:

- “To reduce dependence on psychoactive substances;
- To reduce the morbidity and mortality caused by, or associated with, the use of psychoactive substances; and
- To ensure that users are able to maximize their physical, mental, and social abilities and their access to services and opportunities, and to achieve full social integration.”¹⁸³

Various results of treatment studies are cited as to why treatment is a viable way to address drug abuse. The WDR 2000 acknowledges that treatment has its drawbacks, but overall is useful in both inpatient and outpatient type programs. In addition to pharmacological treatments for certain kinds of addiction, the report

182 WDR (2000) 107-108.

183 WDR (2000) 117.

also presents alternative treatments such as acupuncture and psychological counseling as a means to rehabilitate individuals.

Finally, Chapter Three addresses alternative development which can be seen as a form of international drug control strategy. Alternative development can signify crop replacement programs or providing health facilities and education.¹⁸⁴ Despite sustained criticism, crop eradication has, according to the report, had many successes—witness China and India in the 1950s.¹⁸⁵ The situation today is different in that production sites usually lie in areas where there is much civil strife and an absence of governmental controls. In these areas peasants are dependent on illicit drug cultivation. It is for this reason there is an acknowledgement of the economic reliance which is addressed through alternative income-generating options.

A sometimes problematic situation is related to alternative development that, at the national level, drug control strategies remain diverse and are not always coordinated with international strategies. This is partially due to the varied nature of a drug problem in a particular country plus that country's response structure in terms of government processes. Even early on, when one country, such as Turkey, was successful in suppressing production, the trade developed in another region. However, new perspectives from the 1970's gave the possibility of developing new approaches to the drug issue. The "New International Economic Order" attempted to address the wrongs of North-South relations by taking into account the needs and interests of developing countries.¹⁸⁶ For the UN, this meant focusing on development while also considering supply reduction. However, the report notes the importance of political cooperation without which little of the alternative development programs could succeed. Thus, a series of political, social and economic factors leads to the success of international drug policy.

Critique & Analysis of WDRs

184 WDR (2000) 9.

185 WDR (2000) 142.

186 WDR (2000) 148.

Carla Rossi, from the Department of Mathematics at the University of Rome, conducted an extensive critique of the two WDR's, focusing first on the differences between the two reports and second on the qualitative data presented in the WDR 2000.¹⁸⁷ Rossi's work is used here because she is a representative to the European Monitoring Centre on Drugs and Drug Abuse (EMCDDA), where much of the WDR 2000 data is drawn from. As she notes in one of her articles, she was part of the EMCDDA group that produced many of the numbers that the WDR uses.¹⁸⁸ Therefore, Rossi has a unique familiarity with the source data and is able to discern alternations made to this data when reproduced in the WDR 2000.

According to Rossi, WDR 1997 provided a balanced view of the world drug situation whereas the WDR 2000 was "not aimed at providing comprehensive and balanced information about the world drug problem, but rather at showing that the massive investments are able to reduce drug problems and that the [UNODC] policy is a success."¹⁸⁹

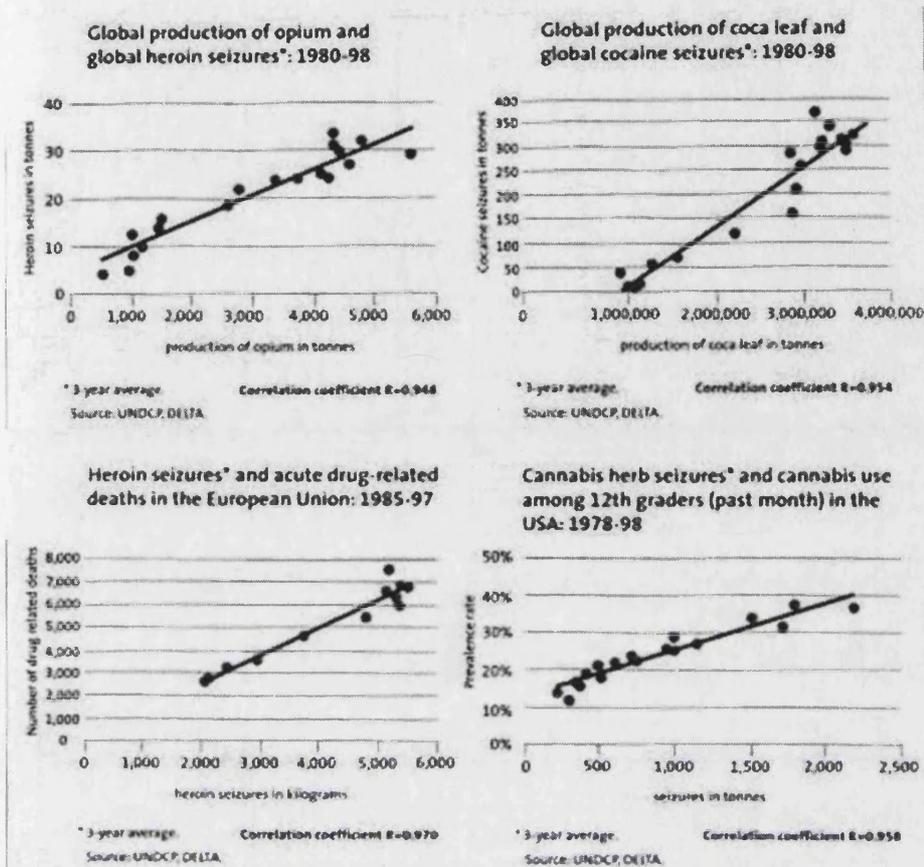
The most evident difference between the two reports is their length. WDR 2000 consists of three chapters as shown above and omits sections on money laundering, organized crime, and corruption, in essence taking out the elements that refer directly to the countermeasures activities that the UNODC supports. This material is replaced with extensive discussions on alternative development programs. As Rossi notes, there is no explanation given for the lack of focus on law enforcement, especially when the largest part of the UNODC budget is spent exactly on countermeasures and much less on alternative development.¹⁹⁰ It can only be speculation as to why the UNODC would want to hide its law enforcement activities while presenting the image of being oriented towards development. However, these are minor points compared to the concerns Rossi expresses regarding the use of statistical data. Using the graphs below, reproduced from the WDR 2000, Rossi makes several observations about the data.

187 Carla Rossi (2002) 221-231.

188 Carla Rossi (2004).

189 Carla Rossi (2002) 221.

190 Carla Rossi (2002) 222.



Graph 1: Global Illicit Drug Production and Seizures
Source: Reproduced from WDR (2000) 38

As mentioned above, seizures are a key component in measuring the illicit drug trade. Rossi examines what these figures actually represent, especially considering Arlacchi's optimistic executive summary. Though not discussed by Rossi, the four figures above represent the "double nature" of seizure statistics: on the one hand showing the successes of law enforcement agencies while also showing the "visible tip of a much larger iceberg of drug supply and trafficking" in the increase of drug related deaths.¹⁹¹ Thus there is law enforcement success and an increase in drug use and related death which by its nature would contradict the claim that law enforcement is achieving success.

Rossi analyses the figures above, noting that

the trend in seizures is directly proportional to the trend in production...the greater the amount of drugs produced, the greater the amount of drugs seized. (The proportion of the amount seized is therefore constant with

191 WDR (2000) 36-37.

respect to production), which means that it can be considered a sort of fixed tax which traffickers have to pay...Figures 15 and 16 in the Graph 1 show how the amount of seizures is directly proportional to consumption, measured by deaths for heroin and by survey data among American 18-year-olds for cannabis. These figures confirm what has already emerged from the two previous figures: that the more the market grows, the more seizures grow. The effectiveness of seizure action has not changed, and remains rather low.¹⁹²

Therefore, the claims that UNODC's policies have led to successes are not substantiated by the data. The point here is less whether the UNODC deliberately manipulated data to bolster its policies and more the impression this process gives regarding the drug problem. The "double nature" implies that the drug problem is at the same time measurable and containable, while still it is something intimidating and vast (an iceberg). It is precisely because the WDR 2000 presents data in the manner that Rossi examines which allows this double "falsity" to exist. The drug trade may be measurable, though as we have seen so far, its measurements are highly problematic and large questions about approaches remain unanswered. The same measurements are used to assess the size of the drug problem. Whether the trade is large or small then is difficult to say with certainty.¹⁹³

Rossi cites a second example in the use of original drug statistics from their EMCDDA source. In the original EMCDDA estimates, the Benelux countries were depicted individually as Belgium, Holland and Luxembourg. However, in the WDR 2000, they are grouped together as Benelux. As Rossi notes, the mean estimate of problem drug users for Benelux is

not drawn from EMCDDA data, but is an ad hoc calculation made by putting together the estimates for Belgium, Holland and Luxembourg in a worthless jumble (there has not even been an attempt to produce a weighted mean by taking account of the different populations of the three countries).¹⁹⁴

192 Carla Rossi (2004).

193 Refer to the section on Statistics in the Introductory Chapter of this work.

194 Carla Rossi (2004).

It is not unusual to use individual country statistics to produce estimates for the region, but Rossi contends, in this case, it was not done accurately from a methodological point of view.¹⁹⁵ In the case of Benelux, it is significant because the actual figures for the three countries are quite different.

In Luxembourg, for example, the figures are more than double those for Belgium as three times higher than those for Holland...an operation such as that [was] performed... to obscure the Dutch data, which are much more positive than all the others, by using a shameful trick.¹⁹⁶

There is another instance of contention regarding the Dutch data. The prevalence of drug use discussed above in Chapter Two of WDR 2000 does not discuss the statistics for the Netherlands and Belgium. For Rossi, the absence of the two countries is attributed to their low prevalence rates as reflected in the original EMCDDA data.¹⁹⁷ The distortion of Benelux data is possibly due to human error. However, Dutch drug policies seem to be a more likely reason for the distortions. In 1976 the Baan report recommended that List One drugs be legalized. "List One drugs [are] those that present 'an unacceptable risk (heroin, cocaine and LSD)' and List Two drugs (cannabis products, such as hashish and marijuana) [are] seen as less dangerous and 'softer.' Essentially, Parliament depenalized the possession of 30 grams of marijuana or hashish..."¹⁹⁸ The policy of legalized marijuana has been unpopular with organizations such as the UN, who ultimately promote countermeasures over legalization as the conclusions of WDR 1997 stated. Rossi argues the distortion of data paints the Netherlands in a negative light, since the original EMCDDA data showed the prevalence in the Netherlands as being quite low. In short, drug tolerant countries that show up statistically with data showing low drug use discredit UN policies. The UN would not want to promote a country where legalization appeared to be working and therefore left it out altogether.

Rossi's argument focuses mainly on the decline of objectivity from WDR 1997 to WDR 2000, thus making an argument of degrees. Through her detailed analysis of the statistics she shows how the potential value of WDR 1997 as a more

195 Ibid.

196 Ibid.

197 Carla Rossi (2002) 224.

198 Larry Collins (1999).

expansive representation of the global drug trade was reduced to trickery in WDR 2000. Rossi's concern is not the use of statistics, and indeed she appears to maintain the basic premise that statistics are useful in examining drugs. Her concerns focus on how the statistics were unethically manipulated to give a certain impression of the drug problem.

Statistics are not the only contention with the 2000 report. There are also critiques based on the tone and implications of the narrative itself. Particularly, if taken separately from the 1997 report, WDR 2000 seems to provide a logical and comprehensive assessment of the arguments regarding the drug problem. The areas covered, such as prevention, treatment, economic trends and political aspects, all seem to encompass the multi-faceted aspects of the drug issue as we discussed in Chapter One of this work, yet there are some elements left out as the next sections will discuss.

Recalling Arlacchi's opening statement, he referred to the pessimism that had taken over the international drug control regime. He called for a reversal of this attitude in favor of one where the successes of drug control could be properly considered. The 'pessimism' that Arlacchi is referring to is "the psychology of despair that has gripped the minds of a generation and would have us believe that nothing can be done to roll back, let alone stop, the consumption of drugs".¹⁹⁹ Arlacchi here is actually presenting a piece of the drug policy reform debate. Part of the reform debate is premised on the assertion that drugs are too prevalent and impossible to control through countermeasures. As Professor Emeritus and Attorney, Arnold Trebach notes

He [Arlacchi] goes on to seemingly equate modern reformers with those 'Who believe that states and institutions are weak and will capitulate in the face of the organized criminal networks ...'. To those negative thinkers, he goes on to lay out '... [there are] a raft of recent and decidedly positive developments on the drugs front ...'. The report is in many respects a

199 WDR (2000) 1.

defence of the existing drug control order and of the jobs of the staff and of the continued existence of their institution. It is a professional effort...²⁰⁰

Thus drug policy reformers are not only pessimistic in their attitude, but also advocate pandering to drug dealers and criminals. Furthermore, reformers have little faith in the integrity and power of states and institutions, a harsh generalization of reformist attitudes. When taking into consideration the critique of Trebach and Rossi and the calm and confident tone of Arlacchi's statement, the overall logical and comprehensive surface of the 2000 reports, gives way once again to the long-standing debate between legalization and criminalization. Trebach continues,

[T]his report is also riddled with bias, irrationality, and outrageous errors. It does not deal fairly with new innovations and experiments that are visible on the cutting edge of the drug field. Harm reduction—including drug maintenance, needle exchange, general health care for using addicts—receives inadequate attention...Even within existing treaties and international institutions it is possible to fashion responsible reports laying out practical strategies that will improve the terrible problems now afflicting much of the world in the drug arena...While this report describes some encouraging innovations around the world, it hews mainly to established, traditional methods closely in line with a conventional mind-set.²⁰¹

This statement goes back to Rossi's observation that the 2000 report seems to want to hide the fact that most of the UN budget goes towards countermeasure activities. Trebach's 'pessimism', as Arlacchi might call it, is to call for drug policy reform, focusing more on harm reduction efforts rather than law enforcement measures.

Reuter also notes the problematic features of the report, but adds three points indicating the more profound elements in the report.²⁰² First he notes the report addresses the regulation (criminalization)-legalization debate, while noting how

200 Arnold S Trebach (no date). Arnold Trebach has been called the shadow Drug Czar of the United States and is the author of an early policy reform book called *The Great Drug War* [Trebach (1987)] which looked at why drug policies were failing. He also used to once head the Drug Policy Alliance now headed by Ethan Nadelmann who was discussed in Chapter 1.

201 Arnold S Trebach (2002) 237-238.

202 Peter Reuter (1998) 730-734.

little the report attempts to skew its arguments towards one side. The second and third points he raises are related to the statistical issue. One of the statistical problems relates to the Drug Abuse Index (DAI) and the Drug Abuse Trend Index (DATI). Both are used to measure the gravity of certain drugs in a given nation. The DAI and DATI also allow comparisons across different countries. Since each country uses different methods to obtain data, Reuter maintains there is difficulty with the comparison.²⁰³ The other statistical problem refers to one previously discussed in Chapter One: the issue of estimating the international drug trade. As he notes, “the problem is not one of pedantry about measurement. A certain amount of serious policymaking is dependent on the froth of international drug trade estimates”.²⁰⁴

FATF Forty Recommendations

The predominance of the World Drug Report in creating the policy view of the drug problem within the international arena is joined by another report that takes a more economic-centered view of the drug problem. The FATF was established in the Paris G-7 Summit (1989) to address money laundering issues particularly as they related to international banking and finance.

The Task Force was given the responsibility of examining money laundering techniques and trends, reviewing the action which had already been taken at a national or international level, and setting out the measures that still needed to be taken to combat money laundering. In 1996 the FATF issued a report containing a set of Forty Recommendations for combating money laundering and later published a FATF 2000 Blacklist of nations identifying non-cooperative countries and territories (NCCT).²⁰⁵ This listed countries that were considered non-cooperative in implementing effective anti-money laundering financial practices. In 1990, the FATF first drew up its forty recommendations, but it was the 1996 report which clearly addressed the environment of money laundering that had grown since the Cold War ended. The blacklist, was published later with periodical updates where new countries added and other taken off as non-cooperative nations. The 1996 report was quite short

203 Ibid 731-732.

204 Ibid 734.

205 Financial Action Task Force on Money Laundering, ‘History’.

and simple: it would set out 40 recommendations for anti-money laundering frameworks that would have “universal applicability”.²⁰⁶ The 1996 report was met by a tide of criticism and creating deep tensions between the OECD, who housed the FATF, and blacklisted states.²⁰⁷

The FATF conceived of the drugs problem as clearly an economic issue and recommended a three-pronged approach relying on cooperation from legal systems, financial systems and international cooperation. If each country would implement a certain set of laws and modify a certain set of financial practices, then this could serve as a basis for combating money laundering and, implicitly, drugs. International cooperation would assist law enforcement efforts through information sharing (See Appendix A for the first ten of the original forty recommendations).²⁰⁸ The first ten recommendations were perhaps the most controversial. Captured under the headings ‘scope of the criminal offence of money laundering’, ‘provisional measures and confiscation’ and ‘customer due diligence and record-keeping’ the recommendations were calling to significantly alter the landscape of international finance, particularly offshore banking practices.²⁰⁹ Recommendation two placed legal personnel, meaning lawyers and tax agents, in the same criminal basket as Mafia heads, assigning them legal responsibility for any activity that may be construed as money laundering. Thus the scope of criminal offence was now extended to placing under scrutiny all legal and financial advisors who might be advising their clients to move assets offshore.

Recommendation three, under criminal measures and confiscations, called for giving authorities the right to research and seize assets of criminals. This included giving authorities the leeway needed for tracing and verifying the source of assets. Known as asset forfeiture, it remains one of the most controversial practices as it ties monetary gain of legal authorities and their departments to confiscation of criminal assets and is a point we will return to in the next chapters. Furthermore complications arise out of data protection issues which must be overlooked in

206 Financial Action Task Force on Money Laundering (1996).

207 See Robert Lee (2001) and Gilbert NMO Morris (2002).

208 Financial Action Task Force on Money Laundering (1996).

209 The first ten recommendations are addressed here for illustrative purposes. This is not to discount the importance of the latter thirty recommendations. These first ten however are sufficient to address the concerns and scope of this research.

order to soundly verify sources of assets. The last cluster of recommendations took this point further by calling for all financial institutions to know the origins of customer assets. Banks were essentially placed as quasi-police that had to conduct due diligence on their customers and keep detailed records of transactions, always looking for any activity that may be associated with money laundering. As recommendation seven noted, this included also cross-border activities, presumably to not leave a loop hole where criminals could hide assets in other countries due to lack of communication and record-keeping between financial institutions. Again privacy issues and concerns over abuse of such knowledge ensued.

The recommendations appeared simple enough, however their implications were subtle. For example, many offshores financial centers relied on banking secrecy and anonymous accounts for their financial success. There was a belief implied through the FATF that if there was nothing to hide, then there was nothing to be concerned about in reporting account details. However, the world of business proved to be more complicated. For example, if we consider corporate espionage as a reality of the business environment, we can see that secret accounts could assist corporations in preserving projects in the development stage by obscuring their expenditures from competitors. The FATF also brought into question the difference between tax evasion and tax avoidance. Pensioners, who had moved their money offshore to gain advantage from the tax shelters offered, held many of the offshore accounts. This was not illegal per se as attracting foreign investment was part of healthy financial competition. What seemed to be missing in the debate was the subject of drugs. Money laundering only superficially maintained its connection to the drug issue, and soon spiraled into debates about Western nations tracking down their tax dollars, interference in domestic economies, and, ultimately, national sovereignty. Soon money laundering became bad for its own sake, and the element of drugs only gained secondary mention from both sides of the debate.²¹⁰ It was usually enough for an author to assert that they disagreed with drug trafficking and did not promote drug use or terrorism without greater analysis of the drug issue. Even the original conceptualization of drugs and money

210 Dan Mitchell (2001).

laundering were based on thin caricatures. Drug traffickers and drug dealers were demonized as gluttonous, evil and indiscriminate profit seekers. Rahn addressed this point by noting that in money laundering, characterizations of evil acts are not so simple:

If you hesitate while trying to come up with a definition, you have begun to understand part of the problem. Money laundering is hard to define because it is not a crime like murder, robbery, or rape, where the evil act is clear. It is a crime of motive rather than activity. In fact, two different people can engage in the exact same set of activities, and one can be guilty of money laundering while the other is not. In fact, money laundering has only been illegal in the US since 1986, and it is not illegal in all countries.²¹¹

In Rahn's article again appear the recurring themes of definitions, national versus international policies, problem of gathering data and the legalization-criminalization debate.

Similar to the WDRs, the tone of the FATF is that countermeasures will prove successful in curtailing money laundering. In fact, the forty recommendations are no more than a list of countermeasure activities to be enforced through penalization. Recommendation one clearly states this through its advice on how to criminally categorize such acts and even minimum sentences to be imposed on perpetrators. In addition the tone of the forty recommendations does give the sense that money laundering is within measures of control and even quite easily at that.

There is also a similar issue regarding money laundering being a "foreign" problem, though it is not as prevalent as in the WDRs. Offshores after all were 'offshore'. However, the two countries distinctly absent from the FATF non cooperative blacklist were also the two main locations for money laundering in the world: the US and the UK, while countries like the Bahamas and Russia were

²¹¹ Richard W Rahn (2001).

indisputably included without, as the critique goes, any effort to contact those representatives of those countries before publishing the blacklist list.²¹²

Conclusion

The exact fact that The WDR reports explore so many facets (albeit much less in WDR 2000) of drugs makes countermeasures policies more problematic, not less so. The WDRs acknowledge the various complexities of the drug trade, yet ultimately, and as Trebach noted above, the conclusion is to defend drug control strategies. This process within the reports leads to a convolution of key ideas:

1. that countermeasures and alternative development are similar
2. that terms such as users and drugs are self evident obscuring relevant points about the drug trade
3. that drugs and their usage is a class issue and a poverty issue

Starting with the first point, countermeasures are related to law enforcement tactics. Their goal is to locate individuals and groups who are participating in the drug trade with the intention of interrupting their activities and ultimately removing them from society through imprisonment. Alternative development is to create conditions where those groups and individuals would find it to their own benefit not to participate in the drug trade. The elements of force and coercion are missing from alternative development, although forced crop eradication programs are obscuring this premise.

The second point refers back to questions of terminology and opens another fissure in the drug debate. If the WDRs take drug related effects and users at face value, however, there is a large debate over what is a drug user, what is a drug and what is a drug related death.²¹³ In his article *The Social Construction of Drug-Related Death*, Augustinus Cruts argues that there is no objective reason why a substance should be illegal and that legal issues are more closely related to accidents of history.²¹⁴ Cruts takes this point further, stating that even what is a drug user and a drug related death is constructed. Attributing a death as being drug related is not falsifiable and assumes that the person would still be alive if the

212 Gilbert NMO Morris (2001).

213 Augustinus Cruts (2000) 381-385, Raffi Balian and Cheryl White (1998) 391-396, Andrew Weil, MD and Winifred Rosen (1983).

214 Augustinus Cruts (2000) 381.

drug has not been present, but Cruts posits we can never know this; this is a counterfactual argument. Thus the reasons about the cause of death can only be derived from social constructions as they cannot be derived from any knowable reality. In this he presents the case of a fictitious cab driver named Taki:

Taki is born to a family [sic] shopkeepers. His parents are often at work, and have not enough time left over to pay attention to raising Taki. He gets emotionally neglected [sic]. This way he becomes an easy victim for harassment at school, during military service, and finally in his job as a taxi driver. When thoughts about suicide become too obtrusive, he drinks away the unbearable stress by means of alcohol. [sic] on an ill-fated day a supra-national treaty imposes an unrestricted free market on the taxi business. Negotiating with prospective clients requires social and emotional abilities which Taki unfortunately does not have. [sic] He tries cocaine [sic]. On a bad day, due to excessive cocaine use, Taki loses his critical self-reflection. He fatally overestimates himself by trying to overtake a competing taxi driver. With too high a speed in too sharp a bend, Taki crashes and dies.²¹⁵

The question Cruts asks is what killed Taki? In hospital records this would be documented as a drug related death, but was cocaine really the problem if one considers plurality of social and economic factors that led him to use cocaine? Similarly Raffi Balian and Cheryl White, two specialists in harm reduction policies, argue that who is a drug user and who is not is constructed—usually based on class, gender and ethnicity.²¹⁶ The implication is that white, affluent children using drugs are rarely labeled as ‘drug users’ while poor children of minority decent are often associated with this label. Extensions of this argument could lead to extreme assertions such as free markets cause death, a point related back to the liberal utopian dreams of liberalized markets and liberal states. All this is important because it shows the degree to which so much of what is used to discuss the drug trade is taken for granted. It is natural to assume that something like a drug related death should be easily defined, yet even here there are several

²¹⁵ Ibid 382-383.

²¹⁶ Raffi Balian and Cheryl White (1998).

discussions that immediately open up and again here comes into questions the reliability of the statistics we use. This time however the contention is not on how calculations are made as Rossi pointed out in the World Drug Reports, but on the validity of the data gathered and how much that data actually paints a realistic enough picture of what is happening in society irrespective of the presence of drugs.

Lastly, the reports, including those of the FATF, have a tendency to give the impression that drugs are a “third world” problem, even though they do talk about the large western consumer markets. This viewpoint is mainly transmitted through the various pictures such as the Thai addict in a dirty rehab clinic and non-whites in the poppy fields.²¹⁷ What are distinctly absent are photos of affluent whites using heroin and taking cocaine. These characterizations of the drug problem distort dialogues such as the motivations for selling drugs (which may not always be profit based), and the consideration of the role of consumer markets (such as the affluent Europeans and Americans who supported the cocaine boom in the 1980’s).

With regard to WDR 1997, there are some specific points that require examination. It is true that compared to the 2000 report, it is much more expansive in the topic areas covered and the depth in which they are addressed. However it is not so different when considering its characterization of the drug problem. The 1997 report received much less criticism than the 2000 report. Since it was the first World Drug Report, and this being, in and of itself, a unique publication for the field, the lack of response was probably because there was no precedent. Furthermore, as a publication of a respected organization and for what it contained, the WDR 1997 seemed new and interesting to most readers.²¹⁸ Additionally, the lack of response could have been due to the lack of a scholarship that understood the significance of what the report implied, recalling that Rossi was an “accidental critic” of the 2000 report because she happened to have been involved in the original ECMDDA data processes. Even with this, it was not until 2002, two years after the second report and 5 years after the first one, that Rossi

217 WDR (2000). For examples see pages 7, 11, 19, 21, 32, 124, and WDR (1997) 131 and 161.

218 Peter Reuter (1998) and Jamie Rochelle King (1997-1998) 432-436.

was published in the *Journal of International Drug Policy* along side new critics of the UN reports such as Trebach. Of the few reviews of WDR 1997 produced, analysis is limited to statements such as the “*World Drug Report* is very well-researched and well-presented”, indicating again the focus on the innovation of the report rather the implications of its content.²¹⁹

Reports such as the WDRs and from the FATF are influential in that they create the perceptions of the drug problem for policymaking and now, increasingly, for wider public circles.²²⁰ This influence is unquestioned; perhaps because there still remains an old belief that the UN, along with the OECD, are relatively neutral entities or that international organizations are in some ways beyond politics.

What this analysis shows us about perceptions of the drug trade in it is threefold. Whether considering drugs or money laundering, first we see that the drug trade is taken as something describable and knowable. There is confidence in both WDRs in their ability to represent this topic at all. The drug problem then becomes a definable thing even though there is an effort to show the complexities of it in WDR 1997. The second characterization refers to the measurable aspects of the drug trade. At the same time measurement implies objective or scientific understanding. Additionally the results of measurement give shape to the drug issue. If estimates of the drug trade were set at \$10 million a year, hardly any policymaker would bother with drugs at all. Yet, numbers shape the drug issue and consequently shape the response. At \$500 billion a year, the quality of the response to drugs is much different than at \$10 million. Budgets, willingness to use force, public opinion are all shaped by numbers and what they imply about reality.

The third characterization refers to the controllable nature of the drug trade. If it is describable and measurable, then, the argument goes, it is controllable. This is a problematic reasoning because we can describe and measure many elements

219 Jamie Rochelle King (1997-1998) 436.

220 Here I add anecdotal evidence that colleagues, friends and family have come across the WDR and have enthusiastically recommended it to me as the pinnacle work on the drug issue which I ‘must include in my thesis research’. In conferences I have attended the WDRs and the FATF reports are authoritatively cited by distinguished, international scholars as if such reports were beyond scrutiny.

which we cannot control. From here comes the idea that something *can* be done about the drug trade and therefore something must be done about the drug trade. With this in mind, Arlacchi's opening statement becomes questionable not because of its optimism or its attempt to place favor in countermeasures, but because of a core assumption that the UNODC is able to control drugs (perhaps there is an unconscious acknowledgment of this by the UN when the United Nations Drug *Control* Program changed its name to the United Nations Office of Drugs and Crime, dropping the ideas of control altogether). Levine notes that,

drug prohibition remained a kind of 'hidden in plain view' secret. Government publications and other writings have instead used the terms 'narcotics control' and 'drug control'. The UN agency that supervises worldwide drug prohibition is still called the International Narcotics Control Board. Until recently, the global drug prohibition system has been taken for granted and nearly invisible. Now that is changing. As global drug prohibition becomes easier to see, it loses some of its other ideological and political powers.²²¹

At the same time that the WDRs and FATF reports characterize the drugs and money laundering as knowable, definable and controllable, they also present it as hidden, elusive and beyond control.²²² The first is that the drug problem is something that is unknowable.²²³ This theme exists when considering the hidden nature of drug use and the social stigma associated with it, or the hidden modes of operation by drug mafias. This hidden nature makes drugs hard to describe, to define and to encapsulate. Following from its hidden nature, drugs become unknowable and indefinable, usually termed 'complex' or 'difficult'. These conditions give rise to fear, usually fear of the unpredictable or imagined dangers of corruption of individuals and societies through drug use.²²⁴ At the root of this fear is precisely that drugs are not controllable, for if drugs and drug use were controllable, then there should be no fear. This then comes back full circle to contradict the concept of drug control in the first place. In the case of the FATF,

221 Harry G Levine (2003) 145-146. Perhaps a better way to look at addressing the drug issue is not through attempts to control it, but by guiding it towards a positive direction.

222 Susan Speaker (2001). These characterizations are partially drawn from an analysis by Susan L. Speaker on the theme of conspiracy in drugs.

223 WDR (2000) 23.

224 WDR (2000) 9, 12 and 21.

the tautological argument refers directly to money laundering; however the same chain of logic is maintained as in drug control. Money laundering is to be feared because it causes corruption of financial systems, jeopardizing economies in unknowable ways, and is thus to be feared. At the same time money laundering is knowable, traceable and definable, therefore controllable through the FATF recommendations.

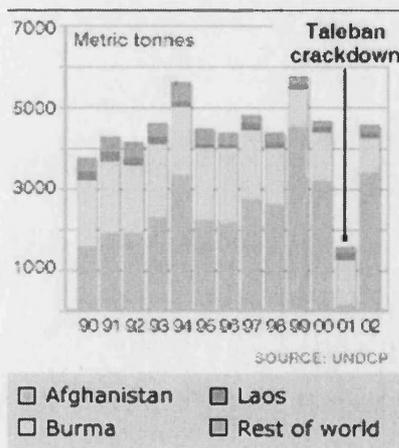
Thus we see that in little if, the relatively clean categorizations of Non-state Actors, Crime/Terrorism, IPE and Critical Theory as seen in IR literature give way to an intertwined set of perceptions mixed with political interests. Publications such as the WDR and the FATF reports serve to sustain the predetermined viewpoints of the organizations which publish them. While this in and of itself is not unusual, there are a few implications to consider. First, political motivations of a publication are rarely considered by those who use these reports and who often cite them as “facts” rather than as constructed or manipulated documents.

Second, where such considerations are made, they are rarely in the detail as presented by Rossi, who as mentioned accidentally happened to have been involved in the original data collection for the statistics that the WDR subsequently “modified”. Hers is a rare and significant case. Rossi’s points to the omission of the Netherlands and Belgium in the WDR 2000 and the use of these publications as a tool to rally support for counter narcotics. A similar point can be made about the FATF who omitted the five US “offshores” from its NCCT report. In addition, the use of seizures statistics is a key component in measuring the illicit drug trade. Rossi examines what these figures actually represent, especially considering Arlacchi’s optimistic executive summary. As mentioned, the four charts shown in Graph 1 above represent the “double nature” of seizure statistics—on the one hand showing the successes of law enforcement agencies while also showing the “visible tip of a much larger iceberg of drug supply and trafficking” in the increase of drug related deaths.²²⁵ Again, there is law enforcement success and increased drug use and death, contradicting law

225 WDR (2000) 36-37.

enforcement claims of success. In all this the question arises as to how statistics specifically and these publications in general are used and whether Rossi's observations represent an isolated or common case. This contrasts with IR in that IR, at least from preliminary analysis, seems to have a less intentional agenda, though as noted in the case of Newman's challenging opium histories as presented in Chapter One, IR literature is not removed from politics.

In comparing the literature of IR and ir some final comments can be made. If a definitive stance had to be taken on ir literature, it seems more oriented towards realist perceptions of drugs as a security challenge or at least it employs the similar language of threats and dangers which must be addressed through law enforcement reinforced with some kind of development program. This can be witnessed for example in Arlacchi's epidemiology metaphor, which is really a more refined version of the longstanding drugs as a "cancer" or "disease" argument. Furthermore ir literature manifests the legalization/criminalization dichotomy as witnessed in the Trebach-Arlacchi debate much like was seen in IR literature. Additionally, as the tale of Taki the taxi driver demonstrates, simplistic one-dimensional characterizations of the drug problem also are present in ir and the brief unpacking of a simple phrase such as "drug related deaths" reveals a whole series of hidden questions that are often overlooked .



Graph 2: Global Illicit Opium Production 1990–2002

Source: 'Where have all the Flowers Gone? An Evaluation of a Law Enforcement Crackdown Against Opium Poppy Cultivation in Afghanistan',²²⁶

Finally it seems the international arena (little ir) literature is also subject to Hobden and Hobson's misuse of history. Here we have to open a large parenthesis to

understand the importance of this seemingly simple point. Key historical moments are often held as models for drug control including the success of China

226 John Thorne and Graham Farrell (2003).

in eradicating opium in the mid-1900's, Iran's reduction of heroin trafficking under Khomeini and the more recent case of the Taleban's cultivation reduction in of July 2000 (see Graph 2). Here it suffices simply to consider China and Afghanistan. Between 1949 and 1950 the communist government of China wiped out opium production. As Arlacchi noted this event is hailed as a counter narcotics success story. However it should be considered that communist tactics for achieving this goal were questionable at best. As drug historian and researcher Alfred McCoy notes,

After 1949, the Chinese Communist regime used a mix of unrestrained repression and social reform to eradicate the world's largest opium market. By the mid 1950s, highland opium areas had converted to new crops, dealers had been executed, and the country's estimated 10 million addicts had been forced into compulsory treatment."²²⁷

Similarly the Taleban's techniques for opium eradication as noted by Professor Graham Farrell,

Local community groups and religious leaders were made to implement the Taleban's policies and could be punished themselves if anyone was found cultivating opium poppies in their area...Farmers who refused to comply with the policies had their faces blackened and were jailed. In extreme cases they were paraded through the streets"²²⁸

In the same interview, Farrell notes that the successful measures of the Taleban were nonetheless draconian and would not be feasible for implementation in other areas. Taken together, the cases of China and Afghanistan present a clear contradiction of values. The most successful cases of drug control, as envisioned by the UN and western states, have been implemented by regimes which possess values in direct contradiction to those held by the very same states and the UN itself. It is exactly because the Taleban were repressive and brutal, because they did not heed human rights, because they were not nervous about threatening and killing anyone that contradicted them that allowed for a successful implementation of the poppy ban. The same could be said for China as well as for Iran under Khomeni.

²²⁷ Alfred W McCoy (no date).

²²⁸ BBC News (2004).

Here there are two interesting and important points to observe. The first is that we have to ask why only those regimes considered to be the worst examples of western values are successful at implementing counter narcotic polices created by western governments. This point goes beyond criticisms of counternarcotics policies. It forces the question of whether the values upheld by western nations are inherently opposed to counter narcotics as a solution to drugs. Second, as Hobden and Hobson noted for IR, history in ir is used also as a data mine to find support for existing arguments. In fact, only a brief engagement with history would reveal that what Farrell's research showed about the Taleban is true for at least the last 100 years of drug control. Perhaps, as Rossi might argue, Arlacchi knew this fact and anyway used history to support the UN approach, perhaps not. This author hopes that IR has at least moved beyond naivety of whether bureaucrats and politicians skew information to favor one policy or another. What is pertinent for this research is how these systems work and their relation to the understanding of the drug issue in IR. A simple example illustrates this. When in IR we call for increased drug control or increased anti-money laundering regulations, we have to then be able to answer questions such as those raised above: when has such regulation worked, under what historical and political conditions, why should it work now, are these viable processes to begin with, how are they related to larger concepts such as democracy and human rights? Only after such questions have been engaged can a call to increase countermeasures make sense, otherwise it is a mere parroting of what has already been said—another swing on the pendulum towards criminalization or legalization, which adds no real contribution to the debate.

Chapter IV. Pulling Back the Curtain: The Histories of Drugs

Introduction

This chapter presents a series of historical sketches or vignettes to demonstrate pertinent views and questions that are contained in the unexamined history of drugs. These vignettes were chosen because they are considered ‘common knowledge’ in the construction of the drugs problem as many papers and books refer to them. The point of departure is the initial ideas of historical sociology. The need to illustrate this point comes from a general discontinuity in our information and understanding about drugs and drug policy, again recalling Mike Jay’s words:

Like most people, I grew up believing that drugs were a subject without a history. Almost everything I was taught, or read, or saw on television, implied that they were something new, a plague introduced into society by hippies in the late 1960s. Occasionally the curtain was pulled a little further back to reveal glimpses of Victorian opium dens, or perhaps the stupefying effects of toxic plants on primitive people. But the implication was still that drugs had always been illegal—at least as soon as societies had evolved far enough to make sensible laws. These substances had only ever existed on the shadows of civilization, and no respectable person had ever been interested in them, with the exception of doctors and police whose job it was to stamp them out.²²⁹

It should be clear that historical sociology here serves as a mere tool to highlight what is missing from drug analysis and how history is used in the drug debate. The aim is not to conduct a faithful historical sociological analysis of drug history, nor to defend historical sociology as a concept, but to take into account the preliminary step towards what historical sociology has pointed out as the failings of IR (also in IR as we saw in the previous chapter). Hobson noted that, “the study of history is crucial not simply for itself (as many historians often assume), but as a means of problematizing and critically exploring the origins of modern domestic

229 Mike Jay (2000) 9.

and international institutions and practices.”²³⁰ The vignettes presented problematize current views of drugs by revealing a rich and dynamic drug history that extends beyond chronofetishism and tempocentrism. The limited, yet vital, scope of this chapter is to demonstrate that there is not an informed debate on drugs which can engage history. To that end only a few instances of history serve to reveal exactly how much is missing from the current drug debate and the addition of several more instances would only belabor the point. Any one of the historical flashes presented below could be mined deeper with a more rigorous eye on methodologies put forth by historical sociology. While this would be useful in adding depth to the drug debate, for now, this degree of depth remains both outside of the scope of this work and premature as a research step for the study of drugs.²³¹

The main time frame of history used is the late 19th–20th century with a focus on the US and UK. This is because there is a general, even if unsaid agreement amongst historians that this period of history is the most relevant to the current manifestation of the drug issue. Their rationale appears to be one of simple access to information and documentation. There is little known about medieval or the prehistoric role of drugs aside some from piecemeal information on drug use in various societies sprinkled throughout the globe. The US and UK are taken into consideration because they are seen as the main countries of influence (both in IR and ir) on the drug issue in addition to having a broad range of research, from historical to medical to legal, available on the topic. The following sketches hint at the emergence of the legalization and criminalization debate and show that what is licit and what is illicit is not as obvious as it might first seem. To assist in following some of the various acts and legislations involved as well as to provide a context for some of the legislative activity discussed in the following sections, a timeline is provided in *Appendix D*.

An Early History of Opium

What is opium?

230 John M Hobson (1998) 286.

231 See conclusion for recommendations on future courses of research

Opium falls under a category of drugs called Opiates or Opioids which are more commonly called narcotics. Their general effect is to deaden pain and relax the user. The key element in opium is morphine. Frederich Wilhelm Adam Sertürner in 1803 first isolated morphine as the main alkaloid in opium. Sertürner also paved the way for a new field of alkaloidal chemistry. It was he who named the chemical Morpheus after the Greek god of dreams. The opium poppy also contains other alkaloids: codeine and papaverine as well as thebaine and oxycodone which are semi-synthetic derivatives of the opium poppy. This category includes opium, heroin and several cousins such as meperidine (used to make the popular prescription drug Demerol) which are synthetic.

Opium is still gathered today as it was long ago by making incisions in the bulb of the poppy plant and allowing the sap to seep out overnight. The sap is scraped off and the process is repeated until the bulbs are empty. This sap is called raw opium. It is the first stage in many for preparing opium for smoking, eating or injecting.²³² Subsequent stages produce white or brown heroin powder, depending on the type of poppy, which is then cut with other substances to increase profits and sold on the illicit market.

There is an old story which tells of the first discovery of opium. It was said that shepherders in an unnamed region noticed that their sheep came back from grazing in certain fields in an unusual state, somewhat disoriented and euphoric. Further investigation showed that the sheep were grazing on certain plants that were shown to be the catalyst for their changed state, that plant was the opium poppy. Stories like this are abundant and the opium mystique spans far beyond our contemporary understanding. Even before the first written documents on remedies, people used flowers, herbs and animal parts to cure ailments. In the burial sites of early man, about 58,000 BC, archaeologists found scatterings of flowers, pollen and seeds which were used to aid the dead person in their journey into the next world.²³³ The use of plant medicine did not die out with early man however. In fact, as mankind developed, they continued to use plants for healing. Such medicines are sometimes a part of religious healings, mixed with

232 For a detailed description of processing opium to morphine and then to heroin No.1, No. 2 and No. 3 see Drug Enforcement Administration (2001).

233 Barbara Griggs (1981) 5-7.

superstition and ritual while other times they are a part of systematic approach to medicine not unlike western medicine today.

Places and Uses

Though traces of the opium poppy have been discovered in Neolithic archaeological finds, current research on the early movement of the opium poppy begins with Sumer.²³⁴

[The opium poppy] was originally cultivated in 3400 B.C. in lower Mesopotamia...Sumerians would soon pass along the plant and its euphoric opium effects and medicinal effects to the Assyrians. The art of poppy-culling would continue from the Assyrians to the Babylonians who in turn would pass their knowledge onto the Egyptians. In 1300 B.C., the capital city of Thebes in Egypt, began cultivation of the opium poppy in their famous poppy fields. The opium trade flourished during the reign of Thutmose IV, Akhenaton and King Tutankhamen. The trade route included the Phoenicians and Minoans who move the profitable item across the Mediterranean Sea into Greece, Carthage, and Europe.²³⁵

The combination of social attitudes, rituals, belief systems and accidents comprise the use of opium throughout history which can be placed in a few simplified categories: health, spiritual, economy (business and trade), politics, crime and law, literature and art. The Greeks depicted Morpheus and Hypnos with opium poppies as a part of their spiritual beliefs. Hippocrates used opium for sedation around 400 BC and the Arabs used opium in 300 BC as a tranquillizer. In China it was used to cure dysentery in 600 AD. Opium is also alluded to in Homer's *Odyssey*:

Then Jove's daughter Helen bethought her of another matter. She drugged the wine with an herb that banishes all care, sorrow, and ill humour. Whoever drinks wine thus drugged cannot shed a single tear all the rest of the day, not even though his father and mother both of them drop down dead, or he sees a brother or a son hewn in pieces before his very eyes.²³⁶

234 Martin Booth (1998) 15-19.

235 PBS Frontline (1998).

236 Homer

It should be noted that many other practices, traditions and products were also traded during this time. Thus emphasis on the poppy during its movement across the ancient world should not be overstated for three reasons. First is the general tendency to mystify any data related to drugs, that this data somehow represents a deeper meaning or a higher value than what we are able to comprehend. Second is that the data is unreliable. For example, the data quoted above reappears throughout several contemporary works yet with different dates.²³⁷ Third, as cultures interacted there was a quite natural exchange that occurred on all levels from the tangible to the intangible: ideas, beliefs, habits, systems, weapons and foods just to name a few. The opium poppy was then but one element of this exchange. Additionally, ancient history has a grounding effect which diffuses alarmist tendencies associated with drug use. If the Sumerians used opium and still were able to produce the Epic of Gilgamesh, then certainly the use of ecstasy in London it is unlikely to produce an epidemic which will destroy the social fabric as alarmist propensities in the press would portray. Of course this is not to say that all societies which have open drug use produce artistic masterpieces, only that there is a tendency to go to extremes when discussing drugs and one of those extremes is that if there is drug use present then it must be devastating not only individuals but also the societies which surround them. The example of the long history of art and drugs shows that this is not always true.

A Recent History of Criminalization

The dominant narrative of today is that there were amongst the Christian missionaries of America and Britain many who protested what they saw as the corruption of the Chinese population at the hands of opium imported from India. This outcry had resonance with groups in Britain, though the Americans are always given more credit for the international drug policy regime. The fact that this regime stems at its core from religious morals is the primary point of contention for the legalization proponents in the current debate even if this is a rather simplistic view of events.

²³⁷ Virginia Berridge (2000), Martin Booth (1998) and Richard Davenport-Hines (2004).

The anti-opium movement eventually includes a host of individuals and entities from traveling show masters to pharmaceuticals companies, ultimately encompassing national level politics and finally converging on the international stage. There were complementary currents to criminalize opium in Europe and in the East and they too found resonance with proposals at the international level. However no other nations were able to effect change at the magnitude of primarily the Americans and the British. For this reason the discussions below will remain confined to the US and UK. The aim is to expand on this point by focusing on the criminalization of opium, however this history is never far from other substances such as alcohol; invariably these others must also be discussed.

Up to the year 1868 opium was treated as legal product and was not subject to any restrictions after importation in Britain. In America the import, sale and manufacture of opium was legal as well.²³⁸ That is to say more accurately in both nations opium was *not illegal*. This marks an important moment in the drug debate because it is after 1868 that we can see a kind of system of actors begins to form around the opium issue. As we shall see there was a time where opium was neither legal nor illegal. In this period there were a host of actors who became interested and invested in opium. During this period the debate on opium is exploratory and consists of questions regarding its uses and applications. There is also a small debate which comes from the temperance movements who had not yet fully established a moral narrative against opium.

After 1868 attempts to increasingly regulate and outlaw opium needed to consistently address the interests that allowed opium to flourish in the pre-1868 environment. Such laws and regulations had to then address both the positive outcomes of opium such as increased business profits, and negative outcomes such as opium dependence. Filtered through the limits of policy making and legislation, the debate which emerges from the trend towards criminalization hides the complexity of the pre-1868 opium dynamics. That is to say criminalizing opium through policy insufficiently addresses the competing actors' interests and ultimately renders a simplistic view of the problem as seen in the binary debate.

238 The 1868 Pharmacy Act was a step in a longer process of changes within the medical community which will be discussed later.

Opium and Other Substances in the 1800s

The 1800s can be called the age of drug discovery before the efforts of prohibition took root in the 1900s.²³⁹ More precisely the 1800s mark a cycle of rediscovery because as we saw before drugs have been known to mankind for some time. Opium was prepared originally according to the creative desires of the drug manufacturers and clever entrepreneurs. The list of concoctions is numerous. Ayer's Cherry Pectoral, Mrs. Winslow's Soothing Syrup, Godfrey's Cordial, and Dover's Powder were just a few popular names. Such medicines were usually patented and varied in opium content. They were marketed for infants and children to relieve teething pain as well as to adults to cure Cholera, dysentery, relieve fatigue and to treat female hysteria.

Opium, or morphine to be more concise, was also seen as an acceptable alternative to substitute for alcohol addiction.²⁴⁰ Alcohol itself had once been seen as a cure for ailments but had slowly moved to the role of social hazard. This shift was a similar course to the one opium was about to embark on, though alcohol's story would not truly end until the repeal of prohibition in America.

The scientific and social exploration of substances was not limited to opium, cocaine and alcohol. At the beginning of the 19th century, Humphrey Davy, an English chemist, discovered the effects of nitrous oxide on the human body. He was so struck by the results, via self experimentation, that he became certain this substance had a endless possibilities to serve mankind, including opening the door to higher states of consciousness. He joined with Dr. Thomas Beddoes as an assistant in Beddoes' Pneumatic Institution near Bristol. After publishing his results Davy became appointed as the first lecturer in chemistry at the Royal Institution of London.²⁴¹

At the Pneumatic Institution Davy and his newly discovered gas came into contact with Samuel Coleridge who was a patient of Dr. Beddoes. When Coleridge heard

239 Mike Jay (2000) 11.

240 JR Black (1889).

241 Chemistry Heritage Foundation (2005).

one of Davy's lectures he made the connection of the use of gasses and the possibility of obtaining a transcendent, ideal, unified state of being, themes often present in Coleridge's work.²⁴² The Institution was already an odd mix of scientific center and literary circle. With the news of Davy's wonder gas, it eventually becomes a gathering point where society's top personages would come to partake in doses of pure nitrous oxide. Eventually the Bristol Circle, as it was known, comprised in part by William Wordsworth, Robert Southey and Dr. Roget of the now famous Roget's Thesaurus.²⁴³ Naturally the experiences of nitrous, having come in contact with artistic circles began to gain expression, in artistic works such as those of Coleridge.

The story is repeated again and again with the re-discovery of every new drug. For cocaine it was the creation of a cocaine laced wine by a pharmacist, Angelo Mariani. Known as Vin Mariani, this wine was the toast of the top circles in England and Europe. Mariani collected the testimonials of his best clients and published them as publicity for his wine. The list included Pope Leo XIII, Pope Pius X, Thomas Edison, Sarah Bernhardt and Queen Victoria of England to name a few.²⁴⁴ Cocaine's greatest proponent came though in Sigmund Freud and his famous work *Uber Coca*.

Similarly opium found itself in artistic expressions of Oscar Wilde (*Picture of Dorian Gray*), Roger Gilbert-Lecomte (*Reve Opiace*), Colette (*Le Pur et L'impur*), Jean Cocteau (*Opium: Diary of a Cure*), Magre (*Les Soirs d'Opium*).²⁴⁵ In 1845 a type of Bristol Circle was established in the form of the elite Parisian Club of Haschichins, founded to experiment with the uses of opium and hashish.²⁴⁶ Its guest list included Balzac, Baudelaire and Karr. Additionally, Oliver Cromwell, Charles II, Clive of India and Gladstone were opium users in its various forms of smoking, eating or laudanum in syrups.²⁴⁷ Of course there was also perhaps the most famous (if fictional) opium user of the late 19th and early

242 James Engell and W Jackson Bate (1983). Coleridge's exploration of the idea of the unity of a poem can be found in Chapters 12 and 13 of Engell and Bate.

243 Mike Jay (2000) 29.

244 Ibid 168 and April Rottman (1997).

245 Barbara Hodgson (1999) 83-99.

246 Ibid 86.

247 Mike Jay (2000) 51-87.

20th centuries: Sherlock Holmes. From the sciences, the most renowned opium user (heroin to be exact) was William Halsted, the father of modern surgery and one of the founders of Johns Hopkins University.

It should go without mention that the scientific and literary strides of the 1800s, as well as the century that was to follow, rested on minds who at one time or another were preoccupied with alcohol, cocaine, opium or any other substance that could be obtained. This is the lost point in the criminalization debate and the one used most often by legalization proponents today to counter notions that drug addicts are a drain to society because they are unproductive and cannot contribute to neither their own well-being nor to the user communities.

Moving Towards Regulation

As addicts began to turn up on both sides of the Atlantic, concern grew about the effects of opium, and as always the optimistic frenzy of the miracle plant, which had led to popular use of opium, began to turn the tide. The public then, as with the public now, being susceptible to sensationalism, were captured by a few stories in the American press which described the “yellow peril” where white women were lured into Chinese opium dens and were later to be found laying half dressed and listless.²⁴⁸ The basis for this image is questionable as the same theme repeats itself with cocaine and marijuana: cocaine crazed Negroes become superhuman, resisting bullets and would then rape white women, Mexicans smoke marijuana and begin to wield machetes after which they would rape white women.²⁴⁹ Cleveland Moffett reported in *Hampton's* that “the slayer of little Mary Smith in Asbury Park, New Jersey, confessed himself the victim of a cocaine habit, and no less than the assistant chief of the Chicago Police Department told

248 This theme still repeats itself today, most recently in the film *Traffic*. See Padideh Tosti, ‘After the Hype: Drug Policy and the Film “Traffic”’. The term itself is said to have come from the German Kaiser Wilhelm and was used to describe the immigration of Chinese and Japanese to the “West” and not from Chinese opium dens.

249 *The Medical Record* (1914). There is a substantial amount of literature which addresses two factors from the above statement. First that drug regulation was largely a class and race issue and that as long as it was respectable whites enjoying drugs, the situation was harmless. However lesser men could not be trusted. Second that at least in America, this view was largely promoted by the media tycoon William Randolph Hearst who would use the drug and race issue to promote his own interests. Also see Drug Policy Alliance, ‘History of Prohibition’.

me of an unsolved murder case where suspicion was pointed to cocaine.”²⁵⁰ These types of reports increased the fears of cocaine in the hands of the poor and minorities which could result in unforeseeable levels of violence. In such reports the sense of impending disaster was perhaps deliberate or perhaps not, yet it still fuelled a nervousness which could only be answered by a quick and tough strategy: law enforcement.

In between opium, cocaine and marijuana, alcohol was not forgotten. In 1902 the US Senate passed the Protection of Native Races against Intoxicants Act which prohibited the sale of alcohol “to aboriginal tribes and uncivilized races.”²⁵¹ The law meant that Indians were deprived of access to alcohol and thus were not able to sell it. Additionally, the Indian’s use of the peyote plant for religious ceremony was likened to allowing blacks to use cocaine in church. Dr. Thomas Blair published an article in the Journal of the American Medical Association (JAMA) which he dismissed peyote use as superstition. Dr. Blair brings to light two issues with regards to peyote’s suppression. One is the commercial interest of the peyote traffic and the second is the invasion of religious freedom.²⁵² He concludes these two elements make peyote’s suppression difficult. In this sense Blair may have been the first to recognize the problems of anti-drug policies.

In 1875 San Francisco enacted the first law against opium by regulating Chinese opium dens. This new law had race and class implications.²⁵³ In Britain a similar trend was underway, though the classicist overtones dominated. Purportedly, there was a general attitude of the upper classes towards the working classes on many aspects of behavior which the upper classes would attempt to alter. In the case of opium it became linked to the practice of infant rearing. Children were often given one of the many types of syrups available to keep them docile while the mothers worked.²⁵⁴ Several organizations and women’s groups were established to deal with this perceived crisis and the end result was the passage of laws to control

250 Hampton’s (1911)

251 United States Senate (1902).

252 Thomas S Blair (1921) 1034.

253 Michael Thonry (1995), Randall Kennedy (1998), Barry Stimmel (1984).

254 The practice of doping children is not unusual amongst workers and peasants who need to work and are not able to look after children. This is as prevalent today as it was in the 1800s. Rifatullah Orakzai (2003).

opium consumption, that is the 1868 Pharmacy Act which was the first time opium had been regulated in Britain.

Pharmaceuticals, Pharmacists and Medical Associations

Of all the actors in opium's history who helped shape the drug issue, perhaps the health industry was the most powerful. In many ways the drug issue was connected with fundamental questions about individual health and by extension the health of societies. Implied in this were also the ever present pursuits for higher levels of human potential. Therefore the health establishment became the starting point for such questions and concerns (preceded sometimes by the Church).

In Britain the Pharmaceutical Society was established in 1841 by Jacob Bell. During the 1700s druggists and chemists had emerged as a result of the economic changes of that century which gave rise to the beginnings of modern urbanization characterized by brick and mortar shops rather than open air marketplaces.²⁵⁵ Chemists and druggists occupied a position in society where they provided the basic services of modern day doctors, dentists and pharmacists. They dispensed drugs, treated ailments and sold medical supplies. In this sense there was no tradition of a clearly defined health industry either in Britain or in nascent America. The role of pharmacists changed dramatically by the mid-1800s. America however progressed rapidly and a tradition of drugstores was well established by the 1850s. In Britain, Bell's Pharmaceutical Society was granted greater powers through the 1852 Pharmacy Act bringing into reality Bell's vision of creating a proper professional space for chemists based on rigorous education standards and recognized systems of professional registration.

It is here that the first signs of drug control regulation begin to truly manifest. In 1857 the UK government produced the "Report from the Select Committee of the House of Lords on the Sale of Poisons, Bill" which called for the restriction and sale of poisons.²⁵⁶ On one level this was an interference in the original spirit of the

255 SWF Holloway (2002).

256 Report from the Select Committee of the House of Lords on the Sale of Poisons, andc Bill (H.L), 1857 Session 2, HMSO1857.

Pharmaceutical Society that had in part been designed to secure the trade's profit side (Bell was himself a the owner of a large pharmaceutical business). The Sale of Poisons bill had a dual potential: on the one hand it could take away the self determination of chemists through licensing procedures or on the other hand, if constructed well it, could restrict the sale of poisons exclusively to chemist shops.

In a story that would repeat itself in America, the Pharmaceutical Society was not alone on the scene. The General Medical Council (GMC) was established in 1858 under the Medical Act and attempted to unify doctors, like the chemists, under one professional organization. It also proposed to maintain a medical register. Both doctors and pharmacists were engaged in efforts to separate themselves from the charlatans, the less educated and trained tradesmen, and the sideshow peddlers, while assigning to themselves ever larger roles. The conflict between the two groups was inevitable as their functions in many ways overlapped. Not only did the GMC also try to garner the sale of poisons to its own benefit, in 1863 it also proposed that pharmacy was a work best kept under the umbrella of the medical trade rather than a separate entity. There was yet another contender, the United Society of Chemists (USC) which represented all those barred from the Pharmaceutical Society.²⁵⁷ The USC was hard competition as it set itself up as a non elitist institution and did not make the rigorous educational and training demands that the Pharmaceutical Society required.

In 1852 the American Pharmaceutical Association was founded. Its charter stated its goal "To as much as possible restrict the dispensing and sale of medicines to regularly educated druggists and apothecaries."²⁵⁸ The American Medical Association was founded only a few years earlier in 1847 with the ostensibly less aggressive role to "promote the science and art of medicine and the betterment of public health."²⁵⁹ As in Britain a conflict ensued. However what remained uncontested was that drugs and dependence were properly to be addressed by health professionals. When in 1859 Charles Darwin's theory of evolution bolstered fears about the use of poisons (they were seen to possibly aid the

257 Virginia Berridge (2000) 115.

258 David F Musto (1999) 258.

259 Encyclopedia Britannica, 'American Medical Association'.

devolution rather than evolution of humanity) it only reaffirmed the position of the health industry within the shaping of the drug debate. The only question that remained was who, the doctors or the chemists would take center stage.

It should also not be forgotten that the holders of patents for many of the poisons under question were the companies such as Bayer, Merck and Parke-Davis. Merck lead the manufacturing of morphine and also increased its cocaine production along with Parke-Davis once the true value of cocaine was finally brought to light by Carl Koller, a colleague of Sigmund Freud. Koller discovered on a hunch that the application of cocaine to the eyes would numb the areas without having to put the patient to sleep, thereby resolving a long-standing problem of local anesthesia in surgery.

With in a year of cocaine's introduction, the Parke-Davis Company provided coca and cocaine...including coca cigarettes, cocaine for injection and cocaine for sniffing. Parke-Davis and at least one other company also offered consumers a handy cocaine kit. (The Parke-Davis kit contained a hypodermic syringe.) The firm proudly supplied a drug that, it announced, "can supply the place of food, make the coward brave, the silent eloquent and... render the sufferer insensitive to pain."²⁶⁰

As Tables 1 and 2 below show, Merck's cocaine imports from Peru increased significantly in a short period of time. Thus it is easy to understand why the proposals of the anti-drug proponents went directly to the core of international business activities. "Control advocates and opponents forged an uneasy compromise between competing aims: the desire to minimize drug abuse, the need to maximize medicinal assets, [and] the necessity of avoiding injury to commerce."²⁶¹

Similarly, in 1895 Heinrich Dreser discovered that if morphine was diluted with a type of acid it would yield a modified substance that did not seem to possess the undesired effects of morphine. Dreser was an employee at Bayer and soon the company began to manufacture and sell its new product, heroin. Bayer promoted

260 David F Musto (1991).

261 William B. McAllister (2000) 4.

heroin as non-addictive hoping to replace habit forming morphine with its better cousin.

<i>Year</i>	<i>Merck production</i>	<i>Peruvian coca</i>	<i>Peruvian crude cocaine</i>
1879-80	0.05	25	
1880-1	0.05	25	
1881-2	0.09	58	
1882-3	0.50	158	
1883-4	1.41	655	
1884-5	30	8,655	
1885-6	70	18,396	
1886-7	257	3,629	389
1887-8	300		375
1888-9	303		350
1889-90	511		595
1890-1	557		585
1891-2	436		434
1892-3	505		558
1893-4	626		656
1894-5	645		683
1895-6	791		1,801
1896-7	831		870
1897-8	1,509		1,819
1898-9	1,553		1,832
1899-1900	1,564		1,695

Source: 1908/1919 Manuscripts of Carl Scriba, Alkaloid Division, E. Merck, reprinted in Albrecht Hirschmüller, "E. Merck und das Kokain," *Genuss* 52 (1995), 119-20.

Note: Explanations for quantity variation in Merck's cocaine production figures relative to imports include uneven quality in coca and crude cocaine imports, and potential lag effects (e.g. not all imports being processed in a given year).

<i>Year</i>	<i>Merck production</i>	<i>Peruvian crude</i>	<i>Java coca</i>	<i>Java crude</i>
1900-1	1,418	1,991		
1901-2	1,886	2,116		
1902-3	2,454	2,745		
1903-4	2,157	2,921		
1904-5	2,426	2,885		
1905-6	2,146	2,487	58,967	919
1907	1,881	955	94,018	1,947
1908	3,642	1,634	220,429	3,721
1909	4,183	1,239	238,066	3,972
1910	5,241	5,151	186,127	3,183
1911	4,681	2,072	261,254	4,080
1912	6,049	1,384	422,776	6,552
1913	8,583	1,226	724,189	10,683
1914	6,212	791	487,245	7,205
1915	265		203,972	2,966
1916	44		68,380	829
1917	1,246			
1918	1,738		6,744	72

Source: 1919 Manuscript of Carl Scriba, Alkaloid Division, E. Merck, reprinted in Albrecht Hirschmüller, "E. Merck und das Kokain," *Genuss* 52 (1995), 120-1.

Tables 1 & 2 Merck Opium Production 1879-1918
Source: H Richard Friman in Paul Gootenberg (1999)

The International Component of Drugs

It might seem that the connection between the social, national and international component of the opium is neither direct nor clear. However, a brief illustration shows how direct lines from small town America reached the highest quarters of international organizations.

Charles Brent was a drug reformer in the United States during the early 1900s. As an Episcopalian Bishop he had long spoken out against the social costs of opium use within the Christian context, i.e., its corruption of the individual. Brent had been the Episcopalian Bishop of the Philippines, and along with the Philippines, America had won an opium problem. Opium smoking was common practice in the Philippines and many US servicemen picked up the habit. This is sometimes seen as the entry of opium smoking into western America because the servicemen returned home to San Francisco and brought opium with them. Brent had seen opium's effects first hand and his efforts at drug reform were not to be in vain. Brent, partnered with Dr. Hamilton Wright who was a self proclaimed expert in tropical diseases and took up the anti-opium cause, getting himself appointed as a US State Department Official. Brent had worked independently prior to getting his proposals in front of would-be president and close friend William Howard Taft. Taft had looked over Brent's proposal for opium reform and in 1903 set up the "Opium Commission to visit countries where opium is used and ascertain the methods of regulation and control."²⁶² Brent was on the commission. It was Brent and Wright who ultimately made the proposal to establish the first international conference on opium regulation which would become the groundbreaking Shanghai Opium Commission of 1909.²⁶³ Brent ultimately took the Commission's presidency while Wright became the non appointed director. The Commission aided by the now President Taft's support, also outlined in its proposals how opium was indeed a trade issue and could be maneuvered to open China's markets exclusively for America.²⁶⁴ This brought the drug issue close to the discussions on trade tariffs and foreign market access for US interests.

After the Commission's meeting, both men continued in their work domestically and internationally. Wright also focused on other drugs including cocaine and worked to pass domestic legislation as well. Once, Wright, while addressing the US Congress stated, "one of the most unfortunate phases of smoking opium in this country is the large number of women who have become involved and were living

262 'Opium Commission Named'

263 Arnold Foster (1909).

264 William B McAllister (2000) 30-31.

as common law wives or cohabitating with Chinese in the Chinatowns of our various cities.”²⁶⁵ Therefore comments such as those by Cleveland Moffett discussed earlier were in fact being used as evidentiary support for promoting the regulation by criminalization of opium. The point to consider here is not merely that such comments were sensationalist and had strong roots in class and racism. The latter point goes almost without saying. In the post-Enlightenment era, the continued view of the supremacy of Christianity, the Industrial revolution and in dozens of smaller ideas such as Eugenics, it is hardly possible that the beginnings and continuation of the criminalization trend (and by the way the legalization trend) could be at their core anything but racist or elitist. The point is that even if the race and class objections were removed from current policies, then would the policies themselves be more effective? The race and class “card” is often used in the legalization debate to indicate that these policies ought simply not to be race and class biased. The implication then is that somehow with these elements removed the policy would work.

A History of Legalization

The history of legalization does not really gain full force until the early 1970’s. The debate on drugs from this perspective dwindles after the conferences which followed the 1920 implementation of the 1912 Hague Convention. These conferences dealt with the details of how exactly the Hague convention would practically manifest in each of the signatory nations. Arguments from delegates continued much as before. India had argued for over a decade that the eating of opium (as opposed to smoking) was not a harmful practice. As far back as 1893 a Royal Commission (UK) report had found that opium eating in moderate amounts was not harmful. The report had been assembled in an effort to assess the harm, if any, of opium production and consumption, and to make recommendations based on the findings. The report, which was two years in the making, concluded that opium use was not epidemic and that anyway it had little harmful effects.²⁶⁶ Since the report primarily concerned itself with India, it was not odd that its findings were so diverse from the accounts pouring in from China on addiction. Opium in

²⁶⁵ William L White (1979).

²⁶⁶ EN Baker (1896).

India was eaten and not smoked. In this way the British opium trade remained legal until 1905 when a new Liberal Parliament gained the political power to change course.

On the medical side, in 1926 the Rolleston Report detailed the case for prescribing drugs as a part of treating addicts with the idea that the ultimate goal was to remove the dependence altogether.

It recommended that two groups receive treatment with morphine or heroin, namely: Those who are undergoing treatment for the cure of addiction by the gradual withdrawal method, and Persons for whom, after every effort has been made for the cure of the addiction, the drug cannot be withdrawn either because: complete withdrawal produces such serious symptoms which cannot be satisfactorily treated under the normal conditions of private practice; or the patient, while capable of leading a normal life so long as he takes a certain non-progressive quantity, usually small, of the drug of addiction, ceases to be able to do so when the regular allowance is withdrawn. This pragmatic approach in which the care of opiate users was entrusted to doctors continued without serious review until the late 1950s.²⁶⁷

The goals of the Rolleston report have often been questioned. This report was the first to classify addiction as a disease and it maintained that, as disease, only doctors should be allowed to prescribe the drugs needed for treatment. This ensured that the prescribing of medicine stayed in the hands of doctors. The legalization debate draws from the Rolleston Report to show that drugs are a medical and not a criminal concern.²⁶⁸ Likewise the report is used to show how drug policy is not about drugs at all but about interest group.

The Interim Years

The question is what happened to drugs in the years between the Rolleston Report and the next marker in drug policy history, President Nixon. There was in the 1920s very little in the way of opposing voices as there had been little opposition

²⁶⁷ 'The History of Methadone And Methadone Prescribing'

²⁶⁸ See for example Steven Wisotsky (1992).

in the way of domestic legislation. This point is related to the fact that opium was not legal or illegal, but simply had no status vis-à-vis the law. The opposition could not have come in any form other than to attempt to take the issue off of the legal agenda altogether. Thus the question became not how to oppose criminalization, but how to work within the trend of criminalization while maintaining the advantages brought to those vested in opium's *non-legal* status. As we have seen, the vested actors were several: the emergent merchant classes, private businesses, doctors and pharmaceuticals.

It was not until President Richard Nixon declared his War on Drugs campaign in the early 1970s that the movement of legalization proper began. Nixon's plan was obvious given the indulgence of the hippie movement in the 1960s and the shock it had produced on the near puritanical America of the 1950s i.e. the voters. Books on the question of drug laws and drug policy began to proliferate around 1970. Prior there had been few political analyses of drugs excepting some attempts by authors like Timothy Leary and his *Politics of Ecstasy* first published in 1968.²⁶⁹

Therefore in the intervening years between the outlawing of opium and the declaration of Nixon's war on drugs which really awoke the legalization movement. Of course between 1930 and 1960 America had much to keep it occupied, the effects of the Great Depression and WWII to name the most significant events. This is not to say that opium use and its accompanying debate had completely disappeared, but that political and public attention was taken up by more pressing matters. A brief survey of key reports between 1894 and 1980 (see Appendix B) shows that between 1930 and 1960 there is only one significant report issued on the drugs: The LaGuardia Committee Report.

The LaGuardia Committee Report dispelled almost every myth related to marijuana that had persisted since the days Hearst had published his reports of crazed Mexicans. Mayor LaGuardia of New York commissioned the report to find out if there was indeed a marijuana problem in the city. He sought an impartial group to conduct the study and ultimately decided upon the New York Academy

269 Timothy Leary (1998).

of Medicine. The report debunked the two main linkages used to make marijuana and other drugs including opium illegal. The first point relates to marijuana alone and is called the gateway theory which states that marijuana is a first drug on the path to others such as cocaine and opium. The second point maintained that smoking marijuana increased sexual desire to uncontrollable levels and third that marijuana smoking caused users to commit crimes. The study found no basis for any of these claims and concluded, quite astonishingly for 1944 America that:

The consensus among marihuana smokers is that the use of the drug creates a definite feeling of adequacy....The practice of smoking marihuana does not lead to addiction in the medical sense of the word...The sale and distribution of marihuana is not under the control of any single organized group...The use of marihuana does not lead to morphine or heroin or cocaine addiction and no effort is made to create a market for these narcotics by stimulating the practice of marihuana smoking.....Marihuana is not the determining factor in the commission of major crimes....Marihuana smoking is not widespread among school children...Juvenile delinquency is not associated with the practice of smoking marihuana...The publicity concerning the catastrophic effects of marihuana smoking in New York City is unfounded.²⁷⁰

The report was scandalous on several fronts. It challenged the notion of marijuana as a crisis in New York. Here we could refer to current alarmist tendencies regarding drug use as well as the previously mentioned point that drug use is often attached to a fear of a decline in the social fabric. The LaGuardia Report showed that there was no such threat. On the sub categories of this point it challenged the notion of marijuana as a gateway drug to harder substances, the notion of marijuana use in connection with crimes and marijuana use as an addiction.

The report was eventually denounced in the Journal of the American Medical Association (JAMA). In an article entitled "Marihuana Problems", the credibility of the report was questioned and it was concluded that it did not conclusively

²⁷⁰ New York Academy of Medicine (1944). This report is more commonly known as the LaGuardia Committee Report.

prove anything about marijuana's potential dangers.²⁷¹ Why this article was printed is subject to much controversy. One explanation is that Harry J. Anslinger, the first US drug czar, had persuaded JAMA to write the article in order to head off the possible effects of the LaGuardia Committee Report.

If the early inception of the drug debate had been characterized by doctors, businesses and governments, its post-1930s manifestation added another actor whose role was to become central in future of the drug questions: the bureaucrats. In 1930 the Federal Bureau of Narcotics (FBN) was established to counter the drug epidemic in America.²⁷² Since its inception there had been several accusations of its interference in research and activities related to the legalizing drugs or at least taking out the criminal component and moving towards treatment. One such case was *Lindesmith v. Anslinger*.

Alfred Lindesmith was an Indiana University sociology professor who was a long-time advocate of medical treatment of addiction. [sic] Federal Bureau of Narcotics (FBN) attempted to intimidate Lindesmith, stifle his research, and interfere with his publication of articles counter to FBN policies. In addition, [sic] the American banning of the 1946 Canadian film on drug addiction, *Drug Addict*, may have been a pivotal event in a pattern of censorship and disinformation carried on by the Federal Bureau of Narcotics (FBN) under the leadership of its long-time Director, Harry Anslinger.²⁷³

One reason posited for the lack of research and ideas towards legalization during the interim years is precisely that such research was suppressed.

In 1972 the most important report for the legalization debate was published. This report is still heavily cited today. *The Consumers Union Report: Licit and Illicit Drugs* (CURE Report) outlined in detail the history of licit and illicit drugs,

271 'The Marihuana Problems' (1945).

272 In 1973 President Nixon consolidated Bureau of Internal Revenue, Bureau of Prohibition, Bureau of Narcotics, and the Bureau of Narcotics and Dangerous Drugs in order to create a single body to address the growing drug problem (as it was perceived) in America. This availability was linked to a lack of intelligence and coordination in efforts on behalf of the bureaus. The new entity was called the US Drug Enforcement Agency (DEA).

273 John F Galliher, David P Keys and Michael Elsner (1998).

encompassing opiates, nicotine, caffeine, alcohol, inhalants and LSD.²⁷⁴ After hundreds of pages of exhaustive research the report's recommendations conclude with understanding

[w]hat should have been obvious since 1914—that heroin is a drug most users go right on using despite the threat of imprisonment, despite actual imprisonment for years, despite repeated ‘cures’ and long-term residence in rehabilitation centers, and despite the risks of disease and even death. Heroin is a drug for which addicts will prostitute themselves. It is also a drug to which most addicts return despite a sincere desire to ‘stay clean,’ a firm resolve to stay clean, an overwhelming effort to stay clean—and even a success (sometimes enforced by confinement) in staying clean for weeks, months, or years. This is what is meant by the statement that heroin is an addicting drug.²⁷⁵

The CURE Report opened a debate that had been nearly dormant for over 40 years. CURE addressed several components of the criminalization debate including the notion that neither law enforcement nor treatment programs will curb the next generation's likelihood of using heroin. Though legalization proponents use the CURE Report often as a basis for their arguments they do often omit its stance on treatment programs which are still viewed as a key answer to the shortcomings of criminalization processes.²⁷⁶

Conclusion

Summary Points on the Binary Debate

Drawing out a summary of the criminalization argument, it begins with the general assertion that drugs are bad for an individual's physical, moral and mental health. In this we can see the beginnings of the criminalization movement as

274 Edward M Brecher and the Editors of Consumer Reports Magazine (1972).

275 Edward M Brecher (1972) Chapter 69.

276 For both sides of the debate, international development and general changes in what the role of law is also impacted processes. Here we could look at the establishment of the League of Nations and the 1945 establishment of the International Court of Justice for examples of such changes. At minimum these provided the structural capability to control the drug trade on an international level. In addition, these changes allowed for the movement of ideas about the drug issue between states. For the purposes of this research the role of international law in the drug issue however does not play a determinant role in assessing the drug issue in IR. See also Antonio Cassese (2004) 5-21.

described in the 1800s. The cocaine Negroes and crazed Mexicans stories imply that drugs are bad for the physical, moral and mental health of all other individuals and societies that the drug user has contact with. In short, users are a threat to themselves and others. The result is increased crime including rapes, assaults and robberies. The argument continues by positing that there is an inherent harm to innocent people, such crimes inevitably have a bottom-up, negative effect leading to the corruption of neighborhoods, societies, governments and eventually nations. In this side of the debate there is only drug use or nonuse, and all those who use drugs are by definition a liability.

To counter legalization attempts the criminalization side posits that legalization would not stop the black market, as there would always be a market for underage consumption, "but what about the children?" could be the common motto for this argument. Thus, the only recourse against drugs is firm laws and the will to back them up with firm actions. Users and traffickers alike are deterred by anti-drug laws and therefore laws decrease use, decrease addiction, decrease crime, decrease profits to drug lords and so forth.

The legalization argument begins with drug use and the individual. The legalization of drugs would permit safe access to drugs without the false stigma created through criminalization. The stigma is false because criminalization portrays users as useless and corrupt much like the early caricatures of women lazing about in opium dens. Furthermore, legalization offers cases like William Halsted to show that it is possible to be a productive and functional drug user. Thus legalization posits that drugs could be controlled through proper quality control methods and instances of HIV would be reduced through clean needle access. Here legalization makes a distinction between what are called recreational users and those who have an addiction problem. With legal barriers removed, those individuals who have passed from drug use to misuse would have the opportunity to seek assistance without fear of legal reprisal. That drug addiction is a medical and not criminal issue was one of the arguments of Lindesmith's work as stated before. There would then be an upward positive effect where individuals, societies, governments and countries could come together in an equitable environment. Since the drug laws do not work and prohibition creates violence

and crime, fair drug education and a focus on the root causes of misuse such as poverty rather than control will resolve the drug issue. The last point echoing the astute 1902 observation made by Dr. Blair that depriving Indians of peyote via legislation simply would not work due to social and economic reasons. Additionally, governments will receive the profits of drug sales instead of traffickers and the system as a whole will be more financially efficient (also see Appendix C for an overview of legalization and criminalization perspectives).²⁷⁷

This point is subject to misinterpretation therefore clarification is necessary to avoid a misreading of subsequent arguments. If the curse of the drug debate is binary thinking (legalize or criminalize), then the curse of the historical perspective on the drug debate is the same. When confronted with basic data such as anti-drug policies were at odds with international business, the split immediately begins to form: either business is wrong because business is greedy and has no social responsibility or anti-drug efforts are forwarded by religious fanatics who wished to destroy civil rights. A third view is needed to take into account both sides as a part of a larger whole to be examined not linearly, but multi-dimensionally. This has a precise meaning. As mentioned, usually history is seen as another element to be placed either on one side or the other of the debate. Legalization uses history to highlight the arbitrary nature of drug policies, stating that laws came into being as a result of interest group competition, especially doctors and pharmaceutical companies in an environment of extreme racism and classism. On the other side, criminalization uses history to express the devastation caused by unregulated drug use especially in terms of moral decay as seen in China.²⁷⁸ However both uses of history are one dimensional. As discussed in

277 Incidentally, both arguments assume an unstated point: that there is a “natural” human state and that this state gives rise to a series of rights. Most of those making modern day arguments do not engage in profound philosophical analysis and do not present themselves as such. Thus the arguments which follow are based on a thin conception of the natural rights of the individual. This process tends to make either side of the drug debate take on a characteristic of objectivity—that is that each side is battling to regain a perceived natural state of man whom the other sides’ policies and corrupt ideas have taken society away from. History here then also serves to show that the core assumptions in the drug debate did not come from a mythical natural state which was then deviated from, but from a specific set of circumstances. Perhaps there is something to be said about man’s objective and natural state, however it has never made its way into serious policy making.

278 The degree of addiction in China is now being contested. RK Newman argues that in fact there was never any epidemic and that the epidemic argument has been perpetuated by the anti-imperialist movement which has hijacked history in order to provide evidence against the major

Chapter One, Mike Jay noted that “It’s one thing to cast a critical eye over the cultural and scientific context in which opiates were criminalized, and it’s another thing entirely to argue that history proves that these substances should simply be legalized...But we should remember, when we hear calls to return to traditional moralities and Victorian values, that those values included a regime of mass market, legally available opium.”²⁷⁹ Thus, a more inclusive and informed view shows that the emergence of the drug debate is substantial: comprised of many actors, ideas and circumstances and that the assertion that any one portion of history definitively supports a particular view is absurd.

Summary of History on Drugs, IR and ir

We have seen that drugs do in fact have a history and that this history, at best, has been generally used to support one side or another of the binary debate on drugs. In addition, we have seen that this superficial use of history is inadequate, and that history has to offer something much more meaningful in the analysis of our drug policies today. Rather than falling into the trappings of chronofetishism and tempocentrism, these brief sketches have shown that this history is about competing interests of different actors and very rarely about the drug traffickers or about the drug addicts. The focus on users and traffickers endures today because the present has been ‘sealed off’ from the past making it seem as if focusing on traffickers and users is a ‘natural’ and normal progression of human history—here the criminalization side would offer that more ‘evolved’ societies do not use drugs due to higher moral awareness and the legalization side offers that drug use is (ironically) a natural human activity with each side accusing the other as being the deviant or bearer of ‘unnatural’ ideas and behaviors—this is the immutability illusion discussed in Chapter One. Each side then falls into the trap of tempocentrism, promoting its own ‘isomorphic’ illusion of history.

The implications of this for IR and ir are significant. First, these brief sketches problematize the ‘drug user’ and ‘drug trafficker’ focus. In short they

powers today. Newman further indicates how dissenting voices are not allowed in the China epidemic debate and any evidence to the contrary of the anti-imperialist stance necessarily implicates one into the other camp. See RK Newman (1995).

²⁷⁹ Mike Jay (2000) 87.

problematize the actor in non-state actors. This is not to say that non-state actors or that drug users and traffickers are rendered irrelevant, but that to focus on traffickers means that one must have at least a minimal awareness of why the trafficker is a point of analysis in the first place. Here there could be discussions on the modern economic and political systems particularly if we examine the contingent nature of drug policies today informed by a history which can at least in part demonstrate that the debate to legalize and criminalize rose out of the move to regulate drugs. The regulation of drugs was motivated by a series of individuals who wanted to, for morality or for profit, maintain their interests while negotiating around policy barriers. Thus when it was stated previously that IR conceptions of the drug issue are one-dimensional, it was referring to exactly this point. The one dimensionality is beyond the quarrels of definitions of terms as noted in the case of Taki the taxi cab driver in the previous chapter (though even this level of engagement is already a step forward), but taking that problem of definitions and informing it by a long history.

Second we could examine then why drugs are illegal. Considering the role of the medical and the pharmaceuticals industries, a case could be made that drug policies today are more about the progression of science, and research into health and new medicines rather than a strict concern over addiction rates. Since this historical thread has been lost, it seems right then that it should have an intense focus on criminalization. A challenge to it would not be one of blame or cynicism as often shown by the legalization side, but one that has been informed by a history which declares that perhaps the problem of drugs is really a 'problem' of larger societies and systems.

Following from this is the third point: history shows what is seen as licit and what is seen as illicit is not as clear cut as previously imagined. By taking away the naturalization illusion of legality and illegality, history opens a nexus where the licit and illicit are seen as overlapping factors. This moves our attention away from simplistic binary debates about licit or illicit. This nexus shows that there is no separate illicit realm from the stand-point of a variety of social and economic factors as discussed above. Activities regarded as illegitimate are intertwined in

every legitimate activity.²⁸⁰ As such, illicit activities also influence and are influenced by social, political, cultural and economic spheres, both nationally and internationally. Furthermore, and as we shall see in the next chapter, this nexus is also embedded in society and one of the consequences of which is that countermeasures against illicit activities for example invariably interfere with the licit realm.²⁸¹ Cases of this include anti-money laundering policies that tend to affect legitimate businesses more than traffickers for the simple fact that legitimate businesses are risk averse where traffickers are not. In such a case countermeasures could have a more profound and immediate impact on the former and less on the latter.

280 See for example Padideh Tosti (2001/2002).

281 Ibid.

Chapter V. Terra Incognita: Contributions from the Study of Organized Crime

Introduction

The purpose of this chapter is to offer alternative lines of questioning to the themes discussed regarding drugs and IR by introducing a set of ideas and concepts from Criminology and organized crime. As we have seen thus far, there are no conceptualizations of drugs within IR or ir that allow us to escape one-dimensional characterizations or the pendulum-like debate between criminalize and legalize. Here we will discuss key ideas that developed from the early 20th century as an observation on the perceived increase in crime activity, particularly organized crime (OC), during American alcohol prohibition. It should also be noted that there are many facets to Criminology and the debate on OC that have been omitted for the reasons of scope, keeping in mind that the aim is not to present a faithful account of Criminology, but to bring in some lines of thought from Criminology as a way to open the door for further considerations on the use of such concepts from this discipline in IR.

Next is a discussion of various models of organized crime that have an impact on contemporary perceptions. Most notable of these is the alien conspiracy model where crime was attributed to an outside group or foreign element. This notion has done much to shape notions of illicit non-state actors as a threat—a notion that as we have seen permeates much of thought in both IR and ir. Additionally, the history of OC is a close cousin to the history of drugs. Finally, there will be an analysis of how these contribute to the conception and analysis of drugs. Overall the first sections serve to provide non-Criminologists a context from which discussions from Criminology arise. Thus while such a presentation may seem not to do justice to the quantity and depth of information under consideration, from the IR perspective it is already sufficient to make the case that Criminology has interesting and valid lines of thought that can inform and enhance the IR debate.

It is warranted to ask at this point what the link is between the study of organized crime and the study of drug trafficking and whether it is valid to use

concepts from one to illuminate the other. The answer begins with a simple fact: there is no such discipline as drug studies even if both in International Relations and in the arena of international policy making there is an assumption that there is. Here we could also recall the fragmented, superficial and arbitrary nature of “drug studies” discussed in previous chapters. Criminology has a history of engaging the drug issue even though criminologists have concerned themselves more with an actor oriented approach, organized crime, than drugs per se. Again, when considering the emphasis on law enforcement, it is not surprising that actor based approaches would be more common. This actor based approach also brings criminology close to IR conceptualizations of drugs in terms of non-state actors even if there are elements in the respective approaches which differ.

Primary Concepts of Organized Crime Up to the 1990s

In discussing OC and its models, past and present, it should also be clear that there is no definable and linear development of models. Many ideas about crime existed simultaneously in varying degrees of depth and articulation. At times a concept would appear as a single line in a newspaper article, such as crime is a business, and then would disappear only to resurface decades later.

Early concepts of organized crime were not unlike concepts found in early perceptions of drugs. Metaphors of OC as a disease and infestation ruining the moral fabric of society replayed themselves in the public domain at regular intervals. Author and political activist Gus Tyler states that with every new breaking investigation and exposé came another public outcry and round of legislation against OC, the revelation of the great profits brought on by the alcohol prohibition and its subsequent repeal serve as one example.²⁸² In the early days of formulating OC, there was a distinct presence of the alien conspiracy model, especially with regards to drugs and race-motivated fears of Chinese and Negroes. Dwight Smith notes that the alien conspiracy model does not however come into full fruition until the 1960s.²⁸³

282 Gus Tyler (1962) 3.

283 Dwight C Smith (1980) 361.

Alien Conspiracy/Hierarchy Models

The alien conspiracy model was most avidly promoted by Senator Estes Kefauver in the 1950's while the hierarchical model was advocated by Donald Cressey, whose research was first laid out in a task force report submitted to the Kefauver Committee hearings. The alien conspiracy model characterized organized crime as rooted in foreign elements and ultimately with certain ethnic groups. Headed by Senator Estes Kefauver, the Kefauver Commission (1950–1951) was tasked with investigating illegal gambling in the United States. The results of the investigation were key in the conceptualization of crime as organized and ethnic-based, namely the Italian Mafia. The Commission's findings caused a general alarm within the government and the public alike describing how crime had now become a centralized business. The Commission's findings were part of a larger trend that had commenced in the 1940's where the FBI had:

set about improving the image of the police. They achieved this largely via media propaganda such as banning films and radio programmes that glorified gangsters[sic]. Instead, law enforcement investigators became glamourised and depicted as the front line in the fight against unscrupulous gangsters who threatened the American way of life. Put simply, the sordid image of law enforcement officers, judges and politicians working with gangsters was reinvented for political ends as a simple case of *Them* versus *Us*—the dangerous criminal against the fearless protectors of the vulnerable law-abiding public.²⁸⁴

After Kefauver the alien conspiracy notion was again raised under the Johnson (President's Commission on Law Enforcement and Administration of Justice, 1965) and Reagan administrations. Under Reagan, as discussed in the previous chapter, alien conspiracy was integrated with drugs and drug traffickers. The Reagan Commission adapted the discourse on organized crime to drugs and broadened "aliens" to include Asian and Latin American Cartels.

284 Andre Standing (2003). Also see Rufus King, 'The Drug Hang Up, America's Fifty-Year Folly'. King argues the Mafia myth was actually constructed by the Kefauver Commission where criminals were brought in for questioning and their statements fitted into predetermined "roles" rendering, ultimately, an image of organized crime as centralized and ethnically based. The purpose was to support the already mentioned attempts by the FBI to refurbish the image of corrupt cops by shifting attention towards the encroaching danger of the monolithic Italian Mafia.

The alien conspiracy model of organized crime therefore was popularized by the presidential commissions. Klaus von Lampe measured the frequency of appearance of the term organized crime in the *New York Times Index* and in *Der Spiegel*.²⁸⁵ He notes how the term really gains attention in the media in the period between 1960 and 1980 in the United States, coinciding with the creation of the crime committees.²⁸⁶ Von Lampe's study also shows that concepts such as organized crime wax and wane in popularity. While von Lampe attributes this to the media attractiveness of a subject, it is difficult to locate whether it is the media driving the policy agenda, visa versa or still whether there is real new crime activity that has caught the media's attention. It is easy to assume that the presidential committees were intentionally promoting a particular view of organized crime: as hierarchical and as dominated by foreign elements. Criticisms of Kefauver characterize him as the mouthpiece of the FBI in whose interest it was to promote this particular view of organized crime, a view promoted by the very same Henry J. Anslinger who, as discussed in the previous chapter, had challenged Indiana University professor Alfred Lindesmith on the medical treatment of addiction and who was then at the head of the FBN having worked for decades to legalize drugs.

Kefauver Committee was mainly concerned with the issue of gambling²⁸⁷ The FBN on the other hand had the aim of drug control was most noted for its key role in outlawing marijuana with the passing of the 1936 Marijuana Act. The FBI was more oriented towards enforcement and stopping organized crime. In fact,

the agency chosen to represent the New Deal's commitment to enforcement was the Federal Bureau of Investigation (FBI). In 1934 the FBI was given additional jurisdiction over a variety of inter-state felonies, such as kidnapping and auto-theft. Its director, J. Edgar Hoover, immediately exploited the publicity value of his new powers by directing his agents against the bankrobbers, who had been avoiding capture by crossing state lines.²⁸⁸

285 Klaus von Lampe (2001b).

286 Ibid 102-103 Von Lampe also notes how there is a brief lag where the term organized crime does not become central to German policy debates until the late 1980s.

287 Michael Woodiwiss (1990).

288 Ibid.

American History and Crime specialist Professor Michael Woodiwiss noted that Franklin D. Roosevelt's New Deal took the "service" out of some OC activities by creating a context in which they were no longer needed.²⁸⁹ In essence, Roosevelt moved towards looking in our own backyard by regulating business and addressing corrupt politicians rather than focusing policy on solely on an external threat. This approach also included aspects of traditional crime fighting through legislation and subsequently law enforcement tactics.

In the New Deal, OC moved towards increased government legislation as witnessed in the bolstering of agencies such as the FBI.²⁹⁰ As the intricate history of the FBI and the presidential committees played out over the years there were subtle and incremental shifts which gradually removed the introspective approach and cemented the alien threat model; ultimately all connections which called for internal examination of circumstances were closed giving rise to a unidirectional focus on the outside perpetrators. Woodiwiss notes that the theme of monolithic OC/Mafia, of the clearly Italian kind, is repeated until it begins to take hold, eventually establishing the monolithic theme as the proper way to conceptualize crime.²⁹¹

As a brief side note, it should be mentioned that within the politics of the United States there are considerations which relate to the still-enduring tension between states and the federal government system. These should always temper tendencies to describe intentions within US policy actions. Until the 1900s

social problems that accompanied urbanization and industrialization, crime policy was often viewed as properly belonging to state and local authorities. The U.S. Constitution, combined with a tradition of federalism, reserved police powers for the states, and both the federal and state governments were satisfied to keep it that way, at least until the 20th century. Before the 1900s, most of the federal government's forays into crime policy involved regulating interstate commerce and the railroads,

289 Michael Woodiwiss (2001) 153. The next section will discuss in more detail the concept of crime as providing a service rather than being parasitic as is often thought.

290 Kenneth O'Reilly (1982) 638-658.

291 Michael Woodiwiss (2001) 261-263.

protecting the mails, combating counterfeiting, and conducting such moral purity crusades as those of pornography and lotteries...After the turn of the century, Congress increasingly turned to passing legislation to solve a growing crime problem.²⁹²

States tend to guard closely any rights closely linked to self-determination while trying to outsource costs associated with self-determination to the central government. Meanwhile, the Federal government tends towards diminishing local rights while insisting on cost sharing for administration over states. This note is added here only to say that any comments on US policies should always be tempered against a somewhat unique set of forces that exist in US domestic politics and the federal-state system in which domestic politics function.

During his presidency from 1963–1969, Lyndon Johnson ordered a crime commission that again implicitly reaffirmed the alien conspiracy model, though it focused more on the hierarchical organization of OC. From this commission arose the current method of operation for addressing this issue, i.e. informants and law enforcement, as the method of choice.²⁹³ If we go back to historical sociology, here we see that law enforcement was a method chosen at a moment in history to address a particular situation and not the “natural” solution to crime that it often appears to be.

In the same year that ended Johnson’s presidency, University of California, Santa Barbara professor Donald Cressey, also considered the founder of the modern study of OC, would expand the hierarchical model in a soon to be famous book entitled *Theft of a Nation* in which he conceptualized organized crime as analogous to the organized bureaucracies that operated nationally in the US.²⁹⁴ Cressey drew upon his work with the Kefauver Committee and various testimonies of hearing participants to formulate the hierarchical model of organized crime. As a sociologist, Cressey’s conceptualization was rooted in Max Weber’s theories of bureaucracy. Cressey stated that Cosa Nosta was an organization containing at its base street criminals who acted under a series of low

292 Steve Hoenisch (1996).

293 United States Senate (1976).

294 Donald R Cressey (1969).

level managers; they in turn have contact with people who communicate with the next tier up, the associate *Dons* who in turn have direct contact with the Dons themselves. Each Don sat on a committee which taken as one entity ran OC throughout America. Cressey's model was so influential that it can be considered one of the main conceptualizations of OC and rests at the base of many models on OC since then.

As mentioned earlier the alien conspiracy element did not drop out of the analysis and was in fact ever present in Cressey's work. It was given further support through another influential article written by Robert Anderson which begins by stating, "the old Mafia of Sicily was a pre-industrial peasant institution. Its organization was intimate and diffuse. It now operates in a highly urbanized and industrialized milieu of the United States."²⁹⁵ It could be argued that in the case of Cressey and Anderson the use of the ethnic element is more an inherited conception from the Kefauver Committee rather than an integral part of their core conception—remembering here that the Kefauver Committee hearings were televised over one year and were estimated to have attracted between 20–30 million viewers.²⁹⁶ Furthermore, the Kefauver hearings were the first televised Senate Committee hearings, thus increasing their power in shaping perceptions in society. That is to say that both Cressey and Anderson could have been influenced by events, incorporating the ethnic element in their work either automatically or intentionally.

The distinction between hierarchical and alien conspiracy is also somewhat blurred. In the early days of the "yellow peril" and "cocaine crazed negroes" there was no structure implied, though the alien aspect was obviously present. Then came more formalized concepts of OC which then took on the "alien" characteristic. Thus it is important to remember that these models are fluid and cannot be easily demarcated and fixed.

295 Robert T Anderson (1965) 302.

296 Theodore Brown Jr, 'Cary Estes Kefauver'.

Transnational Organized Crime

In the 1990s, the idea of OC, which had more or less already been an international phenomenon, became truly transnational. That is whether in perception or in actuality, the transnational element became emphasized and concerns about it expanded. As Woodiwiss argues throughout his research, the US notion of OC began mostly as a domestically-based and American crusade which slowly finds expression in the international arena.²⁹⁷ In this way the US ‘exports’ its concept of OC to the international community, meaning, in part, that the alien conspiracy finds new audience on the international stage. As would be expected the resulting methods chosen to address the issue are much the same. In this case, we can look back to the approach to drugs taken by the World Drug Reports and understand the sets of historical circumstances that led to this current characterization in it. Also here we should recall that Reagan had really combined drugs and OC in the 1980s with the Certification Act previously discussed, so as the 1990s wore on these messy and somewhat ill conceived notions of OC, drugs, and later terrorism ultimately fell into the same pot. The latter point reflected clearly in the piecemeal and scattered way in which IR has addressed drugs as discussed in earlier chapters.

The 1990s brought in a new era and aliens took on new character with the concept of crime as networks and cells, where perceptions of alien actors became disembodied within cyberspace, stripped of all identity including ethnicity, becoming the “other” in its purest essential form. This “other”, it seemed, had to find either a new face or disappear altogether. And so it happened that 9/11 saved the alien conspiracy and gave it a new face as al-Qaeda, now decentralized, phantom like, yet still ethnically based and highly organized as well as effective. This is not to say that terrorism and OC are one and the same, but that the concept of the “alien” seems to have found a new form in al-Qaeda rather than in the Italian Mafia or Columbian Drug Cartels.

²⁹⁷ Michael Woodiwiss (2001).

In the 1990s OC models were further detailed through an analysis of the different kinds of conditions that give rise to various forms of crime as well as the specific manifestation of that form in terms of its structure. Scholars categorize models of organized crime in different ways. What follows is a discussion of these models as seen through the works of some of the predominant scholars who have written on crime models.

Organizing Models of Organized Crime

Boronia Halstead at the Australian Institute of Criminology divided OC into several models.²⁹⁸ Halstead notes that, “All models reflect the world view of those who create them. An anthropologist will provide a quite different perspective from that of an economist, for example. Inevitably, some models will suit some purposes better than others.”²⁹⁹ Models then explain various aspects that lead to specific formations of OC. “On the micro level, for example, how illegal enterprises can be perceived as organizations influenced by internal and external stakeholders.”³⁰⁰ Group focused models included models that focused on the structure of OC as put forward by Cressey. The main criticism of this view is that even if true, this model cannot apply in circumstances where organized crime is not connected to Italian ethnic groups. Next there are the ‘flexible network models’ which do not have the rigid hierarchical structure proposed by Cressey. Halstead notes that in these models the image of the streamlined corporation is replaced by competition and treachery where it is difficult to distinguish good from bad, criminal from non criminal, in effect a blurring of lines which seem so clear in the Cressey’s model.³⁰¹ Unlike the disciplined characterizations of mafia members who conform to group behavior, the network model characterizes participants as opportunistic with little desire to conform to rules and rigid structures.

298 Boronia Halstead (1998) 2.

299 Ibid.

300 Klaus von Lampe (2003) 2.

301 Boronia Halstead (1998) 3.

More recently Halstead notes that there are a series of writers who promote the “global monolithic threat” model seen in the works of Claire Sterling and Frank Cilluffo.³⁰² This model is essentially alien conspiracy on an international stage. It maintains that crime is predatory and non-consensual, meaning that organized crime of this variety is coercive with clear victims who are forced to participate by a handful of powerful and morally corrupt groups. Naturally global conspiracy models also maintain divides between upperworld and underworld in which legitimate society and economy is segregated from the corruptive influences of organized crime. The US model then becomes a hybrid of previous models, called by Halstead the “Official US View” model.³⁰³ This view combines hierarchy and ethnicity as has already been said. It can be detailed by four further characteristics:

1. OC is similar to a corporation
2. OC seeks to monopolize its industry nationally and internationally
3. OC membership is based on ethnicity
4. OC undermines the foundations of democracy corrupting public servants and professionals³⁰⁴

These characteristics are differentiated from the patron-client models often combined with hierarchical ethnic based notions of OC. The difference is that the patron-client model refers specifically to the Italian patron-client system on which the Italian Mafia is based.

In examining the economic models of OC, Halstead notes that these models have a contribution to make, especially if we can move beyond simplistic accounts of supply-demand mechanisms.³⁰⁵ For example, in examining transaction cost economics we can see that in there are essentially two ways in which a consumer can obtain the desired product or service. The first is to locate a firm that already provides the product or service and the second is to take the DIY approach in which the consumer creates the factors of production, presumably because it is more cost effective than going to the firm.³⁰⁶ The difference is that the firm has

302 Ibid 4.

303 Ibid 5.

304 Ibid. Quoting Mastrofski and Potter.

305 Ibid 10.

306 Ibid 12.

already implemented the process which organizes the factors of production and therefore is able to benefit from economies of scale, meaning that the firm is more efficient. At some point it becomes more cost and time effective for the consumer to go to the firm rather than choosing the DIY approach. Taking this into the illicit market, it is clear that to simply purchase heroin or cocaine from OC groups is much more sound than to attempt to create the factors of production: cultivation, processing, transportation and so forth one's self. At the same time, that groups have organized these factors is neither unexpected nor indicative of anything other than a natural business process. Halstead notes that "where illegal commodities are concerned, 'organization' is somehow mysterious and shockingly remarkable to observers" where instead "organization in the abstract sense is a logical result of the need to lower transaction costs" in the same way that taking milk from the farm to the consumer requires a series of intermediary steps.³⁰⁷

Finally, Halstead takes the multiple constituency model for organizational theory and posits that this model can explain the nature of the interest various actors have in illicit enterprise.³⁰⁸ Based on studies of pressure groups, this model argues that interests can arise not just from profit motivated drug dealers and pleasure seeking consumers, but also from policy makers, law enforcement officials and even the media. The character of the illicit activity then is not merely a result of suppliers and consumers participating in an illegal transaction. The nature of the relationships between each interested actor and their relative power vis-à-vis other actors determines the nature of the particular illicit market as a whole. Unlike the early efforts of authors writing on prohibition, Halstead does not seek to remove the "illicit" from illicit enterprises, but, however inadvertently, the illicit element is diminished through the characterization of different actors seeking to impact the system as a whole, with each creating a result based on its relative power in a given set of relationships.

In another division of OC models, Williams and Godson organize them into political, economic, social, strategic or risk management model, and hybrid or

307 Ibid 13.

308 Ibid 7.

composite models.³⁰⁹ These models are examined with respect to their predictive value and how they can be applied in anticipating OC. Political models conceptualize OC in terms of strong and weak states, i.e., states that have always been strong or weak as well as states in transition which are either increasing or decreasing in their strength. An example of a weak state model was seen in the literature review chapter through the work of Thoumi who argued that the strength of the Latin American cocaine trade was rooted in the weak governments that presided over countries like Colombia.

The low level of effectiveness and legitimacy of the state meant that drug trafficking organizations could operate with a high level of impunity. During the 1990s, in particular, the lack of financial support for election campaigns provided a perfect way for drug trafficking and organized crime groups to obtain access to the political elite and to develop and perpetuate political-criminal symbiotic relationships.³¹⁰

Conversely, strong states such as the United States are perceived as less susceptible to OC activity while states in transition such as the former Soviet Union have varying degrees of potential to develop OC activity depending on the fluidity of transition into the new governmental structure.

Williams and Godson divide economic models into the supply-demand model (market model) and the enterprise model.³¹¹ Quite naturally these economic models highlight profit motivation and market conditions over political motives and conditions.

The critical dimension in this view is not criminal organizations, but the dynamics of illegal markets. Prohibition regimes (which simply reduce supply but not demand and therefore push up price) generally encourage an influx of suppliers, varying greatly in size and power.³¹²

The enterprise model locates OC on a continuum of business activity from business engaging in licit activity with licit products and services to businesses

309 Phil Williams and Roy Godson (2002).

310 Ibid 316.

311 Ibid 322-325.

312 Ibid 324.

engaging in illicit activity with illicit products and services while encompassing the various combinations of activities and degrees of illegality in between.

Social models as examined by Williams and Godson, represent the grass-roots elements of OC. Social models such as ethnic, social network and cultural models seek to examine personal relationships, cultural ties, diasporas, historical attitudes, and so forth, that sustain OC activities on a basic level. Here questions of legality enter only in terms of examining opportunities for certain ethnic groups to access work or earn profits.

Strategic or risk management model places OC in an adversarial relationship with governments and law enforcement officials—bringing back in, at its core, the old dichotomy of good and bad. This model is however more sophisticated than previous conceptualizations of the adversarial relationship between “cops and criminals”. Risk management takes into account that both sides are aware of the other and are engaged in a process of minimizing risk to themselves and maximizing risk to the adversary. In this there is an effort on both sides to “anticipate the behavior of the other and act accordingly”, that is to create strategies.³¹³

The final set of models are termed hybrid or composite models which take combinations of the elements described above in order to provide a more comprehensive representation of OC. Hybrid models can also be said to be models which capture the position of OC in the post 1990s because they attempt to include the dynamism often attributed to this time frame. Two examples of hybrid models are transnational and transshipment models. The transnational model takes into account the national and the international focusing on three categories: opportunities, motivations and resources.³¹⁴ These categories are broad and therefore allow for a variety of social, political and economic factors to be included. For example,

[o]pportunities at the global level...stem from long term secular trends in global politics and economics that have encouraged the development

313 Ibid 336.

314 Ibid 340.

of...transnational organizations. The emergence of a “global village” has fundamentally altered the environment in which both legitimate and illegitimate businesses operate. The global financial system, the free trade system, and the emphasis on open borders, global communications and information systems have opened up unprecedented opportunities for transnational crime. At the national level, criminal organizations with the capacity for cross border activities have flourished where the state has been weak, acquiescent, corrupt or collusive.³¹⁵

The transshipment model aims to explain a particular aspect of OC in the contemporary context by aiming to explain why certain states become transshipment points. As interaction between states has become more fluid, so have the opportunities for transshipment. This model is based on the work of Australian Intelligence Analyst Shona Morrison who argued that there are two types of states susceptible to illicit transshipment: vulnerable and sensitive states.³¹⁶ Vulnerable states tend to be more corrupt while sensitive states are in need of more economic stimulation, therefore providing two different conditions which can be utilized by OC for transshipment.

Key Thoughts and Ideas

Having briefly described some of the main models and perceptions from Criminology and provided a general context from which to work; now we can begin to address in more detail some of the useful lines of thought from this discipline. These come primarily from the works of Walter Lippmann and Dwight Smith, whose critiques of certain aspects of the mainstream line of criminology offer us valuable ideas for conceptualizing drugs in IR. Lippmann is chosen because his work figures significantly into many of the models of organized crime described above, whether or not their respective authors agree with him or not. Thus Lippmann’s assertions are a kind of baseline which any study of OC has to contend with. Smith’s work is key in terms of the concept of enterprise which he

315 Ibid.

316 Ibid 342.

promotes. Smith's research in particular is apt at laying out various aspects of enterprise which are pertinent to the perceptions IR has on illicit activities.³¹⁷

In the 1920s thriving criminal activity was spurred by alcohol prohibition in the United States. From the study of this activity, several conclusions were reached by some observers that did not manage to take hold in the general understanding of the public.³¹⁸ The most notable were observations by political columnist and author Walter Lippmann. Lippmann observed that

The fact racketeering seems to infest the small, unstable, disorganized industries suggests rather strongly that...the underworld through its very crude devices serves that need for social organization which reputable society has not yet learned to satisfy.³¹⁹

American industrialization had developed rapidly and brought with it several problems associated with industries and their employees. Employers tended to be brutish and coercive in order to maintain control over costs while workers, naturally, increasingly resisted such treatment. Since government had yet to catch up with the needs of society, alternative forces stepped in to fill the gap. For example, companies would hire gangs as strikebreakers while unions would hire gangs to protect themselves against company tactics.

The issue with the crime which Lippmann witnessed was that it was not like ordinary crime; it could not be placed in the same category as robbery for example. He noted that,

The distinction turns upon this fact: that the criminal as such is wholly predatory, whereas the underworld offers something in return to the respectable members of society...racketeers have a social function and

317 In some sense it is not important whether Lippmann and Smith were 'correct' in their own right, but that what they propose in the context of the models and history discussed above opens up new perspective which IR or ir has not yet begun to address in a meaningful way.

318 During the time of Lippmann, there already existed the sentiment or inclination towards alien conspiracy. As we saw previously this alien conspiracy was very much tied to the prohibition of drugs. This is only to say that there were not clear and decisive lines where some ideas were born and where others vanish. Particularly there was a large body of fiction and pseudo non-fiction literature throughout the entirety of the last century that thrived of the insidious and dark nature of crime: mixing in notions of white slavery, prostitution, notorious blacks, Chinese, Italians to name a few. The most popular of these books were the Lait and Mortimer *Confidential* series.

319 Walter Lippmann in Gus Tyler (1977) 61.

perform services for which there is some kind of public demand.³²⁰

Thus Lippmann brings in two key factors. The first is that contrary to common belief (also modern day belief) crime as discussed here need not necessarily be predatory. In fact Lippmann is clear that in this case there is an exchange, perhaps not so different that exchange of services provided in legitimate commerce. Second Lippmann brings in the role of the respectable citizen thereby implicating not just the ethnically based foreign groups often associated with criminal activity such as the Italians and Irish.

The implication of crime from this point of view was profound. As with predatory crimes the reaction to underworld activity had been to address it with law enforcement tactics. However, Lippmann posits that,

Because of the scale and character of its operation, the underworld is not comprehensible in the ordinary categories of crime. It is impossible to deal with it [sic] on the premise that it can be abolished by enforcing the law...it is a creature of our laws and conventions, and it is entangled with our strongest appetites and our most cherished ideals.³²¹

Furthermore, he notes that,

The underworld, as I am using the term, lives by performing the services which convention may condemn and the law may prohibit, but which, nevertheless, human appetites crave. The most obvious example, and at the present time the most insistent, is of course, the supplying of liquor. Here we have a vast industry, engaging, it is said, the direct services of a million individuals...The business is controlled by the underworld...It is outlawed by our statutes. It is patronized by our citizens.³²²

Again the point is made that this crime is not only different from what might normally be consider a criminal act, but that, in fact, it is itself a product of our own laws, ideas desires etc. Therefore it not merely that the respectable citizen is involved, but so are the most inner desires and cravings of humankind. From this

320 Ibid 59.

321 Ibid.

322 Ibid 60.

point of view it is much clearer why law enforcement is much more problematic as a solution to regulating human appetites.

If we think back then to the alien conspiracy model, the reason the law was ineffective lay in the characteristic of OC as serving a social function. This is beyond mere supply and demand, though economics are certainly considered an important aspect. The expanded view of OC as the servicing of human desires rendered much of law enforcement strategies ineffective since ultimately such laws would have to locate a means to stop members of the public from having certain ideas.³²³ Furthermore, the existence of OC can only be a path to introspection within a society rather than an indication of alien conspiracy. In this sense the focus is not on law enforcement, but on understanding what society has not been able to address vis-à-vis the public.

Given this view, it is not then surprising that Lippmann arrives at two simple yet telling observations about the alcohol prohibition. They are that,

1. criminalizing alcohol made more criminals
2. there is a concurrent need for introspection while looking to curtail damaging vices. The introspection is manifested through two questions:
 - a. how is respectable society implicated in OC through collusion of politics and law enforcement?
 - b. what causes “our young men” to fall into the vices of drinking, gambling and fornication?³²⁴

The first point is how criminalizing of alcohol created more criminals and more crime. Prohibition gave a market opportunity to criminal elements which proved to be lucrative. As the profits from illegal alcohol sales grew, so did, quite naturally, the associated criminal “industry”. These people could be called the supply-side criminals. Simultaneously, the patrons who were consuming alcohol also came under the purview of the law, creating demand-side criminals. This is the simplest level at which prohibition created more criminals.

³²³ It has been argued that the function of law is in fact to regulate morality through behavior. See for example Patrick Devlin (1965) 1-25. Devlin argues that there is a common and knowable morality which should be evidenced in the law and to some extent is already.

³²⁴ Walter Lippmann in Gus Tyler (1977) 59-65.

Lippmann is cautious not to appear to be glorifying the criminal endeavors. He delicately moves his discussion towards the underworld as performing a viable function, even if it is a function without honor.³²⁵ This shifts at least part of the attention away from the morality of the criminals towards the morality of American society. This is where Lippmann brings in the idea of introspection alongside the very real concern of indulgence in vice by young men and women.

The desire for freedom from the insecurity of destructive competition is *not only not* a vicious desire, but the essence of social order. This desire is frustrated for large numbers of men, and thus perverted to dangerous devices, is due at last not to wickedness of men, but to laws and social policies which run counter to the invincible necessities. We are, thus, forced to examine the very premises of our social morality (emphasis added).³²⁶

More than introspection, Lippmann points out specific attitudes backed by policies which take away the essence of social order. In this case, it is not only criminals who corrupt society. Society is a threat to itself via such policies and criminality is a byproduct. A similar theme is echoed later by Dwight C Smith in his work on the spectrum of enterprise.³²⁷

From here the legal aspects of crime become secondary in two ways even though law enforcement remains important as a tool. First, the desire to escape an unpredictable world and search for security is in fact the basis of the American dream. The fruit of the great experiment was all men were created equal with certain inalienable rights. Therefore all were to have equal opportunity in the new land. As Arthur Schlesinger put it in 1949, when men were freed from the European conception of class “instead of everybody being nobody, they found that anybody might become somebody.”³²⁸ This meant that if authorities, far or near, attempted to encroach on new-found identities, whether through legislation or force, they were rendered ineffective. Whether this rendering was a result of defiance by brave individuals standing up to oppressive forces, or the debilitated

325 Ibid 62.

326 Ibid 62-64.

327 Dwight C Smith (1980).

328 Arthur M Schlesinger (1943) 237.

individuals forced into squalid circumstances as a result of oppressive forces was inconsequential since in either case the responsibility lay at the foot of government.

Second, the primacy of law enforcement is subordinated to larger questions about the role of society in criminality. Lippmann, even in discussing political collusion, urges the recognition of the blurred distinction between respectable people in general and those respectable people who have gone bad through their involvement with OC.³²⁹ On the one side there is the pure licit world albeit a world containing a few ‘good people gone bad’ as the cliché goes. On the other hand there is the illicit world containing only the wicked and degenerate who quite intentionally seek to entice and corrupt the pure. Even Lippmann manifests tinges of this attitude when he states that the underworld products are “consumed by the flower of American manhood and womanhood.”³³⁰

As noted by Lippmann, the high level of lawlessness is maintained by the fact that some Americans desire to do so many things that other Americans desire to prohibit.³³¹ The struggle comes not just from without—the pure against the impure, but also from within, the desire to be good and to be evil. Smith wrote that behind all assertions of legality and illegality as well as which businesses were legitimate or not “lie[s] a fundamental issue that cannot be ignored: the relationship between Good and Evil.”³³² The legality or illegality of a substance or act then is a rather arbitrary manifestation of morality at a given point in history. Professor John Adams, in an unpublished paper entitled “Al Capone and I, and Prohibition”, hinted at the arbitrariness of existing conceptions of drugs and crime where the alcohol industry is seen as a legitimate actor that may perhaps need to focus on acting more responsibly where traders in the illicit drug industry are seen as beyond contempt, where alcohol consumers are viewed as respectable citizens who sometimes may behave badly, whereas drug consumers are seen as morally depraved. Ironically, if we made an adjustment in time and location, for example

329 Walter Lippmann, 66-67.

330 Ibid 62.

331 Ibid 67.

332 Dwight C Smith (1980) 371.

the early 1900s in the United States, the positions of alcohol and drugs would be reversed, with alcohol seen as the greatest threat to society and morality.

Dwight Smith deepens the discussion around relationship between crime and legitimate economic activity. Starting from sociologist Edwin Sutherland's critique of the distinction between white-collar and lower-class crime, Smith argues for the removal of distinctions between white-collar and organized crime, thereby extending Sutherland's assertion for the removal of moral distinctions between white-collar and lower-class crime to encompass organized crime as well. It was Sutherland took crime out of the "ghettos" and brought it to the nation's doorstep by showing how crime was not a function of poverty, that is, there was no difference between white-collar crime and ordinary crime and that respectable people also committed crimes in high levels of society.³³³ Sutherland noted that just as the white-collar criminal justifies his or her activities through peer group references, so do lower class criminals.³³⁴ Sutherland showed in fact that peer groups provide the ethical justifications needed for committing crimes. A corporate criminal would learn his behavior in certain kinds of social groups who would give him the justifications he would need in order to commit the crime. Therefore crime was not reserved for the poor and included higher levels of society as well. Neither set of individuals were ethically or morally lacking since in their own minds the moral justifications were in place.

Smith then argues that joining white-collar crime and organized crime theories under the banner of enterprise can remove much of the complications associated with both lines of research. For organized crime research this complication included the problematic alien conspiracy model. Instead he proposed that all criminal activity should be viewed as another aspect of the economy.³³⁵ As a result, he argued that there was not a legal or illegal, moral or immoral, simply economic activity that addressed customer demands. For Smith, enterprise serves as the way to view this set of relationships.

333 Vincenzo Ruggiero (2000) 2-3.

334 Ibid 358.

335 Ibid 360.

Specifically, Smith presented a spectrum of economic activity that ranges from legitimate to illegitimate businesses activities. In this taxonomy, two elements were brought forth. First, the economy, which had always been assumed to mean the legitimate economy, was combined with the criminal economy. Thus, 'The Economy' now included licit and illicit activities. Second, the moral element of crime was taken out. Criminal actors were now traders in a market with much the same desires and motivations as other, 'respectable' market actors.

Which Enterprise?

Enterprise can be seen in two facets. One is to take enterprise crime, particularly organized crime, as a business acted upon by market forces and subject, most importantly, to the mechanisms of supply and demand as well as organizational theories. The first tendency is to focus strictly on the organizational analogy as noted in Halsted's analysis above. This means there is a tendency to show how crime is organized like a corporation with a president, executive heads, line managers and lower level employees. The second is to look at the larger context, the market, in which crime functions, considering drugs as a commodity, criminals as rational actors, and various processes as manifestations of economic laws. The most common example is the supply-demand argument where willing consumers and willing businessmen are engaged in a "natural" transaction. The problem arises from the interference of governments in the private lives of individuals. The ultimate conclusion of this interpretation of enterprise is that criminalization is the problem and therefore drugs should be legalized.

Enterprise interpreted in this way is useful not necessarily because of what it express in the analogy of crime as a business. Of course if such an analogy could be shown as credible, then a business model of crime would be a powerful predictive tool for law enforcement and this has certainly been the intention among some scholars and policy makers—a search for the formula to unlock the mysteries of crime. Such a formula has not been forthcoming and most attempts at the business-crime analogy have concluded with a flat note, having run into some key barriers. First is that the *type* of information needed to make such analogies simply is not available, i.e., stock values, quarterly profits, overhead, employee

turnover, mergers and acquisitions, and a series of other indicators used to understand the functioning of businesses do not exist when considering illicit activities. Additionally, the information needed to apply organizational theories also would require a certain quality of information about the internal relationships within a given crime structure—an element that is often unknown even to many of the participants within the structure itself.

Second, is that, where successful analogies have been made, there has been little comprehension of the value or non-value of such analogies. For example, it seems that at least there might have been a correct analogy in the 1950's to say that certain organized crime structures within the United States functioned like a business (even though this view has been heavily critiqued). The conclusion drawn from this was that Americans should be scared and law enforcement should be increased to tackle the problem. Therefore, as has been seen repeatedly, ideas and conceptions are reduced to legalize or criminalize, drawing the least interesting conclusion from an otherwise potentially valuable endeavour. Thus the value of enterprise remains, as Smith noted in the 1970s, that a shift from organized crime to illicit enterprise would, "direct our attention away from the stereotypes of crime".³³⁶

Enterprise served to divert attention away from legal considerations. In this regard, Smith noted three key points about organized crime. First, that OC forces do not compromise societal values, but, in fact, it is the already compromised societal values that lead to crime in the first place; second, that taking OC out of the context of illegality allows us to escape stereotypes of crime which make for good stories and news broadcasts, but serve little else; and third, that legality or illegality is an arbitrary expression of common values that have only a secondary bearing on the enterprise of crime: recalling here that Smith envisioned a spectrum of enterprise in which actors engage in a market, buying and selling goods.³³⁷ At one point on this spectrum, due to an arbitrary set of events, this enterprise falls into the illicit realm. Though Smith does not emphasize the point of history, he also suggests that this line of tolerance between licit and illicit shifts

336 Dwight C Smith (1975) 335.

337 Ibid 335-336.

according to changing values, and thus what is an illegal enterprise today may or may not be one tomorrow.³³⁸

In this way Smith brings in several valuable aspects to the debate on crime. The most important aspect being the movement out of the legalize-criminalize debate. This is done by removing the supporting pillar of criminalization through a neutralization of the argument on compromised societal values. Values remain a central matter, answering the concerns of morally driven argument on crime. However, the responsibility of values is shifted back onto the licit world—the world of respectable citizens and away from the generic conceptions of depraved criminals. By implication, legalization can also not be a “cure all” answer since the values of respectable society still must be analyzed—a point which proponents of legalization are always careful to avoid outside of superficial blame strategies which entail accusing governments for the apparent morally depravity of certain members of its society. Certainly legalization proponents, not unlike their counterparts, take their values and morality to be pure and just, a priori, and therefore not subject to analytical questioning.

Next Smith includes factors of legality, which, in any case and however arbitrary, do have an impact on the environment in which actors function. Thus, it could be said that on a very practical level the legality issue does make a tactical difference on how crime functions. For example, GlaxoSmithKline Pharmaceuticals makes a new drug. Because they have access to patents and legitimization as a legal entity, they are able to pursue within courts another entity copying their product, suing them for damages and loss of profit. Whereas if a new drug or method of processing illegal/illicit drugs is invented, there is little option in the way of recourse for illicit entities to protect themselves. The most common way this occurs is through violence. Thus, the law is not dismissed outright but placed in its “right” position as a modifier of the market in which actors function, rendering possible some actions and not others. Here it should be noted that even when arguments called for an outright dismissal of legal concerns they proved unconvincing in any case because it was evident that law enforcement did have an

338 Dwight C Smith (1980) 371.

impact on the criminal environment, at least in part, and also because there was and is a large structure of law enforcement oriented proponents that were not going to accept being so easily cancelled out. The correct placement of legal concerns then forces questions about the correct functioning of the law.

Finally, Smith implies the need to address history through his concept spectrum and the moving line of the law. Here enterprise remains constant—there is a spectrum of activity that takes place in a market structure that is not subject to time, relatively speaking; that is relative to the changing common values expressed in the law. Here then history becomes an important area of investigation because there is a double question that arises: what is the time of the market and what is the time of the moving line of the law? Where does the current market come from and what does it allow in defining the possibilities on the spectrum of enterprise? (This is represented by the shift towards globalization and changing the possibilities that it afforded thus altering the spectrum of illicit activity). Then, if the law is an expression of common values, what are the historical circumstances that cause it to change? (This being the incorporation of history seen in Chapter Four).

The assertion here is that enterprise makes its most valuable contributions outside of the behavioral modeling as applied in legitimate businesses. It is the context within which enterprise is born and the nuances and implications it gives rise to which are most interesting for this research. The following sections engage with these aspects of enterprise rather than focusing on whether crime is a business or not. If enterprise is engaged on this level, then the result is to fall back into the pendulum-like debate. Concepts such as the spectrum of enterprise are valuable in what they imply and where they point our attention rather than containing an intrinsic value in and of themselves. As demonstrated in part through Smith's work as discussed above, it is through this line of questioning and analysis that the traps of the drug problem can be avoided and a new space for thought can be opened on the drug issue. Then perhaps in such a space a more objective view on drugs and crime could be achieved, though this is, for now, still speculation.

The Contribution of Enterprise

The contributions of enterprise are several. They begin with the movement away from the law as an a priori context for solution finding. Since the law is seen as an arbitrary expression of societal values in a given moment in time, there is no objective morality that obliges us to counteract drugs. With this said there is a more sober point of departure where drugs are assessed not out of fear and frenzy, but from a more distanced and certainly calmer view. The law can be considered as a policy tool or it can be studied as a disciplining structure to be analyzed as one of many factors that impact drug trafficking.

Next enterprise focuses on processes and not just actors. Here we could ask, what are the conditions which facilitate the growth of drug trafficking outside of the superficial explanations of poverty and globalization? Here the question becomes what policies, domestic and international, could be facilitating the growth of the drug trade? When the question of who is participating in the drug trade arises, it is then only to complete a picture of the drug trade and not to scapegoat certain groups as culprits or out of desperation to locate criminals. In looking at processes there is the inherent implication of influences which are internal and external to a given trade. A simple illustration clarifies this latter point. Currently there is a strong emphasis on the explosion of drugs flowing out of Afghanistan. This is echoed in media and in academia alike and the standard response has been the expected response: either we need to become tougher on traffickers or we need to understand that tough measures only deprive poor farmers of their only source of income (a variation of the legalization theme). Both arguments touch upon a piece of the drug situation in Afghanistan—the first because it does demand to know if the outflow of drugs is indeed creating social decay in domestic and international markets and the second because it raises the issue of economic stability. With enterprise we would take these points in a wider context and ask, as well, what policies and action are contributing to the drug situation in Afghanistan now. In a simple example we know that US military action created regional instability. We also know that drug trade patterns follow regions of instability. Therefore we know that US action may have, at least in part, contributed to the drug explosion currently in progress. Of course we would also have to assess whether there is in fact a drug explosion, going back to the problem of statistics and drug surveys.

Nonetheless Lippmann's introspection leads to a kind of self-reckoning where all actions taken vis-à-vis a region are potentially relevant where drugs are concerned and falsely maintained divides in policy realms are broken down. What is the implication of introspection? Practically, it hints towards a different policy action: it explains first and foremost why law enforcement does not work as a self-contained solution. There are operational limits to law enforcement but this point has never been placed within a larger explanatory context which would then point towards other policy actions and thus has always remained as a kind of slight on law enforcement measures, i.e. a way to argue, ultimately, for legalization.

Then, enterprise could ask for the relevance of history especially by pointing out the arbitrary nature of laws. But this is not a history drawn for the sake of including history, but a history that acts as a second step because after introspection the question becomes, "but how did we get here?" The answer may also show that history is irrelevant or at least certain histories are irrelevant—an option rarely considered with respect to the use of history in analysis. Continuing with the example of Afghanistan it is often noted that the region has a long history of opium production. In the contemporary context and from an enterprise point of view this knowledge adds little to the discussion other than to say that local labor is skilled in opium cultivation and that opium is perhaps more culturally acceptable than in the West—both minor points that while interesting yield little understanding of the current trade. On the other hand the history of tribal or clan relations provides a useful understanding to the progression and current process of drug production where it can be seen that certain regional groupings have used drugs to retain a certain level of autonomy, both political and military. This in turn explains why for example certain drug trade routes manifest as they do.

Chapter VI: Conclusion

Drugs and IR Theory

The aim of this concluding chapter is to review the arguments of previous chapters and to locate them in the context of key issues within the discipline of IR. The intention is to understand clearly what the significance of the preceding research holds for the way we study and present the issue of drugs in International Relations. We therefore begin with a review of the previous chapters as a prelude to a deeper examination of IR. This chapter closes with some brief recommendations for future research in this area.³³⁹

Chapter One began with an introduction to the basis on which the current research was conducted. First, we saw that there is a general recognition that drugs, their production, trade and consumption, are important to IR even though serious IR research on drugs is still rare. Next we saw that in the age of globalization drugs have taken on new characteristics. Therefore if we knew anything about drugs at all, which we established was already rather sparse research, we would recognize that globalization has changed the drug landscape in specific ways. These changes had, or should have had a direct impact on how we address drugs in policy making and even before this should have had an impact on how we study drugs. Finally, we also saw how it is that drugs have an impact on topics which are already central to IR such as military force and security and therefore warrant being studied in the discipline of IR as well as in more traditional disciplines such as criminology.

This led to a presentation of areas where IR has tried to engage drugs and some of the possible, general theoretical frameworks which have initial relevance to the drug issue. This was conducted via an analysis of Burger's work on theoretical approaches to what are termed illicit sectors in IR. Burger began by dividing IR into Realism and Security Studies, Neo-Liberalism or Neo-Institutionalism, Economic Liberalism, Mercantilism and Dependencia or Structural World

³³⁹ For the purpose of this chapter and the last chapter, Criminology, organized crime are used interchangeably.

Systems Theory. Burger's primary argument was that Realist were the main determinant of perceptions of IR in the study of drugs: this usually meant treating drugs as a security threat and suggesting therefore they must be dealt with via force. Burger concluded that there was not yet an appropriate framework to address illicit narcotics in IR and that further study was needed.

Chapter One concluded with a discussion of the role of non-state actors as a possible filter through which IR could better understand illicit drugs. This involved consideration of the role of non-state actors in IR and how this role can be expanded to the illicit actor. Chapter One also examined the role of history and of the past debate in our perception of the drugs issue. The latter point was of particular importance because as historian Mike Jay had noted in his work on opium in the Victorian Era, drugs are usually presented as a subject without history with only piecemeal references to stereotypical phenomena such as Chinese opium dens and American mobsters. These masquerade as substantial historical representation in drug discourses, yet they obscure the very real and enduring influence of the past debate over drugs on contemporary perceptions and policy.

Chapter Two conducted a survey of literature within IR and of the literature often used in IR from neighboring fields when addressing illicit sectors. After a discussion of several categories of literature which included non-state actors, IPE and crime/terrorism, the chapter produced five main arguments. Firstly that the debate in IR on drugs is fragmented and incoherent: it provides little to serve as a basis how drugs are to be treated by the discipline. Secondly, if there was going to be a guiding thread as to how drugs should be treated in IR literature, it would have to draw on the literature of non-state actors and transnational relations, even if these concepts were often only implicit in arguments on drugs and rarely dealt with substantially in this context. Thirdly, drugs are often presented in a one-dimensional and caricatured manner with allusions to Mafia style organizations, mysterious and hidden modern criminal networks and other "made in Hollywood" images. These fail to provide a substantial engagement with the question of drugs, therefore preventing the emergence of alternative views (and responses) to drugs. Fourthly, there is a general confusion in the IR literature about the discussion

between drugs, organized crime, terrorism, corruption, and illicit sectors. The lack of distinction blurs the subject under analysis: instead discussion shifts back and forth between terms and in so doing imply sets of relations that are not necessarily validated; for example, speaking about drugs, terrorism and crime as synonyms and so implying that terrorists and drug traffickers are more or less the same. That the latter is a fallacy which came to light when it was shown that most terrorist organizations received their money from private or political contributions, not necessarily the drug trade while one of the largest drug producers of the 1990s, the Taleban, were not considered a terrorist organization at all. Chapter Two concluded with the notion that drugs by nature are considered a negative factor to be “dealt with” as a criminal phenomenon, a view that was challenged by a few authors who showed that drugs can add value to the economy and society and are not entirely parasitic.

Chapter Three examined the discussion of narcotics in international organizations. It took the UN World Drug and FATF Reports as a means of showing how drugs are conceptualized in the international and policy making realms. These documents were chosen mostly because they are the most frequently referred to documents of non-academic origin. As such they are influential in the way they shape the debate on drugs, particularly in policy responses. Analysis of the documents showed three main results. The first is a misleading impression where the reports treat drugs as a subject that is capable of being studied with reports written in a confident and reassuring tone. This attitude however is only a veneer that again hides the complexities of the drug issue. Such actions are at least in part related to the nature of international organizations themselves, whereby with an apparently authentic discussion of statistics and trends, they have a need to present a solid image, according to which, whatever the situation at hand, it is under control. Part of this attitude is the report’s use of measurements, particularly statistics, to quantify the drug trade, and so reinforce again the appearance of being capable of managing the situation. It follows then that since drugs are addressable and measurable, drugs are wholly controllable. These three points, we saw rest side by side with contradictory depictions of drugs according to which drugs are a hidden enemy, difficult to research, and therefore difficult to measure and control.

In Chapter Four we saw how perceptions of drugs, how they are characterized and the solutions proposed, are not, as is often portrayed, a subject without history. Drugs and drug policies have a rich and long history, often complex and associated with other developments in politics and society. This latter point may seem evident, yet drugs are too often portrayed as existing in a historical vacuum, Hobden and Hobson had accused IR of being chronofetishistic and temprocentric.³⁴⁰ Of course this does not preclude the many long historical accounts of drugs that evoke images of rich Imperial courts in China or romanticized images of damp wooden docks on the Barbary Coast. These images however were rarely incorporated into serious analysis when discussing contemporary drug issues: they seemed to exist in a vacuum—having appeared quite spontaneously, as it were, in the last week, year or ten years depending on the audience. Chapter Four sought to correct this history by showing, at least in summary form, how the legalize versus criminalize debate developed. This led to the understanding of how there had always been a licit-illicit overlap.

Given the conclusions of the previous chapters, Chapter Five made some initial steps to provide an alternative way of addressing drugs in IR. It took as its starting point the concept of organized crime (OC). This served first to show that drugs and OC often ran parallel in history but also that OC as an actor-based approach had diminished the focus on drugs per se and had instead focused on the people involved, presumably because the law enforcement oriented approach to drugs necessitated such a focus. In criminology there was however a strand that called for viewing crime as not the mere failure to repress or comply with laws but as enterprise. Though not taken as a pure model, the foundations and general ideas of enterprise, it was argued, can form a more appropriate basis for analyzing drugs in International Relations and can in any event also inform it as well.

Contributions from OC

OC brought in the concept and ideas from Smith and Lippmann. Enterprise focused on processes as well as actors and commodities in a comprehensive

340 Stephen Hobden and John M Hobson (2002) 5-41.

processes. It highlights intangible factors which enable these processes by raising inclusive questions, for want of a better term, such as what in a society generates those who wish to participate in the consumption of drugs. This latter point is delicate. There is no lacking in the study of why people take drugs. These studies often though presuppose an 'Us versus Them' situation where the drug user is 'Them', a subject to be studied separated from us—presumably the researchers and observers who are a part of "normal" society. Inclusive questioning raises different issues altogether. It would ask what attitudes and beliefs within a society as a whole permit within it the existence of drug use? Not as a deviance, but as a natural outcome? In the extreme we could ask how the individual, any individual, in the course of their daily beliefs, attitudes and behaviors, social, economic or otherwise creates the conditions for the drug trade to ensue. Here of course emerges into view a broader set of questions about modern consumer societies and globalization seen in the general demand by young people in developed states for narcotics which urges us to again look inwardly to our own societies as Lippmann suggested, beyond mere supply and demand dynamics. Here when we refer back to the IR literature and to the drug reports we see that the view presented is unable to address or even encompass this latter point.

Both Lippmann and Smith seem to move away from the legal-illegal characterizations thus offering a view which, while not excluding legal concerns, seeks to place such factors on an equal footing with other elements which, as seen in the various models described above, also have a bearing on shaping illicit enterprises. This means that they allow us to see not just actors but also processes, suggesting that the non-state actors approach may be too facile and unable to encompass the complexities of illicit sectors. Furthermore, if the focus on actors is diminished, or at least if actors are seen as participants in a more dynamic system of competing interests and relationships, there is a natural move away from prosecution oriented perceptions. In essence, it becomes harder to find someone to blame.

More importantly, the study of OC opens up discussions that go beyond the legalize-criminalize dichotomy by allowing for alternative viewpoints on drug trafficking to include a different historical accounts of the genesis of the drug

issue. Furthermore, enterprise addresses soft topics such as values and ethics within criminal organization. All this has implications for IR in a shift away from a focus on the actors, both state and non-state, and towards analysis in terms of a flow of services that has global production, distribution and sales channels in which actors participate. Here Lippmann's element of introspection can be added to the discussion of international norms, i.e., what is it that we are doing that creates the problems we are attempting to extinguish. Practically this means examining what the different states' foreign policies are which serve to create or at least facilitate the drug trade.

Here we could take the example of the recent intervention in Iraq. In 2004 the author published an article titled *Forecasting Narcobusiness* where it was argued that the next new artery for trafficking was likely to be established through Iraq: the situation there contained the correct convergence of elements that give rise to narcobusiness.³⁴¹ This was verified a few months later in a conversation with an Iraqi professor visiting London who recounted how before the war there was little drug use in the region, however, now there was a drug explosion and even new drugs such as cocaine had entered the opium dominated region.³⁴² What was not emphasized in the article was that foreign policy choices such as going to war in Iraq have a direct implication on the drug trade and narcotics consumption. Therefore if states are concerned about stopping drugs, the narcotics aspect of the action in Iraq should have been considered. It has indeed now recently come to light that in fact there is an increasing drug problem in Iraq caused by fear, desperation and instability as well as increased narcotics trade through the country.³⁴³ It is too late to stop this trade from ensuing yet again. While the UN has only recently decided to formulate a response, the trade, as always many steps ahead of even the best organizations, is already established and rooted. Using the arguments from previous chapters, and as the *Forecasting Narcobusiness* article argues, it would have been possible to foresee the current situation, taking into account historical experience in the region with the drug trade, patterns of opium trafficking from Central Asia and Afghanistan, as well as local and regional

341 Padideh Tosti (2004).

342 Saad Jawad (2004).

343 Global Policy Forum (2005).

propensities towards consuming a certain drug versus another. Keeping in mind that what we do in the so called licit world has a drug facet, the conclusion that drug trafficking in Iraq was likely after the intervention was not mere speculation, but a clear and relatively predictable consequence.

Themes in IR

The next section examines the relationship of themes discussed so far and IR itself. Again, the aim is not to posit Lippmann, Smith or enterprise as the final word on drugs. In all, as with the aim of this research herein, is to open further points of view and possibilities on the drug debate rather than establishing finite conclusions.

The State

The state in IR can generally be organized into the following two categories: state as primary actor with the main focus of contending with security concerns and states as fragmented entities comprised of competing interests. The former is a realist and the latter a pluralist approach. In the first case we can recall from previous chapters the views of Presidents Nixon and Reagan: for them drugs and crime are security matters and in the purview of the state—a point further demonstrated by early drug warriors such as Anslinger as discussed in previous chapters. We can surmise then that, in this case, drugs are a natural part of international politics and high diplomacy—appropriate as a topic for treaties and transnational negotiations in the most traditional sense. Yet drugs challenge this realist view of the state in two ways. First drugs show that the state in question is itself often a part of the drug process, particularly in producing countries. The assertion that the state ultimately speaks with one voice regarding a topic is indeed based on an assumption that the state is not itself a part of or compromised by that topic itself. Second, realism assumes the official government also by definition holds power, however, and especially in drug producing nations, drug traffickers often exercise more power than the recognized government.

Drugs highlight several aspects of the fragmentation of states with regard to illicit behaviors. Simplistic models of legal/illegal, licit/illicit are inadequate here.

Competing interests interact in a realm of conflict and even conspiracy. This aspect of the drug trade has not been examined deeply in this research, partially because conspiracy by its nature is nearly impossible to engage in a reasonable manner. With respect to competing interests Alfred McCoy has written extensively on the role of the CIA in trafficking opium, particularly in Southeast Asia. McCoy argues that in pursuit of winning the Cold War the CIA worked against official US and international policy to sustain the opium trade in Southeast Asia. Illustrating competing interests he describes one instance involving a DEA Agent in Thailand:

Mike Levine said that he wanted to go up country to Chiangmai, the heroin capital of Southeast Asia at that point, the finance and processing center and hub of an enterprise. He wanted to make some major seizures. Through a veiled series of cut outs in the U.S. embassy in Bangkok, instructions were passed to his superiors in the DEA, who told him he couldn't go up and make the bust. He was pulled off the case.³⁴⁴

Other writers such as Cockburn and St. Clair argue that the CIA particularly is a small, independent government which acts outside or above the normal parameters of the US government.³⁴⁵ In this conception of competing state interests processes of democracy are bypassed and the rights of citizen violated.

As noted from previous chapters and specifically from the work of Galeotti, the presence of drugs in a country impacts that state in several ways. The first way is that the presence of drugs in a state alters its relations with other states. Usually states that host trafficking and production lose international leverage as they are continually under pressure to control the illicit activities within their territory. Between the US and Columbia for example the drug issue occupies a significant portion of the foreign policy agenda and consumes aid dollars that could be otherwise utilized. Second, the presence of drugs in a society is perceived as compromising legitimate state mechanisms of law enforcement, taxation and the state's economic legitimacy. Whether this is in fact true is to some degree

344 'Interview with Alfred McCoy' (1991).

345 Alexander Cockburn and Jeffrey St Clair (1999). Also see Alexander Cockburn (1998).

irrelevant: the very belief of its effects behavior. Businesses and tourists alike are weary of the corruption and lawlessness that is associated with drugs. An example would be the Jamaican tourist resorts where visitors are ushered into enclosed tourist havens while wandering outside of designated tourist zones is considered extremely dangerous for them. For business relations, local economic institutions and mechanisms are seen as corrupt or compromised and therefore not suitable for investment activity. With the advent of asset forfeiture states have been pitted against their citizens where hawkish law enforcement agencies seeking to confiscate assets of drug traffickers and money launderers have ended up harassing ordinary citizens rather than catching criminals.³⁴⁶ This naturally has diminished relationships between citizens and the state.

Drug traffickers are, moreover, seen as impeding the natural growth and development of a state domestically. This is the third conclusion. Drugs are blamed for the slow growth of many states of the former Soviet Union as well as being a key impediment in the development of Mexico and Latin American states. This can be because already scarce state resources are diverted to combat drugs or because traffickers themselves interfere in state processes. Compromising the viability of the legitimate government domestically dis-empowers citizens and encourages individuals to seek their own solutions, usually solutions outside of legal systems. Fourth, domestic agencies and law enforcement authorities, particularly in western states, are drawn into interagency and interdepartmental budgetary rivalries where those agencies focus on drug interdiction. Fifth, drugs highlight the weaknesses of the state: in some instances drugs provide economic activity and services where the legitimate government has failed. In this way drugs help to finance a phantom government, at least in areas where the drug business has a significant presence.

In questioning the moral and philosophical basis of a society that allows drugs to persist, some facets of what we have drawn from the discussions of criminology seemingly support the role of the state as moral enforcer. Thus as a final point,

³⁴⁶ Asset forfeiture is a contentious issue because it adds a monetary incentive for law enforcement to confiscate money and property of criminals. See for example Jarret B Wollstein (1998).

drugs can and do place the state in the role of moral arbitrator—expressing concern for the morality and general welfare of its citizens and the effects that drugs will have on them and larger social units such as the family, the community and society. The state does not see itself as imposing on citizens, but assisting them to maintain values common to all citizens. Instead what has been thus far discussed sheds light on how these elements actually constitute an environment that makes certain illicit actions possible. To clarify this point we can link the role of the state to the family values debate in America. As noted in her article on the role of the state and family values, Cooper Davis showed how America was caught in a constitutional bind whereby the US Constitution allowed for moral toleration, but not for moral standard-setting as an end in itself. The roots of this date back to the anti-slavery movement and concepts associated with allowing for a measure of individual autonomy for each individual.³⁴⁷ Since the state viewed slaves as inferior anyway, the possibility of slave participation in choosing their own families and therefore passing on their moral values was negated. In any event it was assumed that whatever interests slaves may have would be absorbed under the consideration of the slave master. The conclusion this led to was then to recognize that slaves can have a social and political voice: they are therefore capable, inherently capable, of morality. So as not to exchange the slave master for the state and to allow a level of self determination for slaves the state's role was diminished. In relation to the drug agenda, the problem arises when the state wants a standard set in an environment constituted by moral tolerance. This explains in part why it is only rigid and intolerant state regimes that have managed to successfully stop drugs: they are, for one, not impeded by their philosophical foundations but rather aided by them. Centrally controlled states thus are not at odds with anti-drug policies, whereas more democratic forms of governance appear to be in a constitutional bind, much as Cooper illustrates for regulating morality in general.

Non-state Actors

The analysis of non-state actors in IR has normally focused on legitimate actors. Only recently has non-state actors come to incorporate in any serious basis illicit

347 Peggy Davis Cooper (1994).

actors, save the long standing consideration of terrorists under this category. Non-state actors have often been seen in terms of their ability to undermine state power, but this was not as a negative, but rather as a positive and natural progression of the state giving away to a peaceful global society. In this pluralist conception non-state actors were the good guys, international regimes and nongovernmental organizations, who would usher in an age of a new global civil society where resources were evenly distributed and old realist wars were replaced by mutual benefit and respect among cultures.

Approaching non-state actors from another direction, we now turn to how the drug issue influences international institutions, particularly where those institutions concern themselves with law making and conventions. The UN Security Council, the ODC and law enforcement bodies like Interpol and Europol remain largely the international supporters of the current anti-drug policies. Instruments such as UN Resolutions serve to apply pressure for compliance and to sustain the general international rhetoric of anti-drug policies.³⁴⁸ Much like state to state relations, drugs use up the resources of both agencies and states as well as occupying the policy agenda where other matters might otherwise be addressed.

Since the late decades of the 1900s (and certainly after September 11th), non-state actors have presented a different concern to the state. As always the issue remains state sovereignty, however this time sovereignty is compromised by terrorists, organized crime and black markets who become parasites that eat away at the integrity of state. Drugs here fit in somewhere between terrorists and black markets facilitating terrorism and commanding the illicit trade—a situation exacerbated all the more by the opportunities of globalism. The proliferation of international institutions, research institutes, NGOs, small business and new multinational conglomerates in globalization was also accompanied by a proliferation of illicit businesses, new trafficking opportunities and new markets such as human trafficking.

348 See for example United Nations Security Council Resolution 1333 (2000).

The next question then becomes how the non-state actors influence the world of politics. In the case of terrorists this was a valid question since most movements were a means of implicitly seeking to influence one government or another as well as influencing public sympathies. So do drug traffickers seek to influence? Does the trade in general have an aim beyond profit motives, more precisely does the drug trade have an ideology? If the answer to these questions is no, then localizing the analysis of drugs in the context of non-state actors is perhaps misleading. Here we tread in delicate territory however. Taking into account new lines of inquiry gained from OC, we would have to analyze on a case by case basis whether there is a motive to influence beyond standard forms of activities required to grease the wheels of illicit trade. This means that the corruption of individuals at key access points such as at national borders is only carried out to facilitate the trafficking process and not necessarily because there is a larger intention to corrupt the state or compromise the government. As mentioned before, a tendency among drug traffickers is to seek to establish themselves within the community as legitimate citizens. Whether traffickers eventually seek legitimacy for business or personal reasons is unclear. In either case it does not necessarily imply they are seeking to implement a new ideology. In this case they can be seen as seeking to influence government, usually at the local levels.

In general we can look at six ways in which the presence of drugs can impact or influence political affairs (some of these have already been discussed in Chapter One). Here it is important to note that this presence works in a variety of ways, whereby sometimes the presence of drugs compromises the state and other times is used by the state. First states can seek the drug trade as a means to define new threats and thereby justify budgets of agencies tasked with counter drug efforts. This argument is often applied to the US, particularly to the CIA, FBI and DEA. Second the presence of drugs in a state can at times create its own territorial confines and service structures which can become a breakaway territory or a mini-state within the formally recognized state. The warlords of Afghanistan who control the opium trade for example are said to be outside of the control of Kabul, even with the presence of the US military there. As a corollary, the state-within-a-state can be further supported by local populations which see the presence of drugs as either a “rebellious” challenge to an existing structure that has failed

them or a source of economic stability—here we could think of the case of the Aymara Indians in Bolivia mentioned in the first chapter or the peasant farmers in Laos who have lost their income source due to crop eradication programs put forth by the UN.³⁴⁹

Next, the presence of drugs can inadvertently create challenges the state outside of any direct intention of participants in the drug trade. For example, as populations increase the number of people using drugs also increases. This can put additional strain on state resources to meet the results of increased drug use without it being a necessary *intention* of the drug trade to create such a condition. Fourth, conversely the state can inadvertently provide opportunities for drugs to reach consumers in the pursuit of legitimate business practices and the facilitation of global trade. As Kal Raustiala from UCLA noted regarding NAFTA,

Free trade agreements trigger infrastructure changes in the way licit trade is carried out, and these changes, in turn, help drug traffickers. Larger, more modern ports, lower airfares and more border-crossing stations all assist traffickers at the margin. And major innovations, like the use of standardized containers in international shipping, help even more [even if] these changes don't flow directly from free trade agreements....³⁵⁰

Fifth, predatory practices instigated by the presence of drugs, particularly along trade routes and in laundering finances can lead to corruption and bribery. This compromises a state's legitimacy and can bring into question its economic viability both domestically and internationally. In some cases these predatory practices become militarized, escalating into a direct security challenge to the state. Finally, the perception by states and their populations alike about the prior points ultimately shapes national and international agendas even if the drug trade does not seek influence these agendas at all.

Globalization

David Held noted that, “few areas of social life escape the reach of processes of globalization. These processes are reflected in social domains from the cultural to

349 'Southeast Asia: Drug War Success Means Poverty for Laotian Farmers' (2006)
350 Kal Raustiala (2006). Also see David R. Brewley-Taylor (1998).

the political, the legal, the military and the environmental.”³⁵¹ Held could have also added the illegal to this list. As often noted throughout this work there is no separation between the licit and the illicit. Therefore it is of little surprise that the phenomenon of globalization has facilitated as many illegitimate activities as legitimate ones.

Globalization is defined here as the expansion and interlinking of politics, trade, finance, business and culture in a manner more intense than previously witnessed historically. For example, while certainly there were international businesses and commodities before, in globalization the access to diverse markets and the choice of business opportunities for manufacturing and delivery are at a higher quantity than before. The increased business opportunities and new and efficient processes also facilitated the expansion of the drug trade. Drugs were able to enter into new markets alongside licit goods in the states of the former Soviet Union while new forms of international finance allowed for new ways to launder funds from the increased trade. This predicament is not unlike the discussion on morality and the state. The belief in economic liberalism constructs an environment in which corporations grow side by side with the illicit trade using the same mechanisms afforded by the context of free trade for example. There is no secret or underground process that traffickers benefit from, but rather the same institutions, policies and mechanisms used by TNCs.

The contribution of ideas from enterprise is precisely to focus on these processes and to examine a series of factors such as free trade zones and relaxed financial regulations. Therefore, what is important to understand is how products are moved and not necessarily the nature of the product itself. Experts in business processes for black market and illicit goods follow the same business model, creating opportunities to move whatever commodities need transportation. Here enterprise could highlight the influence of drugs policy as we have it today since the main focus should be on processes that allow these products to move. There have been several authors who have already highlighted the links between globalization and

351 David Held, Anthony McGrew, David Goldblatt and Jonathan Perraton (1999) 27.

increased illicit activity.³⁵² However most fall short of making the connection that enterprise would highlight, which is that there is no viable distinction between licit and illicit, and furthermore, licit attitudes, beliefs and actions actually bear the responsibility for the continued trade. Here notions of conspiracy can be turned upside down since there need not necessarily be veiled activities by anonymous actors that lead to the promotion of the drugs trade, but rather quite visible choices in foreign policy, internet technologies, economic practices, etc. that in themselves are overt and legal but which in practice assist the drugs trade and the disposal of the income it generates.

Global Norms

Globalization here includes also the globalization of norms. Global norms, which can best be described as “collective understandings of proper behavior of actors”, are seen in two issue areas related to the drug trade.³⁵³ The first relates to previous discussions on the export of US domestic prohibitory norms to the international policy agenda. The second relates to the difference in drug attitudes in different regions, whether this is related to cultural practices or to the drug of choice in a particular locality. The export of domestic norms is a longstanding topic in IR and is related closely to hegemonic power and socialization in the international arena. According to Ikenberry and Kupchan hegemonic power can be expressed in two forms: material incentives and substantive incentives.³⁵⁴ Primarily discussed through a realist conception of norms, material incentives refer to the ability of powerful states to use threats in order to gain compliance to norms, while substantive incentives involve the internalization of norms by other political elites.³⁵⁵ In the latter case norms are not so much forced upon other states by the hegemon, rather the elites of those states choose to adopt the norms expressed by the hegemon, presumably because they find it to be in their own best interest to do so or there is a natural convergence of attitudes regarding a particular issue. The hegemon is recognized by other states as a leader and its norms are accorded primacy.

352 Mark Galeotti (2001) 203-217.

353 Jeffrey W Legro (1997) 31-63.

354 G. John Ikenberry and Charles A. Kupchan (1990) 283.

355 Ibid.

By bringing into consideration individuals and their choices concepts associated with Lippmann and Smith also highlight local or regional level differences in norms. One way this can be shown is through attitudes towards drug and drug use. On the supply side, the Aymaran Indians in Bolivia consider the coca leaf an innocent commodity possibly more comparable to coffee than to opium. Inquiring why this is the case, it becomes clear that the Aymaran's approach coca from a history and tradition that contains images and understandings far different than those we saw illustrated in earlier chapters. In brief they do not have the same sets of associations to drugs as a cancer and drugs as evil that consumer states have developed. Therefore it is not unusual that they find US drug intervention responses, especially via military action, out of context and tend to assume that such actions are a veil to conceal the promotion of other interests the US may have in the region.

From the consumption side there are different attitudes towards which drugs are acceptable and preferred. In the US, cocaine is considered a drug for the wealthy classes while crack is associated with ghettos and poverty. Therefore crack use among elites is low while cocaine use among marginalized classes is low. These are banal points that any local policeman would know. However when taken with new perceptions as laid out in this research, they become important in that they demystify the reach of drugs as an epidemic. In the 1980's many believed there was a cocaine epidemic across America. While there was certainly increased cocaine use, the alarm that 50 American states, covering more than 3,500,000 square miles, were inundated with cocaine is not credible. At the time cocaine was an expensive drug used by people with notable sums of disposable cash (as most dealers did not take credit cards). In such enclaves there was an increase use of cocaine, especially in New York, Los Angeles, Hollywood and other large areas where the cash rich would gather. This does not necessarily constitute a national epidemic.

Conclusions

Though the question of policy recommendations has been avoided through out this work, it is ultimately in policy that this research could render its greatest value. Given the condition of research and analysis both in IR and in the international policy making arena, given the history of drugs and other illicit activities, and given the degree to which our current policies reflect these conditions, not even a moratorium on drug policies can be a sufficient policy response. For now policy will continue to oscillate between legalization and criminalization with increased law enforcement in certain regions and alternative programs for others.

As far as we are concerned here, however, the real work lies not in changing policy but in increasing research. As such this thesis concludes with three simple research recommendations which could serve as the basis for better future policies. First, we can pursue a critical analysis of the statistics used in drug research, particularly those used to call for policy action. Specifically, we can examine how data is gathered and develop a means to measure how likely it is that such statistics are a reflection of drug realities. Such research should reveal whether such statistics are, in whole or in part, suitable for analyzing a sector whose data are by nature hidden and unreliable at best. That said, it should also be considered whether current statistical methods can be altered to render results for illicit sectors more reliable. Second, such research must be conducted on the images of drugs created by both legalization and criminalization debates across nations. This would involve an extension of the research already conducted in the first chapters of this thesis. Again the purpose is to try to establish the realities of the narcotics trade as opposed to rehashing past arguments which have been long standing in the drug debate. The last research avenue is to apply concepts from the study of OC in several different regions of the world, taking them as case studies not only to test the viability of enterprise itself and particularly inclusive questions, as a research tool, but also through applying enterprise as a means of gaining a better understanding of the drugs trade in each of the regions under examination. This research must, as argued above, engage the process of drugs from cultivation to consumption and not just the role of producing nations.

It may be that the final solution to the 'mess' of the drug issue will not be gained through any amount of research or clever policy making. Such a solution may reside instead in the ultimate removal of high morality from drug debates. As Lippmann point out over 70 years ago,

The [sic] people will have to make up their minds either to bring their legislation ideals down to the point where they square with prevailing human nature or they will have to establish an administrative despotism strong enough to begin enforcing their moral ideals.³⁵⁶

The process of reckoning needed to make such a reconciliation may be, after all, the single most meaningful step towards lasting solution to the international drug trade.

356 Walter Lippmann (1931) 69

Appendix A

FATF Recommendations 1–10

Scope of the criminal offence of money laundering

Recommendation 1

Countries should criminalise money laundering on the basis of United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (the Vienna Convention) and United Nations Convention against Transnational Organized Crime, 2000 (the Palermo Convention).

Countries should apply the crime of money laundering to all serious offences, with a view to including the widest range of predicate offences. Predicate offences may be described by reference to all offences, or to a threshold linked either to a category of serious offences or to the penalty of imprisonment applicable to the predicate offence (threshold approach), or to a list of predicate offences, or a combination of these approaches.

Where countries apply a threshold approach, predicate offences should at a minimum comprise all offences that fall within the category of serious offences under their national law or should include offences which are punishable by a maximum penalty of more than one year's imprisonment or for those countries that have a minimum threshold for offences in their legal system, predicate offences should comprise all offences, which are punished by a minimum penalty of more than six months imprisonment.

Whichever approach is adopted, each country should at a minimum include a range of offences within each of the designated categories of offences.

Predicate offences for money laundering should extend to conduct that occurred in another country, which constitutes an offence in that country, and which would have constituted a predicate offence had it occurred domestically. Countries may provide that the only prerequisite is that the conduct would have constituted a predicate offence had it occurred domestically.

Countries may provide that the offence of money laundering does not apply to persons who committed the predicate offence, where this is required by fundamental principles of their domestic law.

Recommendation 2

Countries should ensure that:

a) The intent and knowledge required to prove the offence of money laundering is consistent with the standards set forth in the Vienna and Palermo Conventions, including the concept that such mental state may be inferred from objective factual circumstances.

b) Criminal liability, and, where that is not possible, civil or administrative liability, should apply to legal persons. This should not preclude parallel criminal, civil or administrative proceedings with respect to legal persons in countries in which such forms of liability are available. Legal persons should be subject to effective, proportionate and dissuasive sanctions. Such measures should be without prejudice to the criminal liability of individuals.

Provisional measures and confiscation

Recommendation 3

Countries should adopt measures similar to those set forth in the Vienna and Palermo Conventions, including legislative measures, to enable their competent authorities to confiscate property laundered, proceeds from money laundering or predicate offences, instrumentalities used in or intended for use in the commission of these offences, or property of corresponding value, without prejudicing the rights of bona fide third parties.

Such measures should include the authority to: (a) identify, trace and evaluate property which is subject to confiscation; (b) carry out provisional measures, such as freezing and seizing, to prevent any dealing, transfer or disposal of such property; (c) take steps that will prevent or void actions that prejudice the State's ability to recover property that is subject to confiscation; and (d) take any appropriate investigative measures.

Countries may consider adopting measures that allow such proceeds or instrumentalities to be confiscated without requiring a criminal conviction, or which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law.

MEASURES TO BE TAKEN BY FINANCIAL INSTITUTIONS AND NON-FINANCIAL BUSINESSES AND PROFESSIONS TO PREVENT MONEY LAUNDERING AND TERRORIST FINANCING

Recommendation 4

Countries should ensure that financial institution secrecy laws do not inhibit implementation of the FATF Recommendations.

Customer due diligence and record-keeping

Recommendation 5

Financial institutions should not keep anonymous accounts or accounts in obviously fictitious names.

Financial institutions should undertake customer due diligence measures, including identifying and verifying the identity of their customers, when:

- establishing business relations;
- carrying out occasional transactions: (i) above the applicable designated threshold; or (ii) that are wire transfers in the circumstances covered by the Interpretative Note to Special Recommendation VII;
- there is a suspicion of money laundering or terrorist financing; or
- the financial institution has doubts about the veracity or adequacy of previously obtained customer identification data.

The customer due diligence (CDD) measures to be taken are as follows:

a) Identifying the customer and verifying that customer's identity using reliable, independent source documents, data or information.

b) Identifying the beneficial owner, and taking reasonable measures to verify the identity of the beneficial owner such that the financial institution is satisfied that it knows who the beneficial owner is. For legal persons and arrangements this should include financial institutions taking reasonable measures to understand the

ownership and control structure of the customer.

c) Obtaining information on the purpose and intended nature of the business relationship.

d) Conducting ongoing due diligence on the business relationship and scrutiny of transactions undertaken throughout the course of that relationship to ensure that the transactions being conducted are consistent with the institution's knowledge of the customer, their business and risk profile, including, where necessary, the source of funds.

Financial institutions should apply each of the CDD measures under (a) to (d) above, but may determine the extent of such measures on a risk sensitive basis depending on the type of customer, business relationship or transaction. The measures that are taken should be consistent with any guidelines issued by competent authorities. For higher risk categories, financial institutions should perform enhanced due diligence. In certain circumstances, where there are low risks, countries may decide that financial institutions can apply reduced or simplified measures.

Financial institutions should verify the identity of the customer and beneficial owner before or during the course of establishing a business relationship or conducting transactions for occasional customers. Countries may permit financial institutions to complete the verification as soon as reasonably practicable following the establishment of the relationship, where the money laundering risks are effectively managed and where this is essential not to interrupt the normal conduct of business.

Where the financial institution is unable to comply with paragraphs (a) to (c) above, it should not open the account, commence business relations or perform the transaction; or should terminate the business relationship; and should consider making a suspicious transactions report in relation to the customer.

These requirements should apply to all new customers, though financial institutions should also apply this Recommendation to existing customers on the basis of materiality and risk, and should conduct due diligence on such existing relationships at appropriate times.

Recommendation 6

Financial institutions should, in relation to politically exposed persons, in addition to performing normal due diligence measures:

a) Have appropriate risk management systems to determine whether the customer is a politically exposed person.

b) Obtain senior management approval for establishing business relationships with such customers.

c) Take reasonable measures to establish the source of wealth and source of funds.

d) Conduct enhanced ongoing monitoring of the business relationship.

Recommendation 7

Financial institutions should, in relation to cross-border correspondent banking and other similar relationships, in addition to performing normal due diligence measures:

a) Gather sufficient information about a respondent institution to understand fully the nature of the respondent's business and to determine from publicly available information the reputation of the institution and the quality of supervision, including whether it has been subject to a money laundering or terrorist financing investigation or regulatory action.

b) Assess the respondent institution's anti-money laundering and terrorist financing controls.

c) Obtain approval from senior management before establishing new correspondent relationships.

d) Document the respective responsibilities of each institution.

e) With respect to "payable-through accounts", be satisfied that the respondent bank has verified the identity of and performed on-going due diligence on the customers having direct access to accounts of the correspondent and that it is able to provide relevant customer identification data upon request to the correspondent bank.

Recommendation 8

Financial institutions should pay special attention to any money laundering threats that may arise from new or developing technologies that might favour anonymity, and take measures, if needed, to prevent their use in money laundering schemes. In particular, financial institutions should have policies and procedures in place to address any specific risks associated with non-face to face business relationships or transactions.

Recommendation 9

Countries may permit financial institutions to rely on intermediaries or other third parties to perform elements (a) – (c) of the CDD process or to introduce business, provided that the criteria set out below are met. Where such reliance is permitted, the ultimate responsibility for customer identification and verification remains with the financial institution relying on the third party.

The criteria that should be met are as follows:

a) A financial institution relying upon a third party should immediately obtain the necessary information concerning elements (a) – (c) of the CDD process. Financial institutions should take adequate steps to satisfy themselves that copies of identification data and other relevant documentation relating to the CDD requirements will be made available from the third party upon request without delay.

b) The financial institution should satisfy itself that the third party is regulated and supervised for, and has measures in place to comply with CDD requirements in line with Recommendations 5 and 10.

It is left to each country to determine in which countries the third party that meets the conditions can be based, having regard to information available on countries

that do not or do not adequately apply the FATF Recommendations.

Recommendation 10

Financial institutions should maintain, for at least five years, all necessary records on transactions, both domestic or international, to enable them to comply swiftly with information requests from the competent authorities. Such records must be sufficient to permit reconstruction of individual transactions (including the amounts and types of currency involved if any) so as to provide, if necessary, evidence for prosecution of criminal activity.

Financial institutions should keep records on the identification data obtained through the customer due diligence process (e.g. copies or records of official identification documents like passports, identity cards, driving licenses or similar documents), account files and business correspondence for at least five years after the business relationship is ended.

The identification data and transaction records should be available to domestic competent authorities upon appropriate authority.

Source: Financial Action Task Force on Money Laundering (1996).

Appendix B
Table 3
Timeline of Major Reports on the Drug Debate

Year	Country	Title
1894	India	Indian Hemp Drugs Commission Report
1905	USA	Report of the Committee Appointed by the Philippine Commission to Investigate The Use of Opium and the Traffic Therein...Bureau of Insular Affairs, War Dept., Philippines
1926	UK	Departmental Committee on Morphine and Heroin Addiction Report, Rolleston report
1928	USA	The Opium Problem by Charles E. Terry and Mildred Pellens
1929	USA	Panama Canal Zone Military Investigations (US Military, 1916–29)
1930	USA	Wickersham Commission Report on Alcohol Prohibition
1944	USA	The LaGuardia Committee Report (New York City)
1961	UK	Interdepartmental Committee, Drug Addiction, (The First Brain Report)
1961	USA	Drug Addiction: Crime or Disease? Joint Committee of the American Bar Association and the American Medical Association on Narcotic Drugs, Interim and Final Reports, 1961:
1965	UK	Interdepartmental Committee, Drug Addiction, Second Report, (The Second Brain Report)
1968	UK	Advisory Committee on Drug Dependence, Cannabis, (The Wootton Report)
1970	Canada	Canadian Government Commission of Inquiry into the Non-Medical Use of Drugs, Interim Report, (The Le Dain Report)
1970	USA	The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marihuana Prohibition by Professors Richard J. Bonnie & Charles H. Whitebread, II, Virginia Law Review, Volume 56, October 1970 Number 6
1971	NL	Ruimte in het Drugbeleid. (Space in Drug Policy) The Hulsman report stands at the basis of the later Baan report and dutch drug policy.
1972	USA	The Consumers Union Report on Licit and Illicit Drugs, by Edward M. Brecher and the Editors of Consumer Reports Magazine
1972	USA	The Koerner Commission Report, State of Ohio
1972	US	Dealing With Drug Abuse: A Report to the Ford Foundation, by the Drug Abuse Survey Project.
1972	US	Marihuana: A Signal of Misunderstanding, National Commission on Marihuana and Drug Abuse
1972	NL	Achtergronden en Risico's van Druggebruik. The Baan Report stood at the basis of the Dutch drug law of 1976 (Opiumwet) decriminalizing cannabis
1973	USA	Drug Use in America: Problem in Perspective, National Commission on Marihuana and Drug Abuse
1977	USA	The Nation's Toughest Drug Law: Evaluating the New York Experience, by the Joint Committee on New York Drug Law Evaluation, of the Association of the Bar of the City of New York
1980	USA	The Facts About Drug Abuse, The Drug Abuse Council

Source: DrugText Library (2005)

Appendix C

Tables 4 and 5 Outline of Arguments for Criminalization and Legalization

Contemporary Example of the Case for Criminalization	
1.	The use of illicit drugs is illegal because of their intoxicating effects on the brain, damaging impact on the body, adverse impact on behavior, and potential for abuse. Their use threatens the health, welfare, and safety of all people, of users and non-users alike.
2.	Legalization would decrease price and increase availability. Availability is a leading factor associated with increased drug use. Increased use of addictive substances leads to increased addiction. As a public health measure, statistics show that prohibition was a tremendous success.
3.	Many drug users commit murder, child and spouse abuse, rape, property damage, assault and other violent crimes under the influence of drugs. Drug users, many of whom are unable to hold jobs, commit robberies not only to obtain drugs, but also to purchase food, shelter, clothing and other goods and services. Increased violent crime and increased numbers of criminals will result in even larger prison populations.
4.	Legalizing drugs will not eliminate illegal trafficking of drugs, nor the violence associated with the illegal drug trade. A black market would still exist unless all psychoactive and addictive drugs in all strengths were made available to all ages in unlimited quantity.
5.	Drug laws deter people from using drugs. Surveys indicate that the fear of getting in trouble with the law constitutes a major reason not to use drugs. Fear of the American legal system is a major concern of foreign drug lords. Drug laws have turned drug users to a drug-free lifestyle through mandatory treatment. 40%–50% are in treatment as a result of the criminal justice system.
6.	A study of international drug policy and its effects on countries has shown that countries with lax drug law enforcement have had an increase in drug addiction and crime. Conversely, those with strong drug policies have reduced drug use and enjoy low crime rates.
7.	The United States and many countries would be in violation of international treaty if they created a legal market in cocaine, marijuana, and other drugs. The U.S. is a signatory to the Single Convention on Narcotics & the Convention on Psychotropic Substances, and has agreed with other members of the United Nations to control and penalize drug manufacturing, trafficking, and use. 112 nations recently reaffirmed their commitment to strong drug laws.

Source: Drug Watch International ³⁵⁷

Contemporary Example of the Case for Legalization	
1.	Regulate and control the drugs trade Drug laws that seek to criminalize production, supply and use of drugs have never been successful in achieving their stated aims, however harshly they are enforced. The illegal market remains unregulated and out of our control. There are a number of legal regulatory frameworks that exist for currently licensed drugs and medicines which allow control over production, price, quality, packaging and age of purchase. Given these legal options we must ask: Is there any benefit to giving monopoly control of this lucrative and dangerous market to organized crime and unregulated dealers?
2.	Reduce drug related ill health Many of the health problems associated with illegal drugs are made far worse by their prohibition. Unknown strength and purity, poor information, and under funded drug treatment all contribute to the dangers faced by drug users. Whilst rates of addiction, HIV and Hepatitis continue to rise, the demonising and alienation of drug users means many are afraid to seek help. Moving towards a health rather than criminal justice focus for drug policy would allow us

³⁵⁷ Drug Watch International (2001) (This piece was reproduced here with permission. Numeration added).

to help those in need and make all drug use safer.
3. Reduce drug related crime
It is clear that the criminal drugs market the direct consequence of prohibitionist laws is the root of most of the crime associated with drugs. Unregulated dealers, gang violence and addicts committing property crime to fund their habits are just some of the problems attributable to the criminal market. Taking the trade out of the hands of criminals and putting it within a legal framework would help to eliminate the criminal market and its associated problems.
4. Maximise revenue and optimise expenditure
Government research shows that every pound spent on drug treatment saves three pounds on criminal justice expenditure. Moving money away from policing and punishment and into care and rehabilitation is both compassionate and effective.
The global illegal drugs market is worth £300 billion a year and rising—an astonishing 10% of international trade— by far the biggest earner for modern day Al Capones. A legally regulated market would keep profits within the legitimate economy and generate significant revenues for the treasury rather than for organized crime.
5. Extend the provision of honest and effective drugs education
Inadequate education is a major factor contributing to the dangers of drug use (legal and illegal). Taboos around illegal drugs in particular have meant most education programmes have been misleading and ineffective. An expansion of drugs information services combined with a more realistic and balanced approach could address these shortcomings.
6. Protect civil rights
For historical reasons some drugs are strictly prohibited whilst others are legally available. This illogical distinction criminalizes millions in a way that is unjust and indiscriminate. Our basic rights to privacy and freedom of belief and practice are routinely infringed. In a modern society committed to civil rights we must accept all drug users have the same rights. With these rights come responsibilities, but when an individual's drug use is responsible and does not interfere with the rights of others, there is no justification for legal sanctions to be applied.
7. Deal with the underlying causes of drug misuse
The drug problem has historically been dealt with symptomatically with little attention paid to the underlying social problems that lead people to misuse drugs. Only by focusing on these underlying problems (unemployment, bad housing, lack of opportunity, poverty, physical and emotional abuse) can we hope to significantly reduce the number of drug misusers.
8. Encourage involvement of communities
The negative impacts of prohibitionist drug policy are felt most heavily in deprived communities, where the prevalence of drug misuse is highest. These same communities are also the most excluded from the decision making process, meaning policy rarely reflects their needs and aspirations. If we are serious about social inclusion we must allow people from all the affected communities, including drug users, a place at the policy making table.

Source: Transform International <http://www.transform-drugs.org.uk/>

Appendix D
Table 6
Timeline of Major Substance Control (1868–1988)

Date	Name of Act
1868	Pharmacy Act of 1868 required registration of those dispensing drugs.
1906	Pure Food and Drug Act prohibited adulteration and mislabeling; lead to decline of patent medicines
1909	Opium Exclusion Act
1909	Shanghai Opium Convention
1911	International Conference on Opium
1913	International Opium Convention ratified by U.S. Senate.
1914	Harrison Narcotics Act taxed and regulated distribution and sale of narcotics
1919	Supreme Court sustained the Harrison Act in U.S. v. Doremus.
1920	Volsted Act, National alcohol prohibition.
1922	Narcotics Drugs Import and Export Act
1924	Heroin Act-Makes it illegal to manufacture heroin
1929	Porter Narcotic Farm Act established two narcotics hospitals for addicts in Federal prisons in response to addicts crowding.
1932	Uniform State Narcotics Act endorsed by Federal Bureau of Narcotics as an alternative to Federal laws; by 1937 every State prohibits marijuana use.
1935/1936	First Federal hospitals/prisons open in Lexington/Fort Worth; Porter Act.
1938	Food, Drug and Cosmetic Act FDA given control over drug safety, Drugs redefined: effect body even in absence of disease, Establishes class of drugs available by Prescription (Company determines status)
1937	Marijuana Tax Act
1942	Opium Poppy Control Act
1951	Durham-Humphrey Amendment Established more specific guidelines for prescription drugs: habit forming, safety, and evaluation of new drugs
1951	Boggs Act imposed harsher penalties
1965	Drug Abuse Control Amendments (DACA) Strict controls over amphetamines, barbiturates, LSD, etc.
1966	Narcotic Addict Rehabilitation Act (NARA) Allows treatment as alternative
1968	DACA Amendments Provides that sentence may be suspended and record expunged if no further violations within 1 year
1970	Comprehensive Drug Abuse and Control Act Replaces and updates all previous laws concerning narcotics and other dangerous drugs. Emphasis on law enforcement.
1972	Drug Abuse Office and Treatment Act Establishes federally funded programs for prevention and treatment
1973	Methadone Control Act Regulates methadone licensing
1973	Heroin Trafficking Act Increases penalties for distribution
1973	Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Consolidates NIMH, NIDA, and NIAAA under umbrella organization
1973	Drug Enforcement Administration (DEA) Remodels Bureau of Narcotics and Dangerous Drugs into DEA
1974/ 1978	Drug Abuse Treatment and Control Amendments Extends 1972 act
1978	Alcohol and Drug Abuse Education Amendments Sets up education programs within Department of Education
1980	Drug Abuse Prevention, Treatment, and Rehabilitation Amendments Extends prevention education and treatment programs
1984	Drug Offenders Act Sets up special programs for offenders and treatment
1986	Analogue (Designer Drug) Act Makes use of substances with similar effects and structure to existing illicit drug illegal
1988	Anti-Drug Abuse Act Establishes oversight office: National Drug Control

Source: Robert Keel, 'Significant Events in the History of Our Drug Laws' and George Mason University <http://www.gwu.edu/>

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