

LOOSENING DRUG PROHIBITION'S LETHAL GRIP ON THE AMERICAS

The U.S. Finally Embraces Harm Reduction
But the Drug War Still Rages

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Overview

More than half a century after the advent of a global drug prohibition regime and the launch of the U.S. “war on drugs,” the results have been disastrous for Latin America and the Caribbean, and for the United States itself. Even worse, prohibition’s consequences are exacerbating other grave problems—corruption and organized crime, violence perpetrated with impunity, forest loss and climate change, and displacement and migration—making solutions to these challenges even more difficult to achieve. The Biden administration’s historic embrace of harm reduction represents an enormous, life-saving advance for U.S. drug policy. But even with harm reduction services, moves to decriminalize drug possession, and shifts underway to legally regulate recreational cannabis, the brunt of drug prohibition remains intact and the drug war rages on in the Americas. The principal victims of government repression in the name of drug control and of the predations of organized crime have always been and continue to be the most impoverished and marginalized communities. At the same time, the illegal drug trade constitutes an economic survival strategy for millions of people in Latin America and around the world—a de facto social safety net of the sort that national elites and governments themselves have proven unwilling or incapable of providing.

Having put down deep roots over the decades—ideologically, politically, bureaucratically and even culturally—prohibition can seem impervious to reform. However, the current regime was not inevitable but rather the product of a certain historical moment, and need not endure forever. Recognizing that prohibition is in fact a policy choice, not an immutable condition, should encourage civil society and lawmakers to undertake the serious deliberations, debates and analyses that will be required to transition to better drug policy choices oriented toward legal regulation, harm reduction, and decriminalization. The rationale for transitioning to regulation is not that drugs are safe, but that drug use poses a range of risks and that governments should apply their regulatory tools to manage those risks to protect public health and safety. Regulatory models must prioritize the interests and inclusion of those communities most harmed by the punitive enforcement of drug prohibition. Such regulatory frameworks will be far better suited than prohibition to protecting human rights and promoting health, gender and racial equality, security and environmental sustainability.

Inheriting the Drug War Disaster

President Joe Biden and Vice President Kamala Harris took office in January 2021 facing severe drug policy challenges, but also with significant reform opportunities. As Biden launched his successful bid for the presidency, the United States was already in the midst of its worst-ever drug [overdose crisis](#),¹ with more than 1 million overdose deaths since 2001, and the number of fatalities surpassing 107,000 in [2021](#).² At the same time, the murder of [George Floyd](#)³ had placed issues of racism squarely on the national agenda, including policing and criminal justice reform. More and more [states](#)⁴ were choosing to legalize recreational cannabis, a trend that began in 2012 when voters approved legalization ballot initiatives in [Colorado and Washington](#).⁵ On the campaign trail, Biden [stopped short](#)⁶ of endorsing federal legalization but maintained that “[we should decriminalize](#)”⁷ cannabis and “everyone [with a cannabis record] should be let out of jail, their records expunged, be completely zeroed out.”

As it happened, Biden and Harris would begin their tenures 50 years after President Nixon declared a global “[war on drugs](#),”⁸ and 60 years after the United Nations [1961](#)⁹ Single Convention on Narcotic Drugs ushered in a worldwide prohibition regime aiming to eliminate non-medical uses of drugs. While the Single Convention also aims to ensure access to essential medicines, since its outset the treaty regime’s ethos has been punitive and prohibitionist. The Single Convention largely took shape during the 1950s, and the resulting accord was [rooted](#)¹⁰ in the prevailing colonialism and racism of the era, disregarding the rights and traditions of communities that have been growing and using coca, cannabis, and opium poppies for medicinal, therapeutic, religious, and cultural purposes for centuries.

The 1961 treaty was followed by the [1971](#)¹¹ Convention on Psychotropic Substances and the [1988](#)¹² Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; this trio of treaties “and other relevant instruments constitute the [cornerstone](#)¹³ of the international drug control system.” The inclusion of “[other relevant instruments](#)”¹⁴ in the formulation was a result of the 2016 UN General Assembly Special Session on Drugs (UNGASS), and refers to the UN Charter and the Universal Declaration of Human Rights, a subtle but important modification given the UN drug control system’s history of downplaying or dismissing human rights concerns.

The [U.S. government](#)¹⁵ played a leading role in creating the Single Convention, and for decades has exercised its global power to reinforce the punitive ethos of the UN drug control regime. The illegal drug trade has flourished nonetheless, while millions of people have been criminalized and incarcerated across the globe, typically for drug possession or low-level drug trade activities, and with [disproportionate impacts](#)¹⁶ on people living in poverty, racial and ethnic minorities, indigenous communities, women, children, LGBTQI+ and other marginalized people.

At the same time, the Single Convention's aim of ensuring access to essential medicines remains far from being achieved. In 2016, the International Narcotics Control Board ([INCB](#),¹⁷ the quasi-judicial expert body established by the Single Convention) delivered a bleak [assessment](#).¹⁸

“Too many people still suffer or die in pain or do not have access to the medications they need. Unnecessary suffering resulting from a lack of appropriate medication due to inaction and excessive administrative requirements is a situation that shames us all. Around 5.5 billion people still have limited or no access to medicines containing narcotic drugs, such as codeine or morphine, leaving 75 percent of the world population without access to proper pain relief treatment.”

During his long career in the Senate, Biden played a major [role](#)¹⁹ in the bipartisan intensification of the U.S. drug war, at home and abroad. As Republicans promoted “law and order” responses to crime and drugs, Democrats sought to demonstrate that they were even more [hawkish](#),²⁰ calling for increasingly tough drug enforcement and sentencing legislation. In 2014, the National Research Council ([NRC](#))²¹ published a landmark report on the causes and consequences of the nation's rising incarceration rate, finding that the drug war played a major role in accelerating U.S. incarceration, but that the sharp increases in imprisonment for drug crimes did not drive illegal drug prices higher or reduce drug use. The NRC underscored the steep social costs of the U.S. incarceration binge, and concluded that the “disparate impact of the war on drugs on communities of color and the high rates of incarceration for drug offenses among African Americans and Hispanics make a reduction in drug-related incarceration an urgent priority.”

The punitive approaches that dominated domestic U.S. drug policy also infused U.S. foreign policy. Historically, U.S. politicians have blamed illegal drug problems on foreigners, casting drugs as an external menace wielded by malign actors. Latin America has featured prominently in this narrative, and has been the focus of [U.S. efforts](#)²² to stamp out drugs at their “source.” Democrats and Republicans joined together to escalate the overseas drug war in the 1980s, aiming to suppress drug supplies at the stages of crop cultivation and production, and expanding interdiction operations to stop illegal drugs from reaching and crossing U.S. borders.

In 1986, President Ronald Reagan named drug trafficking a [national security threat](#),²³ formally engaging the Pentagon in drug interdiction. And in 1989, President George H.W. Bush launched the [Andean Strategy](#).²⁴ to pump U.S. military and police aid to Colombia, Peru, and Bolivia to destroy coca cultivation and cocaine production.

During a hopeful time when Latin American military dictatorships were undergoing tentative transitions to civilian-led democracies, U.S. counter-drug assistance gave the region's armed forces a big new internal security [mission](#),²⁵ and helped to pay for it. As the Cold War waned, the drug war provided a new rationale for the [Pentagon's](#)²⁶ Southern Command to maintain an active presence in Latin America. At the same time, and often under intense U.S. pressure, many countries in Latin America and the Caribbean adopted increasingly punitive domestic drug enforcement and sentencing [laws](#),²⁷ overloading the region's [prisons](#)²⁸ with people accused of low-level drug offenses.

Also in 1986, Congress enacted the “[drug certification](#)”²⁹ process, requiring the President to judge each year whether other nations were “cooperating fully” with U.S. drug control efforts, threatening punishments for countries deemed unhelpful. Congress revised the certification law in 2002, with sanctions threatened for those countries considered by the President to have “[failed demonstrably](#)...”³⁰ to make substantial efforts” to cooperate with U.S. drug policy and adhere to international drug control agreements. While the certification process was billed as a way to achieve closer cooperation, in reality it has generated [discord and mistrust](#).³¹ For Latin Americans especially, the annual unilateral U.S. exercise quickly came to epitomize U.S. hypocrisy in casting blame on others even as massive U.S. demand for illegal drugs remains a powerful magnet for supply. In its 2020 report, the bipartisan Western Hemisphere Drug Policy Commission [found](#)³² that the certification process “offends our partners and does little to deter corrupt practices in unfriendly nations,” calling for its replacement by tools better suited to actually promoting drug control cooperation.

Indeed, despite investing hundreds of billions of dollars, the U.S. emphasis on strangling illegal drug supplies has delivered perennial disappointment. A “drug-free world” has proven to be an impossible illusion. Half a century after Nixon declared the modern U.S. drug war, illegal drug [production](#)³³ is booming and drugs remain [readily available](#)³⁴ and more potent than ever within the United States.

According to the U.S. Drug Enforcement Administration's (DEA) most recent [National Drug Threat Assessment](#),³⁵ “Availability of cocaine throughout the United States remains steady, likely based on the high levels of coca cultivation and cocaine production in the Andean Region of South America.” WOLA's 2021-2022 [webinar series](#)³⁶ analyzed the myriad ways in which prohibition and its enforcement has been catastrophic for people in Latin America and the Caribbean. The “war on drugs” has been no mere metaphor, but a lived reality of violence and vulnerability with devastating consequences for millions of people—the brunt of the harms felt by the most marginalized communities.

Drug Policy Innovation or Reinforcement of the Status Quo?

Taking office facing an array of daunting challenges and with his Democratic party holding the narrowest of margins in the Senate, would President Biden and his team stick with traditional U.S. drug policy approaches, tinker at the margins, or even introduce major innovations? The Biden administration's first full-fledged [National Drug Control Strategy](#),³⁷ released on April 22, 2022, provides the clearest answers so far. (The Strategy reports have been produced in their current form since 1989, led by the White House Office of National Drug Control Policy, [ONDCP](#)).³⁸

The new plan's embrace of [harm reduction](#)³⁹ and recognition of the need to improve data are praiseworthy advances, as WOLA [highlighted](#)⁴⁰ upon the Strategy's release in April 2022. The administration has yet to offer comparable advances regarding cannabis policy reform. Biden's new Strategy does bring some important new emphases in framing the U.S. international approach, particularly a focus on targeting traffickers' finances. But the plan remains defined by prohibition, the bedrock of U.S. drug policy and the basis for long-standing efforts to reduce supply through punitive measures carried out by police and military forces. Unfortunately, prohibition not only exacerbates drug-related harms but also aggravates an array of other severe challenges facing the United States and the world, including corruption and organized crime, violence perpetrated with impunity, forest loss and climate change, and displacement and migration.

Fortunately, the Biden Strategy cannot be confused for the toxic mix of ignorance, xenophobia and demagoguery that marked President Donald Trump's forays into drug policy—including his insistence that a [border wall](#)⁴¹ with Mexico would somehow stop drugs from entering and his reckless suggestion to [launch missiles](#)⁴² into Mexico to destroy illegal drug laboratories.

In his open admiration for a leader such as the Philippines' [Rodrigo Duterte](#)⁴³—who unleashed state violence to [murder thousands of people](#)⁴⁴ suspected of using drugs—Trump provided a glimpse at his own depravity and authoritarian instincts. Nor does Biden's Strategy partake in Trump's [grotesque praise](#)⁴⁵ for extra-judicial killings and the death penalty for selling drugs, or in Trump's habitual deprecation and bullying of other countries. This comes as no surprise, but it is nonetheless important to note the differences in tone and substance coming from Biden's White House.

Breaking with the Past by Embracing Harm Reduction

In response to the ongoing U.S. drug overdose crisis, the Biden administration has embraced harm reduction services—specifically naloxone (to reverse overdoses), drug test strips, and syringe access programs.

The new Strategy includes an entire chapter devoted to the crucial life-saving role of harm reduction, and represents by far the most important change from previous U.S. drug strategies. The administration summarizes harm reduction as an approach that “emphasizes working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social wellbeing of those served, and offer flexible options for accessing substance use disorder treatment and other health care services.”

The new embrace of harm reduction stands in stark contrast to the harshly punitive and racialized U.S. response to the rise of [crack cocaine](#)⁴⁶ in the 1980s. Growing public support for more compassionate, [health-oriented](#)⁴⁷ approaches to drugs likely owes at least in part to the reality that the devastation fueled by the current crisis is being felt in communities across the country, affecting Whites as well as people of color. The surge in overdose deaths has played a grim role in what scholars Anne Case and Angus Deaton have called “[deaths of despair](#)”⁴⁸ linked to drugs, alcohol and suicide, and hitting working class Whites especially hard. Overdose deaths accelerated during the COVID-19 pandemic from 2019-2020, [growing fastest](#)⁴⁹ among Blacks (up 44 percent) and American Indians and Alaska Native people (up 39 percent). In 2020, the overdose death rate among Blacks (36.8 per 100,000) was [higher](#)⁵⁰ than among Whites (31.6 per 100,000). The federal Centers for Disease Control and Prevention ([CDC](#))⁵¹ attributes the growing overdose death disparities to health inequities such as “[unequal access](#)”⁵² to substance use treatment and treatment biases.” Independent researchers suggest that the increasing vulnerability of Blacks to overdose stems from greater reliance on increasingly [toxic](#)⁵³ illegal drug supplies—such as synthetic opioids like [fentanyl](#),⁵⁴ 50 to 100 times more potent than morphine.

The rise of fentanyl underscores the urgency for rapidly expanding harm reduction services. Beginning in the [late 1990s](#),⁵⁵ pharmaceutical companies such as [Purdue Pharma](#)⁵⁶ grew rich by taking advantage of lax regulation and using their [political influence](#)⁵⁷ to hobble government oversight as they aggressively marketed powerful painkillers like OxyContin. Subsequently, curtailed prescribing led to [restrictions](#)⁵⁸ on legitimate access to opioid medication. Many people reliant on legal medications for pain management or who had become dependent upon prescribed drugs turned to illegal opioids markets, creating a surge of overdose deaths, accelerated as extremely potent synthetic opioids such as fentanyl entered the market. Fentanyl’s spread has demonstrated the “[Iron Law of Prohibition](#),”⁵⁹ whereby supply suppression efforts favor the introduction of more compact and more potent substitute drugs—easier to conceal, more difficult to detect, and even more profitable for the suppliers.

The illegal fentanyl on the U.S. market is now largely produced in labs in Mexico, using precursor chemicals shipped largely from China. Mexican Transnational Criminal Organizations (TCOs) have taken advantage of the higher profitability of fentanyl and other synthetic opioids, which spares them the costs and operational risks involved in harvesting opium poppies and producing heroin.

The State Department estimates that Mexican land area devoted to opium [poppy cultivation](#)⁶⁰ declined by nearly 50 percent from 2017-2020, as did Mexican heroin production. Even so, illegal poppy production remains key to the livelihoods of many Mexicans, with the 23,000 hectares under poppy cultivation in 2020 more than double the amount in 2013, according to U.S. figures.

According to the February 2022 report of the bipartisan [Commission on Combating Synthetic Opioid Trafficking](#),⁶¹ “The flow of precursors from the PRC to Mexico remains unabated.” To the extent that China proves interested and capable of clamping down on precursors, other countries can likely take up the slack to meet demand. “The difficult truth,” according to the Commission, “is that there is no easy solution to the synthetic opioid problem... Overall, synthetic opioids offer economic and tactical advantages that allow criminals to vastly outpace enforcement efforts.” In view of the challenges posed by fentanyl, the Commission’s report explicitly endorses harm reduction services.

The Biden administration is justified in asserting that its inclusion of harm reduction “addresses a historic gap in past U.S. drug policy.” Indeed, the administration’s claim is a huge understatement. Globally, the U.S. government is playing catch-up in supporting harm reduction services, which [numerous countries](#)⁶² adopted years ago, and which is endorsed as part of the UN System’s 2018 [Common Position](#)⁶³ on drug policy. Given the tragically late U.S. start and the fundamental role that vastly expanded harm reduction services can and must play in addressing the U.S. overdose crisis, it is difficult to overstate the importance of the Biden administration’s decision to make harm reduction an essential feature of its new strategy.

To be sure, previous U.S. drug strategies set the bar dismally low. From its creation in the late 1980s, ONDCP has favored “tough-on-drugs” rhetoric and [enforcement-oriented](#)⁶⁴ policies and supply control. Drug policy objectives have been framed in narrow terms, as a mix of controlling illegal drug supply and reducing illegal drug demand. Expanding U.S. drug strategy to include reducing the risks and harms for people who use drugs marks a dramatic breakthrough for the better. The road to implementing harm reduction services of the quality and the scale required will take time, far greater resources than have so far been allocated, and unwavering commitment in the face of political attacks on harm reduction as a drug war “surrender.”

The Biden administration deserves great credit for taking the first step forward, and can expect support from civil society along with constant pressure to make good on its commitments. Indeed, opinion surveys suggest that American voters [support](#)⁶⁵ harm reduction services. Michael Botticelli, who served as President Barack Obama’s ONDCP Director, has praised the Biden administration for supporting harm reduction, but also wants the federal government to [go further](#)⁶⁶ by creating “legal space for states and cities to pilot overdose prevention sites,”

also known as [supervised consumption services](#),⁶⁷ which the Biden administration has yet to back. Early research findings indicate that locally-sanctioned overdose prevention sites in New York are [decreasing](#)⁶⁸ overdose risk as well as the prevalence of public drug use.

A Welcome Spotlight on the Need to Improve Data and Research

Less of a headline but also noteworthy, the Biden Strategy features an entire chapter focused on the need to improve data systems and research in order to guide policy making. An emphasis on bolstering data and research may seem unremarkable. But many of the pillars of the traditional U.S. approach to drug control—especially those related to [enforcement and supply control](#)⁶⁹—have long [struggled](#)⁷⁰ to demonstrate effectiveness.

The lack of suitable data available for analyzing drug trends, measuring markets, and assessing policy interventions is [not a new problem](#).⁷¹ But instead of bolstering drug data systems and research over the past two decades, successive administrations have allowed them to erode. Having considered drug enforcement in particular to be self-evidently the correct approach, policymakers have generally shown little interest in the data and research needed to assess enforcement interventions. How the Biden administration will actually put its call to strengthen data and research into practice remains to be seen, and the Strategy's failure to even mention research on cannabis is a glaring gap. But describing a vision for U.S. drug policy "based on science, evidence and the best data available" is an important commitment in its own right, and one that the administration can now be pushed hard to deliver upon.

The new Strategy maintains that "existing data sets and analyses are inadequate to determine whether reductions in cultivation resulting from eradication, or changes in maritime and airborne interdiction in the transit zone are associated with changes in drug use prevalence or the number of drug overdoses in the United States." However, research that has been based on access to significant U.S. government datasets has offered evidence that traditional overseas supply control policies, such as [transit zone interdiction](#),⁷² are not effective in suppressing supplies. The best available U.S. [estimates](#)⁷³ of illegal drug prices and purity over time suggest that the fundamental U.S. supply-control goal of restricting availability has not been met, with prices having fallen considerably since the 1980s, despite [fluctuations](#)⁷⁴ and occasional upward spikes.

For decades, the U.S. government has heavily relied on [indicators](#)⁷⁵ such as quantities of drugs seized and crops eradicated in countries such as Colombia and Mexico to assess progress in curtailing drug supply and availability. The standard indicators have typically been used to justify status quo policies. So if the number of hectares under coca cultivation appears to be decreasing, U.S.-backed eradication policies are credited. And if coca cultivation seems to be on

the increase, then eradication efforts need to be intensified. In either case, the existing policy is rarely brought into question, and a [vicious cycle](#)⁷⁶ is repeated, with short-term reductions in crop cultivation inevitably reversed with new plantings.

In September 2021, the Biden administration agreed with the Mexican government of President Andrés Manuel López Obrador on a new framework for security and [rule of law](#)⁷⁷ cooperation. In May 2022, the administration agreed with the Colombian government of Iván Duque upon an expanded set of [metrics](#)⁷⁸ to help “guide efforts on rural security and development, environmental protection, and drug supply reduction.” However, drug control announcements by the U.S. and Mexican officials continue to focus largely on [traditional actions](#)⁷⁹ such as targeted arrests and drug interdiction. In Colombia, the Biden administration continues to fund military and police eradication operations absent efforts to provide even basic food security assistance to the affected families.

The incoming Colombian government of president-elect [Gustavo Petro](#)⁸⁰ will likely seek to further de-emphasize coca eradication targets as a performance metric in favor of indicators of rural governance and economic well-being. Petro can also be expected to definitively rule out any possibility of resuming “[fumigation](#),”⁸¹ aerial spraying of coca crops with glyphosate—a herbicide classified by the World Health Organization (WHO) in 2015 as “probably [carcinogenic](#)⁸² to humans.” The June 2022 report of Colombia’s [Truth Commission](#)⁸³ urged addressing illegal crop cultivation from a human rights and development perspective, rather than from a national security framework, recommending that the government:

- “Demilitarize the State’s response to illegal crop cultivation and the affected territories and communities and definitively renounce, on the basis of evidence, glyphosate spraying.”
- “Redesign strategies to address coca, cannabis and poppy crops with the participation of peasant and ethnic communities involved in order to guarantee social and economic inclusion of the various communities on the basis of ethnicity, gender, women’s rights and to ensure actions do not cause harm.”

All but Silent So Far on Cannabis Reform

Public support for cannabis decriminalization and [legalization](#)⁸⁴ continues to grow, but the administration’s new Strategy is silent on the question of federal cannabis reforms. The Biden administration is evidently content to keep the issue of cannabis legalization at arms’ length while Congress considers various legislative approaches, with [Democratic](#)⁸⁵ and [Republican](#)⁸⁶ initiatives emerging in the House of Representatives and Democratic-led efforts in the [Senate](#).⁸⁷

None of the more ambitious bills being considered thus far appears to have a clear [path](#)⁸⁸ to final passage, especially given the 60-vote super-majority needed to overcome the [filibuster](#)⁸⁹ rule in the Senate, but could create the basis for passage of incremental reforms. At the same time, the Biden administration has given no indication that it intends to intervene to try to [block](#)⁹⁰ state-level legal cannabis regimes from functioning, continuing a stance that began under the Obama administration. And at least regarding medical cannabis, a glimmer of change appeared at a June 2022 congressional [hearing](#),⁹¹ when ONDCP Director Dr. Rahul Gupta acknowledged “evidence to suggest that, in cases of certain chronic pain, cannabis can be efficacious.” Dr. Gupta’s recognition of the therapeutic value of cannabis is noteworthy because ONDCP is required by statute to oppose any attempt to legalize the use of Schedule I substances, including cannabis.

Evidence for the therapeutic value of cannabis is by now firmly established. In a 2017 study, the National Academy of Sciences affirmed the effectiveness of cannabis for treating patients suffering from [chronic pain](#)⁹² and other conditions. Cannabis is clearly used by many people as a [substitute](#)⁹³ for prescription drugs, including opioids, with [obvious potential](#)⁹⁴ to reduce reliance on opioids for managing chronic pain. In 2020, the U.S. State Department acknowledged the evidence for the medical value of cannabis, [voting](#)⁹⁵ at the UN Commission on Narcotic Drugs (CND) in favor of a WHO recommendation to [remove](#)⁹⁶ cannabis from Schedule IV of the Single Convention, a category reserved for controlled substances with limited or no therapeutic benefit.

Nevertheless, cannabis reform has so far been languishing 18 months into Biden’s term, despite the increasingly bipartisan appeal that cannabis reform holds and the opportunities available to ease some of the glaring racial [disparities](#)⁹⁷ in U.S. criminal justice. According to Gallup, [68 percent](#)⁹⁸ of American adults favor legalizing cannabis, including solid majorities of in all major subgroups by gender, age, income, and education. [Black Americans](#)⁹⁹ —who were critical to Biden gaining his party’s nomination and to winning the presidency—support legalizing cannabis and expunging cannabis-related offenses. In April 2022, Biden granted [clemency](#)¹⁰⁰ to 78 people, including pardons and sentence commutations for nine people with non-violent cannabis offenses. While commending that step, in July 2022 several Senate Democrats [urged](#)¹⁰¹ Biden to deschedule cannabis and to issue pardons to all people convicted of federal non-violent cannabis offenses. In response to questions from the media, also in July the president [reiterated](#)¹⁰² that “I don’t believe anyone should be in prison for the use of marijuana,” and indicated the more advances may be in the works.

Meanwhile, domestic U.S. cannabis policy developments are being watched closely in other countries. With 19 U.S. states and the District of Columbia having already chosen to legally regulate recreational cannabis, the federal government is in [no position](#)¹⁰³ to pressure other governments against taking their own steps to legalize the drug.

The U.S. jurisdictions that have legalized recreational cannabis are home to more than 145 million people, accounting for 44 percent of the nation’s population. This makes the United States the world’s largest legal cannabis market, notwithstanding ongoing federal prohibition; in 2021, state-legal medical and recreational cannabis sales totaled [\\$25 billion](#).¹⁰⁴

As a result, the U.S. government is widely understood to be [out of compliance](#)¹⁰⁵ with the UN drug conventions, which require that obligations—including the ban on non-medical cannabis—be implemented in the entirety of each party’s territory. From the perspective of the treaty obligations, whether or not a country has a federal form of government is irrelevant. The INCB has signaled that it appreciates the U.S. federalism dynamic, recognizing the “[discretion](#)¹⁰⁶ exercised by federal prosecutors with regard to cannabis offenses.” But the Board has also taken [direct aim](#)¹⁰⁷ at U.S. arguments denying treaty non-compliance, asserting that “if subnational Governments have taken measures towards legalizing and regulating the non-medical use of cannabis, despite federal law to the contrary,” then such developments are “in violation of the international drug control legal framework.” The U.S. federal government would clearly fail to meet the drug treaty-related criteria of its own “certification” process, which the State Department describes as [requiring](#)¹⁰⁸ countries to “take legal measures to outlaw and punish all forms of illicit drug production,” including cannabis.

Continuing to Oversell International Supply Control

If the Biden team’s embrace of harm reduction is a real breakthrough for domestic U.S. drug policy, the administration’s international plan treads more familiar terrain, albeit with an important shift in emphasis to the challenges posed by corruption and organized crime. The Strategy makes a big pitch for tackling the problem:

[D]rug trafficking sustains vast domestic and international criminal enterprises that fund a range of illicit activities, enable corruption, undermine governance, and have a destabilizing effect on partner nations, as well as create opportunities for malign actors to gain footholds in fragile states and among vulnerable populations. The organization Global Financial Integrity estimated that, in 2014, the manufacture and trafficking of illicit drugs generated some \$426-\$652 billion for TCOs [Transnational Criminal Organizations] worldwide, more than a third of the total value of transnational organized crime.”

The Strategy describes the U.S. international supply-reduction focus as “Disrupting illicit finance networks to commercially disrupt drug trafficking operations and prevent illicit substances from reaching communities in the United States.” In framing its engagement with key drug producing and trafficking nations, such as Mexico and Colombia, the administration makes a welcome commitment to “advancing economic opportunity for the most vulnerable ... [and] providing state presence and security that adheres to the rule of law and human rights” (emphasis added).

The Strategy also introduces the aim of environmental protection, as in Colombia, where “large areas of forest are clear cut to make room for coca cultivation and clandestine runways to support aerial trafficking operations.” The document goes so far as to acknowledge that “Activities related to illegal drug production in the Western Hemisphere have disproportionately detrimental effects on vulnerable populations ill equipped to confront these activities on their own.”

Beyond serious questions about [how to quantify](#)¹⁰⁹ illicit revenues and the extent of money laundering, expectations for the kind of impact that can be achieved by targeting finances and profits should be tempered. In a globalized, densely interconnected world, continued demand for drugs under conditions of prohibition creates enormous incentives for suppliers willing to face the enforcement risks to reap the monetary profits. Moreover, the same mechanisms used for drug money laundering (such as tax havens and offshore financial centers) are also used by [transnational corporations](#)¹¹⁰ for tax evasion and flight capital. Without the political will to rein in the free flow of financial capital, taking big bites out of drug traffickers’ profits will remain very difficult. Under these conditions, it is unrealistic to expect swift or decisive blows against the illegal drug trade, and it is even less likely that such blows would translate into sustainable impacts on supply and U.S. drug availability. Still, a deliberate U.S. effort to focus on hindering finances of major TCOs is an improvement over the longstanding U.S. preoccupation with eradicating drug crops.

Nevertheless, the Biden Strategy does repeat the mistake that has marked all its predecessors: overselling what can realistically be achieved internationally to control illegal drug supplies. Indeed, in a phrase that could have been plucked from virtually any previous U.S. Strategy, the Fact Sheet summarizing the Biden plan “directs agencies to work with partner governments in drug-producing and transit countries to prevent illicit drugs from ever reaching our border” (emphasis added). Perennially a U.S. goal but never close to being achieved, recycling such language now only perpetuates the unfounded belief that decisive responses to U.S. drug problems can be achieved by controlling supply overseas.

The Prohibitionist Foundations of U.S. and Global Drug Policy

The policy of prohibiting non-medical use of (certain) drugs is a choice that the United States and most of the world made more than 60 years ago, now embodied in the suite of UN drug control treaties that began in 1961 with the Single Convention. The 1961 treaty’s preamble refers to addiction to drugs as a “serious evil for the individual,” one that governments have a duty to “prevent and combat.” Historically, the framing of drug control in moralistic terms as a struggle between the forces of good and evil has obscured structural explanations for the drug trade’s resilience and its adaptability in the face of enforcement pressure.

While drug enforcement is typically portrayed as if it were an attack on drug trafficking per se, the reality is that even the most comprehensive enforcement strategies only target particular trafficking organizations or networks, not the deep-seated foundations that uphold the illegal drug trade and account for its resilience.

Taken together, three factors combine to thwart governments' ability to sustainably shrink illegal drug production and supply:

- large-scale and growing [worldwide demand](#)¹¹¹ for drugs, despite the intent to ban them through the prohibitionist global drug treaty regime;
- enormous numbers of households for whom the illegal drug trade constitutes an economic survival safety net; and
- the large number of countries, in the Americas and around the world, where institutions and the rule of law are too weak to prevent drug trafficking organizations from utilizing national territory to conduct their business—whether through corruption, the threat or use of force, or penetration of state institutions.

Expanding Drug Markets, Despite Prohibition

Despite the international agreement to ban and punish non-medical uses of drugs, illegal recreational drug use and lucrative markets have flourished, continuously generating sizable financial profits for those groups and individuals willing to act outside the law. According to the World Drug Report from the UN Office on Drugs and Crime (UNODC), around 284 million people aged 15-64 used drugs worldwide in 2020, a [26 percent](#)¹¹² increase over the previous decade. UNODC has found that the COVID-19 pandemic initially disrupted drug production and distribution, but that drug use and drug markets “have proved [resilient](#)¹¹³ to changes brought about” by the pandemic. The underlying policy of prohibition acts as an informal price support mechanism, providing continual financial nourishment to illegal drug trafficking, ultimately blunting and frustrating the impacts of even the most sophisticated and coordinated enforcement operations.

History is replete with examples of success in disarticulating particular organizations, disrupting specific networks, and pressuring traffickers to alter their routes and methods. This mobility in response to enforcement—the “[balloon effect](#)”¹¹⁴—plays out time and again, as traffickers alter routes and stake out new territories where authorities can be eluded, intimidated, or co-opted and given a piece of the business.

The U.S. [invasion of Panama](#)¹¹⁵ toppled strongman Manuel Noriega more than 30 years ago. Colombia's [Pablo Escobar](#)¹¹⁶ was killed more than 25 years ago. Mexican drug kingpin Joaquín “[El Chapo](#)”¹¹⁷ Guzmán is serving a life sentence in U.S. federal prison. Former Honduran president [Juan Orlando Hernandez](#)¹¹⁸ and ex-police chief “[El Tigre](#)”¹¹⁹ are behind bars in the United States facing drug trafficking charges. The list of drug traffickers apprehended goes on, but the drug trade adapts and flourishes, because drug prohibition constantly creates possibilities for enormous wealth creation. Enforcement can cull the field of competitors but not remove the enormous profit incentives that prohibition itself provides.

As it has become [more dispersed and widespread](#)¹²⁰ in Latin America, the illegal drug trade has proven more and more difficult to contain, much less eliminate. To take some of the most consequential examples: in the late 1980s, enforcement pressure against cocaine trafficking routes in the Caribbean and south Florida pushed cocaine trafficking west to Mexico. In the mid-1990s, as the United States increasingly succeeded in dismantling domestic methamphetamine labs, Mexican criminal organizations developed their own meth production capacity and became the main providers to U.S. markets. Further, the offensive against the drug trade unleashed by Mexico's Felipe Calderón administration prompted the expansion of routes through Central America. The Biden Strategy itself recognizes the spread of the drug trade over the years, pointing to a growing number of countries playing “substantial roles in the global flow of illicit drugs and precursor chemicals,” and highlighting the “transshipment roles played by Guatemala, Honduras, and El Salvador, forming the Northern Triangle, along with the destabilizing effects drug trafficking organizations have in these countries.”

Illegal Drugs as a de facto Social Safety Net

In the Americas and globally the illegal drug trade constitutes a survival strategy for millions of people—a de facto social safety net of the sort that national elites and governments themselves have proven unwilling or incapable of providing, and that international trade and economic arrangements have often [left in tatters](#).¹²¹ Without other viable means of subsistence at hand, many households' income depends on participation in some facet of the illegal drug economy, such as cultivation, processing and distribution. Repression of those engaged in these activities often involves [violations](#)¹²² of their basic human rights and deepens their economic reliance on the illegal economy, while fostering greater distrust of government.

Even in periods of relative macro-economic prosperity, persistently high poverty rates mean that substantial segments of the population in Latin America and the Caribbean rely on [informal sector employment](#)¹²³ to make ends meet, including through participation in the illegal drug trade. Harsh drug laws and policies have a disproportionate [impact on women](#),¹²⁴ who more often than not get involved in the lowest levels of the drug trade out of economic necessity.

Most of those women are single heads of households; selling small amounts of drugs or transporting drugs is an economic survival strategy. In Latin America, women's incarceration for drug offenses is rising at a much faster rate than that of men, with devastating consequences for them and their families.

The importance of the illegal drug trade for the survival of so many Latin American and Caribbean families is also a consequence of decades of economic and trade policies that have dispossessed people from their lands, dislocated them from formal sector employment, depressed rural incomes, and shrunk the role of the state in alleviating poverty. The particular circumstances have varied by country, but the patterns of exclusion and abandonment are clear, resulting in greater reliance of impoverished and marginalized communities on the illegal drug trade.

In Colombia, for example, economic elites have a [long history](#)¹²⁵ of accumulating land by violently displacing millions of rural residents, a land-grabbing dynamic intensified since the 1980s by elites' alliances with illegal armed actors and drug traffickers, pushing [small peasants](#)¹²⁶ and Indigenous communities into reliance on illegal cannabis and coca growing. In Bolivia, the mid-1980s collapse of global [tin prices](#)¹²⁷ and the government's imposition of stringent U.S.-backed [economic austerity](#)¹²⁸ measures eviscerated formal employment in the mining sector, fueling internal migration to join the boom in coca growing. The late 1990s dismantling of the European Union-Caribbean preferential trade agreement for bananas—precipitated by [U.S. pressure](#)—predictably [devastated](#)¹²⁹ the Caribbean [banana industry](#)¹³⁰, which was historically dominated by small-scale family farms unable to compete with giant banana plantations in Central and South America. Many erstwhile banana farmers turned to growing cannabis to survive, and the island nations' economies have come to rely on cannabis as well. In Mexico, falling maize [prices](#) in the wake of implementation¹³¹ of the North American Free Trade Agreement (NAFTA) in 1994 likely stimulated increased cultivation of cannabis and opium poppies as well as increased presence of organized crime groups.

The [COVID-19 pandemic](#)¹³² has impacted Latin America and the Caribbean more intensely than anywhere else, in terms of death rates, economic contraction and rising poverty, with vulnerable populations the most severely affected. [Russia's invasion of Ukraine](#)¹³³ and the repercussions of sanctions imposed on Russia are now disrupting global supply chains and driving up prices, jeopardizing the fragile economic recoveries that had been underway in the region. A new downturn spurred by inflation [threatens](#)¹³⁴ to increase poverty, widen inequalities, and increase hunger in Latin America and the Caribbean. In periods of protracted economic slumps—as [World Bank](#)¹³⁵ officials warn may be looming—the number of families reliant on the informal sector and the drug trade can be expected to increase, especially since low- and middle-income countries are hit hardest. Meanwhile ungoverned territories are so un-integrated into national economies that they do not benefit from economic recoveries.

These realities also underscore the disdain in the region for the U.S. certification process, which is based on the premise that other countries' cooperation to implement priorities and strategies defined by the United States will actually achieve positive results. In practice, the countries typically deemed to be "failing" to cooperate (such as [Bolivia](#)¹³⁶ and [Venezuela](#)¹³⁷) are those whose bilateral relationships with the U.S. government are already strained. In 2004, Bolivia adopted a "[community control](#)"¹³⁸ model to contain coca cultivation that includes allowing farmers to grow limited amounts of coca legally.

In 2012, Bolivia withdrew from the Single Convention and successfully [re-acceded](#)¹³⁹ a year later, with a reservation clarifying that Bolivia allows traditional uses of the coca leaf in its natural state. The Obama administration sought but failed to rally enough countries to block Bolivia's treaty re-entry; more than 60 countries would have had to object in order to invalidate Bolivia's reservation, and ultimately only 17 countries lodged objections. Bolivia's efforts have not prevented the expansion of coca growing, an unrealistic expectation in any case given strong global demand for cocaine. But by comparison to Colombia and Peru—the two other leading coca and cocaine producing countries—Bolivia achieved relative success in limiting the expansion of illegal coca growing, while largely avoiding the conflict and bloodshed in the Chapare coca growing region that marked Bolivia's previous U.S.-backed campaigns of [militarized crop eradication](#).¹⁴⁰

According to the U.S. government's own [estimates](#),¹⁴¹ during the 10-year period from 2012–2021, Colombia's land area under coca cultivation tripled, while Peru's rose by two-thirds. Over the same period, U.S. figures indicate a nearly 60 percent increase in Bolivia's land area under coca cultivation, starting from a much lower base; in 2012, Colombia's coca cultivation area (78,000 hectares) was more than triple the size of Bolivia's (25,000 hectares). Colombia and Peru have combined to produce roughly 83 percent of illegal global cocaine supplies during the past decade, while Bolivia has produced the remaining 17 percent. Colombia and Peru have been extolled as close U.S. drug war allies, and neither country was decertified during this period.

But in September 2008, Bolivia's then-President Evo Morales [expelled](#)¹⁴² the U.S. ambassador, accusing him of having conspired with the political opposition. Later that month, President George W. Bush's administration decertified Bolivia, and the country has been deemed to be "failing demonstrably" every year since, including by the Biden administration in September [2021](#).¹⁴³ Only during the year-long tenure of Bolivia's illegal de facto government, which the Trump administration supported, did a thaw occur. Jeanine Áñez was [unconstitutionally](#)¹⁴⁴ installed as president in November 2019 after security forces ousted Morales amid massive protests sparked by allegations of electoral fraud by Morales and his party. The Trump administration lauded increased "U.S.-Bolivian cooperation against drug trafficking networks" under the Áñez government, but Bolivia was still decertified in September [2020](#).¹⁴⁵ The point is not that Peru and Colombia should also be threatened with decertification, but rather that the certification process itself is thoroughly politicized and disconnected from the realities of the illegal drug trade.

Weak and Co-opted Governing Institutions

Illegal drug trafficking thrives on weak state institutions and the ability to corrupt officials and collaborate with economic elites. Organizations engaged in drug trafficking therefore have a clear interest in ensuring that state structures are [weak and corruptible](#).¹⁴⁶ With prohibition as the underlying policy and drug markets continuing to expand worldwide, the damage associated with the illegal drug trade also spread and deepened in Latin America. The results are all too obvious: corruption of judicial, law enforcement, and other government agencies; complicity of politicians and officials in criminal networks; human rights violations committed during militarized security campaigns or forced eradication operations; security forces colluding with criminal groups; and high rates of violent crime and impunity. Colombia's Truth Commission delivered a [searing indictment](#)¹⁴⁷ of the impacts of drug prohibition and drug trafficking:

“Drug trafficking should be seen as a protagonist of the Colombian armed conflict and as a factor of its persistence, but also as a strong influence on the country's politics and economy, because it reproduces a mafia-like accumulation mode (it uses violence) of wealth and power, based on an economy illegalized by prohibitionism, which needs to be legalized over time through the national and international economic system.”

Without recourse to formal legal contracts and the regulatory rules of the state, illegal organizations compete with one another and protect themselves against enforcement through [violence and intimidation](#)¹⁴⁸—placing a premium on amassing weaponry and ammunition, and a readiness to use it. Bids to cripple drug trafficking organizations by targeting their leaders trigger new waves of lethal violence and predation, as fractured outlaw organizations compete with one another for territorial control and market share. In this context, Mexico's pursuit of the U.S.-backed [“kingpin strategy”](#)¹⁴⁹ has spurred an explosion in the number of armed groups and an upsurge in killings attributed to organized crime. Mexico's appalling toll of more than [100,000](#)¹⁵⁰ disappeared and missing people has also surged since the Calderón government launched its militarized offensive against organized crime in 2006. More than 80 percent of the country's disappearances have been registered since 2006, and almost 10,000 in 2021 alone, with UN investigators [citing](#)¹⁵¹ evidence of patterns of collusion between State agents and organized crime.

Transitioning Away from Prohibition?

Bringing an end to drug prohibition and transitioning to systems of legal regulation is not currently on the U.S. political agenda, and appears unlikely to be so for the foreseeable future—with the important exception of cannabis. Cannabis is already legally regulated at the national level by [Uruguay](#)¹⁵² and [Canada](#),¹⁵³ with similar preparations underway in [Germany](#)¹⁵⁴ and other [European](#)¹⁵⁵ countries.

Respected public figures, including members of the [Global Commission on Drug Policy](#),¹⁵⁶ have encouraged governments to begin incremental, evidence-based processes to regulate [legal access](#)¹⁵⁷ to currently prohibited drugs, with an understanding that riskier substances would require correspondingly stricter access regimes. [Rights-based arguments](#)¹⁵⁸ in favor of decriminalizing and legalizing drugs arise from concepts including individual [liberty](#),¹⁵⁹ spiritual and [religious](#)¹⁶⁰ freedoms, cultural and [indigenous](#)¹⁶¹ rights, and [personal](#)¹⁶² development. Yet drug use does pose a range of risks that should not be ignored, and governments should use their tools to help manage those risks to protect public health and safety. People who experience harms related to drug use should receive appropriate [support](#),¹⁶³ not punishment. Governments should avoid policies that exacerbate the risks associated with drug use and that impose additional damage, such as arrest and incarceration. Hundreds of millions of people throughout the world do in fact use illegal drugs—for an enormous variety of reasons—and the vast majority of people who use drugs do not cause serious harm to themselves or others. For example, UNODC reports that of 284 million people who used illegal drugs worldwide in the past year, less than [14 percent](#)¹⁶⁴ were estimated to suffer from drug use disorders.

Whereas prohibition leaves drugs in the hands of criminal markets, regulatory proposals intend to bring drug markets under the control of appropriate government agencies and into the realm of legal entities. To the extent that legalization can indeed shrink the size of illegal drug markets over time, the revenue flowing to organized crime would also diminish, holding the prospect of [weakening](#)¹⁶⁵ such groups' capacities to corrupt and co-opt governments. Legal regulation can thus be understood as one facet of a broader effort to decrease the power and influence of organized crime and to enhance governments' ability to enforce the rule of law and provide justice.

Appreciated in this light, legal regulation is a pragmatic course, while the extremes of prohibition on the one hand and laissez faire free markets on the other, are essentially abdications of government responsibility that result in lucrative criminal markets or hyper-commercialized free markets. Regulatory models should also prioritize the interests and inclusion of those communities most harmed by the punitive enforcement of drug prohibition. Attempting to shift the debate from if drugs should be regulated to how it could work in practice, organizations such as UK-based Transform have proposed public health-based models exploring the detailed policy questions around how to regulate non-medical markets for drugs including [cannabis](#)¹⁶⁶ and [stimulants](#)¹⁶⁷ such as cocaine and MDMA.

Depending on the characteristics of specific substances, a wide range of regulatory approaches are available, such as medical prescription models, specialist pharmacies, licensed retail outlets or consumption premises, and unlicensed retail outlets for the lowest risk substances. Regulation of plant-based drugs such as cannabis, coca leaf or opium can acknowledge customs of traditional use and cultural significance, and also help discourage consumption of riskier and more strictly regulated substances, such as heroin.

Some substances may be considered so toxic (such as [carfentanil](#),¹⁶⁸ a synthetic opioid 100 times more potent than fentanyl) that prohibitions are maintained. In cases of extremely high-risk substances, as with other drugs, responses to people who use drugs should be centered on harm reduction and decriminalization. The histories of inadequately regulated substances such as [tobacco](#),¹⁶⁹ [alcohol](#)¹⁷⁰ and [pharmaceuticals](#)¹⁷¹ amply demonstrate the dangers of unchecked commercialization and the priority on private profits over public health. Rather than use these painful experiences as an excuse for inaction, governments can learn from past mistakes to create more effective regulatory models now, complete with rigorous evaluation to correct course as needed.

As a political matter, the case for legalizing drugs beyond cannabis is still nascent. The political risk-reward calculus still appears forbidding for most politicians, including U.S. lawmakers, even for those who may be inclined to believe privately that legal regulation would provide a sounder strategy than prohibition to protect public health and safety. Rising [public concern](#)¹⁷² over crime may make U.S. politicians even more reluctant to propose, or even be associated with, reforms that might lend themselves to attack as being “soft on drugs.” Rather than slip back into the destructive habit of pushing punitive drug laws—thereby eroding the [limited progress](#)¹⁷³ that has been achieved in trying to rein in the drug war—U.S. lawmakers should concentrate on policy reforms that can truly reduce crime, especially [gun control](#)¹⁷⁴ measures.

Dismay over prohibition’s failures and mounting costs in the Americas—including close U.S. allies like [Canada](#)¹⁷⁵ and [Colombia](#)¹⁷⁶—may open more political space within the United States to consider more far-reaching reforms to protect human health and security. Colombia’s Truth Commission has recommended that the government “Lead and promote an international debate to [modify](#)¹⁷⁷ the global drug prohibition regime and thus move towards a regulatory regime.”

Given how close the [U.S.-Colombia partnership](#)¹⁷⁸ has been for decades, Colombia’s leadership in transitioning to a new approach could also prompt [U.S. policy](#)¹⁷⁹ to become more flexible. And given the horrific costs of the drug war for Colombia and for the entire region, initiatives by the incoming Petro government, lawmakers, and civil society to foster national and [international debates](#)¹⁸⁰ over regulatory options to prohibition would likely resonate widely in the Americas and worldwide.

Short of legal regulation of currently prohibited drugs, [proposals](#)¹⁸¹ for removing criminalizing penalties for possession of drugs for personal use are being approved in jurisdictions around the world. Such proposals go beyond cannabis to include the decriminalization of many or all illegal drugs. The 2018 UN System [Common Position](#)¹⁸² promoted “alternatives to conviction and punishment in appropriate cases, including the decriminalization of drug possession for personal use.” Similarly, in 2021, the [UN Working Group on Arbitrary Detention](#)¹⁸³ recommended that governments “decriminalize the use, possession, acquisition or cultivation of drugs for personal use, including the possession of associated paraphernalia.”

Within the United States, drug decriminalization is beginning to gain traction at the state level, most notably with Oregon's successful 2020 ballot [measure](#).¹⁸⁴ Countries such as [Portugal](#)¹⁸⁵ have enacted decriminalization laws nationally, with [good results](#).¹⁸⁶ Canada recently granted the province of British Columbia a [3-year exemption](#)¹⁸⁷ from imposing criminal penalties for possessing illegal drugs, including opioids, cocaine, methamphetamine and MDMA; unfortunately the Canadian exemption specified an unrealistically low possession threshold of only [2.5 grams](#)¹⁸⁸ (less than one-tenth of an ounce), with the likely result that many drug users will remain vulnerable to criminal sanctions.

In a recent essay, the head of the National Institute on Drug Abuse (NIDA, which has historically emphasized research demonstrating drug harms) wrote that, "Drug use continues to be penalized, despite [the fact](#)¹⁸⁹ that punishment does not ameliorate substance use disorders or related problems." Surveys suggest that [most Americans agree](#),¹⁹⁰ and would support proposals to decriminalize drug possession. By easing the stigma that marginalizes people who use drugs and often deters them from seeking help, decriminalization would also magnify the benefits of harm reduction services and improve treatment access.

Decriminalizing possession and cultivation of drugs for personal use—a significant and overdue reform in its own right—does not alter the illegality of drug production and each of the steps on the drug distribution chain. By the same token, harm reduction services of the sort supported by the Biden administration—while vital to help people who use drugs to safely navigate increasingly toxic illegal supplies—stop short of steps such as prescribed opioids as part of the Canadian "[safer supply](#)."¹⁹¹ And with virtually all drug production and distribution in the hands of illegal actors, prohibition continues fueling much of the damage that harm reduction interventions then seek to mitigate.

Transitions toward legal regulation of drugs (beyond cannabis) will still require considerable time to bring about. In the meantime, expanding and deepening the range of reforms already underway to loosen the deadly grip of prohibition—harm reduction, decriminalization, evidence-based treatment, ecologically sustainable development instead of forced crop eradication—can go far to save lives and limit the destruction caused by prohibition.

Inconvenient Truths: Drug Prohibition Amplifies a Set of Already Severe Problems

The Biden plan continues the long U.S. tradition of setting unrealistically high expectations for how much international supply control efforts can contribute to the alleviation of the country's drug-related problems, and neglecting the devastating consequences for people in Latin America and the Caribbean of the fixation on suppressing supplies.

By failing to even mention the reality of drug prohibition as a key structural driver of so many of the health, social, environmental, and geopolitical concerns it identifies, the new Strategy also perpetuates the enormous analytical blind-spot that gives rise to such inflated expectations for what can be achieved on the supply side of illegal drug markets. Prohibition greatly exacerbates problems such as corruption, organized crime and violence. Each of these problems receives plenty of attention in the Biden Strategy, including their manifestations in Latin America and the Caribbean.

Yet the role of drug prohibition itself in facilitating corruption and fueling organized crime and violence is never mentioned. In his June 2022 Senate testimony expanding on the new Strategy, [ONDCP Director Gupta](#)¹⁹² heralded the administration's plans to "disrupt drug trafficking and the profits that fuel it," touting a "targeted response to drug traffickers and transnational criminal organizations (TCOs) that hits them where it hurts the most: their wallets." But Dr. Gupta, and the Strategy itself, never engage the question of prohibition itself, and what it means for efforts to target drug traffickers' profits.

Similarly, the new Strategy spotlights environmental crimes committed by drug traffickers, but fails to connect [ecological destruction](#),¹⁹³ such as [deforestation](#),¹⁹⁴ to prohibition and its enforcement. These problems fed by prohibition—corruption and organized crime, violence, and deforestation—in turn aggravate a pair of related challenges: migration and climate. Of course both migration and climate change result from multiple, complex factors, among which drug prohibition and its consequences may seem to be relatively minor. But within Latin America and in specific local contexts, drug prohibition has become closely intertwined with both phenomena, making solutions even more difficult to [achieve](#).¹⁹⁵ Prohibition contributes to the [fear and insecurity](#)¹⁹⁶ that are among the 'push factors' prompting many Latin Americans to leave their home countries, especially in Central America's Northern Triangle and in Mexico. Many migrants are then [further victimized](#)¹⁹⁷ by organized crime groups in the course as they travel to seek safer conditions.

At the same time, prohibition drives deforestation when [crop eradication operations](#)¹⁹⁸ push Andean farmers deeper into unsettled areas, clearing trees to plant the only crop that can provide for their subsistence and survival. Similarly, by pushing drug traffickers' operations into ever more remote parts of Central America, prohibition and its enforcement result in [clear-cutting](#)¹⁹⁹ of forests in ecologically sensitive areas, as crime groups [claim territory](#),²⁰⁰ build new airstrips, and launder profits with investments in agribusiness. Globally, forests absorb roughly one-third of the carbon dioxide released from burning fossil fuels, so [halting](#)²⁰¹ the loss of forest ecosystems will be crucial to help mitigate the impacts of climate change.

The loss of economically beneficial forests, compounded by the worsening impacts of climate change, are felt most acutely by communities least responsible for generating climate problems and most vulnerable to the [consequences](#).²⁰² The exodus of the rural poor from Central America is thus the result of a “[perfect storm](#)”²⁰³ of interlocking forces: a prohibitionist drug regime that massively enriches a few while dispossessing many; climate change exacerbated by ecological destruction wrought by corrupt networks fueled by the drug trade, and aggressive state forces that in the name of the drug war tend to criminalize the poor rather than tackle corruption at the top.

As the June 2022 Summit of the Americas underscored, migration and climate change are key concerns of the U.S. government and of countries throughout Latin America and the Caribbean. Biden has himself called climate change a “[clear and present danger](#)”²⁰⁴ to the world. The powerful dynamics generated by drug prohibition will create serious obstacles to the Summit’s migration-related [aspiration](#)²⁰⁵ to “promote the political, economic, security, social, and environmental conditions for people to lead peaceful, productive, and dignified lives in their countries of origin.” Similarly, the Summit’s [commitment](#)²⁰⁶ to “halt and reverse forest loss and land degradation” will be a tall order given the power already being accrued by organized crime and the pace of deforestation as the drug trade spreads.

Prohibition not only enormously magnifies drug-related harms, it increasingly aggravates other problems that are enormously important to the United States and to the world. While prohibition does remain intact—especially in the United States, the world’s single most lucrative illegal drug market—drug production and trafficking will continue to thrive in Latin America and the Caribbean. And that will mean residents of the region will continue to pay a heavy price, suffering from the predations of powerful criminal groups and from repression and violence at the hands of governments.

Having put down deep roots over the decades—ideologically, politically, bureaucratically and culturally—prohibition can seem impervious to reform. However, the current regime was not inevitable but rather the product of a certain historical moment, and need not endure forever. Recognizing that prohibition is in fact a policy choice, not an immutable condition, should encourage civil society and lawmakers to undertake the serious deliberations, debates and analyses that will be required to transition to better drug policy choices oriented toward legal regulation, decriminalization and harm reduction. Such frameworks will be much better suited than prohibition to protecting human rights and promoting health, gender and racial equality, security and environmental sustainability.

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John's drug policy research and advocacy are focused on the limits and harms of prohibition and supply control policies, and the need to reassess drug policy goals and indicators to support human rights, health, safety and sustainability. He also concentrates on the opportunities and challenges of the shifts underway in many countries toward legal regulation of cannabis. With partner organizations, he explores strategies to ensure how cannabis legalization can advance in accord with international law and in ways that modernize the prohibitionist global drug treaty regime.



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