

# **Explaining the institutional persistence and change possibilities of the global drug regime**

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I, the undersigned Santiago Rodríguez hereby declare that I am the sole author of this thesis. To the best of my knowledge this thesis contains no material previously published by any other person except where due acknowledgement has been made. This thesis contains no material which has been accepted as part of the requirements of any other academic degree or non-degree program, in English or in any other language.

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## **Abstract**

It is difficult to find an international policy framework that has a weaker scientific rationale as the global drug regime. This has got to the point of locating the major source of social harm in the policy itself. However, it has shown a strong resistance to change. The main goal of this thesis is to explain the determinants of this persistency and assess its possibilities of change. For this purpose, this research resorts to the different existing theoretical approaches that provide routes to explaining institutional continuity and change. A neo-Gramscian perspective is suggested as a possible form of overcoming the limitations of the former approaches.

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## Introduction

It is difficult to find an international policy framework that has a weaker scientific rationale as the global drug regime. Academic evidence pointing out to the extraordinary costs this policy orientation and well as its ineffectiveness has dominated the field for at least the last 20 years. This has got to the point of locating the major source of social harm in the policy itself, overriding the harms of the behaviour the policy was intended to prevent. Nevertheless, drug prohibition has been a quite stable form of consensus, since the 1912 Hague International Opium Convention set the foundations of the drug control system that latter will become the international prohibition of drugs. Then, with the creation of the United Nations, the Single Convention on Narcotic Drugs of 1961 unified and consolidated the prohibitive ethos and gave way for its criminalization. From that moment, prohibition has been understood as a permanent need for increasing the harshness of measures focused manly in crop eradication, interdiction<sup>1</sup> and consumer criminalization. It is true that there is no area of public policy in which academic research directly translates in policy orientation, however, only in a few cases research has been so marginalized as in the case of drug policy.

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<sup>1</sup>Drug interdiction: A continuum of events focused on interrupting illegal drugs smuggled by air, sea, or land. Normally consists of several phases – cueing, detection, sorting, monitoring, interception, handover, disruption, endgame, and apprehension – some which may occur simultaneously (Source: "Department of Defense Dictionary of Military and Associated Terms," Joint Publication 1-02, Nov. 8 2010).

Concerns about the distance between research and policy have already been part of the considerations of some scholars dealing with the drug regime harms. Reuter (2001) emphasises that in United States drug research has been systematically under-funded and its results largely ignored. He argues there is no research that has shown that stronger enforcement can substantially reduce drug use and its associated harms. On the contrary, most of it has been showing the extent of its failure and pushing for the need of different approaches.

Perhaps as a result of this closed door, scholars and their research have been actively involved in the creation of an important number of NGOs that have been successful in receiving funding to sustain their effort of pushing for a drug regime reform. More recently, an important group of former head of states, former United Nations top officials, and other important personalities have escalated the NGO activism to almost a diplomatic discussion with their Global Commission on Drug Policy, further pushing for a reform.

However, it still remains a puzzle why, if the disaster of the regime is so notorious and well documented almost as an academic consensus, it has resisted change for so long. Why, for example, if Reagan's expert National Commission on Marijuana and Drug Abuse<sup>2</sup> (appointed by him) in 1972 advised him to decriminalize non-profit use and distribution of the weed, he decided to ignore them and further his war. Nowadays the regime shows incipient signs of change like the efforts for decriminalize possession and consumption in Portugal, the harm reduction programs like syringe exchange or heroin substitution, or the

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<sup>2</sup> See the report here: [<http://www.druglibrary.org/schaffer/library/studies/nc/ncmenu.htm>].

marijuana legalization in Colorado and Washington State. However, although pushing the limits, most of these changes still remain within the framework of the prohibition regime. Evidence of a change impulse can be found in the Organization of American States (OAS), which in May of 2013 presented a report pushing possible scenarios including decriminalization of consumption and legalization of marijuana. This is a relevant shift given the nature of the Organization and the critiques that it usually faced of being the main instrument of United States foreign policy in the region.

As it is expected, most of the literature on drugs and institutions has concentrated on pointing out the multiple harmful consequences of the actual regime and suggesting alternative policies, however little attention has been put on unravelling the reasons why the system seems unwilling to change. In other words, there is a need of explaining the institutional persistence of the prohibition regime and question its possibilities of change. Two main questions will be addressed:

- a) Why the global drug regime has resisted change for so long?
- b) Are the recent developments in drug policy giving enough elements to start talking about a regime change?

For this purpose, this research will resort to the different existing theoretical approaches that provide routes to explaining institutional continuity and change. The several new institutionalisms offer different roadmaps to address this question. While the three “older” new institutionalisms (rational choice, historical, and sociological) offer important elements to explain the static determinants of

the actual regime, they leave little space for questioning if the prohibition agreement might be in a process of change and providing more appropriate hypothesis about it. This paper will take a material based type of constructivism to explain the shortcomings in the current interpretations of the regime persistency and recent prospects of transformation. The approach will be taken mostly from neo-Gramscian analytical tools mostly given by the work of Robert Cox. The challenge is to provide a framework capable of explaining both, the long institutional persistency and the recent sprouts of change. At an ontological level one that enables a pertinent relationship between material basis and ideas, specially the entrenched attitudes towards “drugs”. And finally one the can understand the international relations dimension of the regime and the role that hegemony have played.

The rest of the thesis will be organized as follows: Chapter 1 will develop a cost and benefit analysis that will evaluate the success of failure of the global drug regime. Chapter 2 will revise the main theoretical approaches that have been used to explain the determinants of the global drug regime as well as their main insights. This chapter will also the strengths and limitations of this approaches. Chapter 3 will introduce the neo-Gramscian perspective as a possible way of overcoming the limitations of the former approaches, then it will close with some concluding remarks.



## Chapter 1: Costs and benefits of the war on drugs

The aim of this chapter is to show that there is enough evidence to confirm that the global prohibition regime has failed. It will show the type and extent of the arguments coming from academic positions that suggest the need of distancing from current criminalization policies. This evidence suggests that the determinants of the persistence of the prohibition should be found entrenched elsewhere, away from this form of rationality.

The main conclusion of this review is that costs of the policy are not only disproportionately higher than costs of the behaviour that it is trying to prevent, but also the policy seems to be not effective in its main goal. The direct fiscal costs of the enforcement effort include the extraordinary allocation of resources for armed forces and police, the judiciary system and the penitentiary system. These costs, by themselves, are already deemed too high in comparison with the costs of an alleged increase in drug consumption. However, when adding the indirect costs, mainly related to the rise of organized crime (usually called “unintended” consequences, although easily predictable) is when the intervention escapes any kind of public policy rationale. The last element that rounds up the diagnosis is the many doubts on the effectiveness in terms of achieving its main goal of reducing the number of drug users. In other words, the policy itself has created most of the problems related with drugs in society.

### ***1.1 The costs and benefits assessment***

It is starting in the 1980s, but mainly in the 1990s that the literature evaluating different angles of the public consequences of the prohibition started to grow. These perspectives mostly arise from the efforts to make economic models of crime, following Gary Becker's (1968) seminal article. The heart of the approach is based on the idea of deterrence by raising the expected costs of engaging in criminal activity (arrests, incarceration, and even death penalty) (Dills, et al. 2010). In a recent paper, Dills, et al. (2010) ask about what is that economists know about crime. While concluding that there is little certainty of the many factors that determines it, the hypothesis that drug prohibition generates violence is consistent with the long time series and cross-country facts. This is one of the strongholds of economic knowledge. Since the 1980s, Goldstein (1985) showed that by forcing drug markets underground, prohibition encourages the use of violence to resolve disputes. Particularly, greater enforcement means a larger black market and more scope for violent resolution.

Although violent crime is one of the most visible and damaging features of the prohibition system, it does not account for all the variables needed for its evaluation. Crime is one of the many costs that should be assessed vis-à-vis the benefits in order to have a clear idea about the net consequences. Miron and Zwiebel (1995) gave one of the first costs and benefits reviews of the drug prohibition. Their bottom line, as they mention, is that "a relatively free market in drugs is likely to be vast superior to the current policy of prohibition" (Miron and Zwiebel 1995: 176). Already in the middle of the 1990s they will point out bluntly

that the social costs of drug prohibition are vastly greater than its benefits. Keefer *et al.* (2008) are one of the most comprehensive assessments of the development consequences of the illegality of drug trade and achieved an almost identical conclusion with updated data. One of the main contributions of Keefer *et al.* (2008) is about the distributional effects: who in society and what societies have to bear the costs. The main finding is that costs disproportionately concentrate in developing countries that are source of production and trafficking territories; and within countries the costs are concentrated in vulnerable social groups.

### **1.1.1 Direct Costs of the policy**

The costs of the policy depend on the level of enforcement of the prohibition. The most documented ones are the direct fiscal ones. This can be understood as an opportunity cost of diverting financial resources to the police and armed forces, judiciary system and penitentiary system and away from other areas like education or infrastructure. For example, rough estimates point out that Federal, state and local governments in the United States spent roughly 35 billion dollars annually on the war on drugs by the end of the 1990's (Reuter, 2001). With more recent numbers, Miron (2010) estimate for 2008 a total of 48.7 billion dollars allocated for drug enforcement in the US.<sup>3</sup> This amount would be directly saved if the US would seek a strategy of legalization and regulation. Furthermore, prohibition prevents taxation of drug productions and sales. If drugs were legal – regulated and taxed like alcohol and tobacco– Miron (2010) estimates roughly

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<sup>3</sup> This figure might not represent a big share of the 2008 US 2.9 trillion dollar total budget, however it represents, for example, 24% of Mexico's total national 2008 budget.

34.3 billion dollars of annual revenue taxed at rates similar to alcohol and tobacco.

Another well-known cost of prohibition is the productivity losses due to incarceration and lives lost (Keefer *et al.* 2008). The incarceration numbers have been well documented in the US. Over the past 40 years, the number of people in U.S. prisons has increased by more than 600%. On 2008, one of every 100 adults, or more than 2.3 million people, were behind bars (Rich, *et al.* 2011). From this number about 25% of inmates are processed for drug related and mostly non-violent offences (Caulkins and Chandler 2006).<sup>4</sup> In 2004 the White House estimates production losses from the incarcerated drug offenders at approximately 40 billion dollars (Keefer *et al.* 2008).

These main trends are not different from the situation in other countries with strong enforcement, in occasions even relatively higher. Colombia, for example, used to designate 2.3% of their GDP in 2003 to defence expenditures, by 2006 this figure reached 6%. This expenditure is predominantly intended to battle insurgent forces that merged with drug traffickers (Keefer *et al.* 2008).

Following the prohibitionist model, Latin America's criminal legislation has become "addicted to punishment" to the extent that "trafficking cocaine so it can be sold to someone who wants to use it is more serious than raping a woman or

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<sup>4</sup> Drug incarceration has concentrated disproportionately on African Americans. By middle age, black men in the United States are more likely to have spent time in prison than to have graduated from college or joined the military, and they are far more likely than whites to be sent to prison for drug offenses despite being no more likely than whites to use drugs (Rich, *et al.* 2011).

deliberately killing your neighbour” (Uprimny, *et al.* 2013:1). This has led to the overcrowding of jails and the corresponding increasing costs.

### **1.1.2 Indirect costs**

Indirect costs are difficult to define and quantify. The most visible ones include the violence and corruption generated by the prohibition regime, including the loss human lives. However other less documented are the destabilization of institutions, specific public health risks and farmers welfare loss due to eradication strategies (Keefer, *et al.* 2008), undermining human rights and criminalizing poverty (Count the Costs 2013).

#### *1.1.2.1 The effects of prohibition on violent crimes and institutional stability*

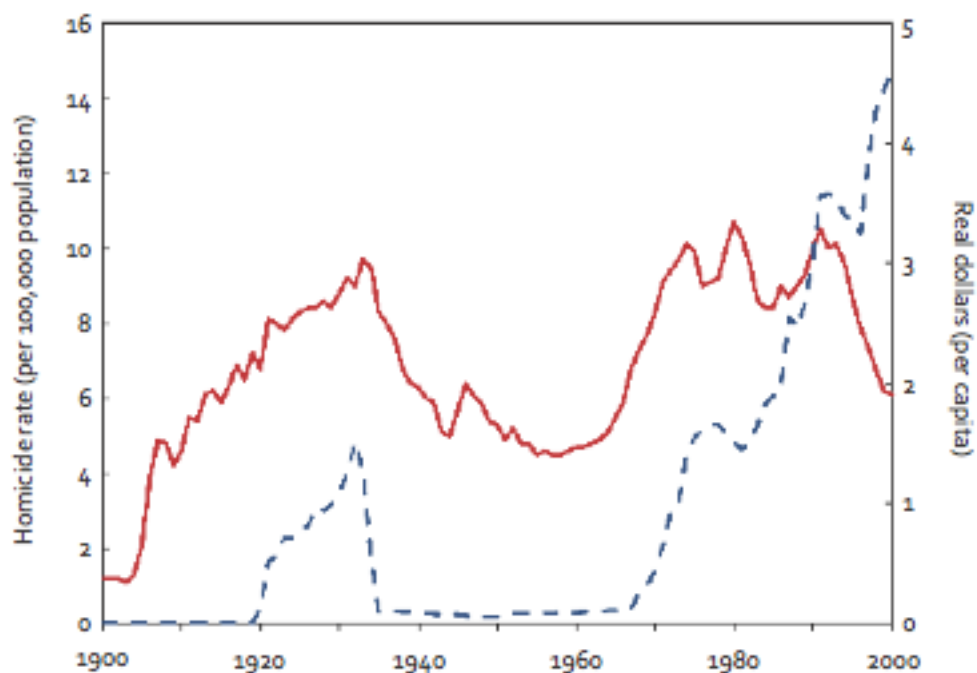
Coming back to Goldstein (1985) illegal markets encourage the use of violence to resolve disputes. Whenever there are high possible rents for illegal activities, the intensification of enforcement may generate detrimental consequences like the spread of organized crime, corruption and higher and more violent crime (see also).

Werb *et al.* (2010) conducted a meta-analysis on the relationship between drug law enforcement and related violence. Out of the 15 studies that were evaluated 13 show an adverse effect impact of increasing drug law enforcement on levels of violence. In 9 out of the 11 studies using longitudinal data a positive and significant association was discovered.

The papers study period covers mainly the 1980s and 1990s decades, although one of them (Miron 1999) used data starting form 1900 up to 1995. However,

most of their locations are cities or states of the US or a sample of the whole country. Only two of them were conducted using Australian data. Miron (1999) study is the most complete both in time and geographical area covered. He found a very close relation (controlling for other factors) between the amount of money spent in enforcement (first alcohol and then other illegal drugs) and the national homicide rate in the US as it is shown in the next graph.

*Figure 1. Homicide rate (solid red line) and estimated expenditure for enforcement of alcohol and drug prohibition (dashed blue) in the US, 1900–2000*

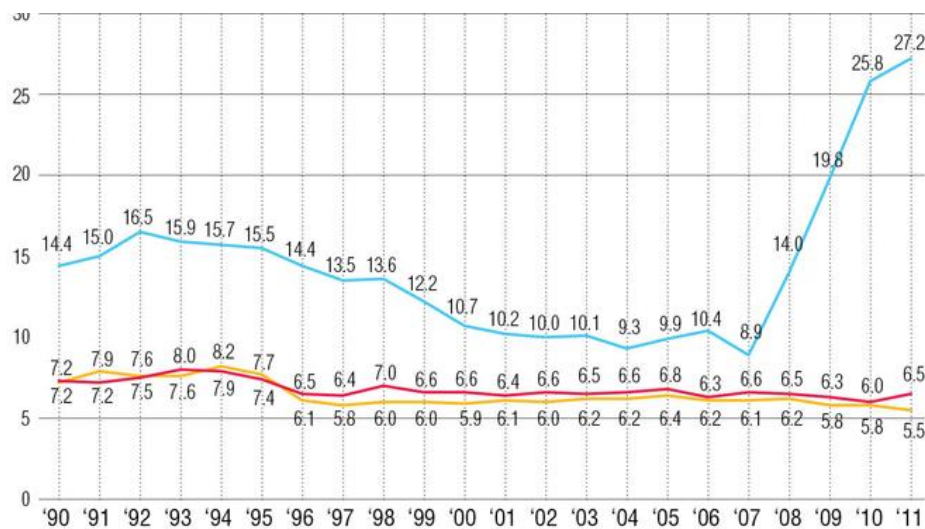


Sources: *Vital Statistics of the United States* (US Census Bureau, 1975), *Statistical Abstracts of the United States* (US Census Bureau, various issues), Eckberg (1995), and *Annual Budget of the United States*, as described in Miron (1999)

Even more, according to Miron (2010), enforcement also helps explaining the relatively high rate of homicide in the US compared to Europe with the fact that European countries enforce drug prohibition in a much lower degree.

The same reasoning explains similar patterns outside the US and even with more dramatic findings. In Mexico, after 15 years in which the homicide rate has been gradually diminishing, a radical shift in Mexican drug policy in 2007<sup>5</sup> involved the use of the military forces to confront drug traffickers. A dramatic increase in the number of deaths (not directly committed by the military) coincides with the policy shift (see Fig. 2). Merino (2011) analyses and proves the significant causal relationship between the “joint operatives” of Mexican armed forces new strategy and the rise in the homicide rate.

*Fig 2. Total homicides (blue), presumed murderers (red), condemned murderers (yellow). Thousands, by year. México.*



Source: Merino (2012) using data from INEGI (the Mexican national statistics institute).

This situation can be similarly extended to places like Colombia, Brazil, Thailand

<sup>5</sup> Starting the last weeks of 2006, just a few days after Felipe Carderón took office as President of Mexico.

and Afghanistan, where drug prohibition has spur significant levels of violence. For example, in Colombia, according to Soares (2006), 27,000 people died on average during the 1990's decade as a result of drug related violence, which has resulted in the in an average reduction of 2.2 years in Colombian's life expectancy.

The main causal mechanisms that have been used to describe the relationship between higher enforcement and violence is that the arrest or killing of traffickers (specially the leaders) leaves a power vacuum that other traffickers will try to fill (Ramussen *et al.* 1993). Given that the demand remains untouched, the flow of money stimulates a violent competition.

Also, as in the case of Colombia, Perú and Afghanistan, organized drug related crime has made alliances with other state opponents and magnified the social instability. This has reached the extent of losing significant portions of territories no longer under control of the state. This is the case of the Revolutionary Armed Forces of Colombia, Shining Path in Peru and the Taliban insurgency based on the production of poppy-related drugs to finance operations. Also, the destabilization of regions has an important role in deterring investment and restricting development aid (Count the Costs 2013). This is the point where the inequality of the burden of the war on drugs reaches its highest point. It literally erodes the state in those countries where governance was already a fragile feature, and by doing this it impedes the delivery of many other public goods necessary for development.

Soares (2006) makes an interesting assessment about the monetary costs of



violence as a percentage of GDP (although not necessarily drug related). For example, for the US and Colombia, reducing violence rates to zero would imply an average increase of life expectancy at birth of 0.3 and 2.2 years respectively. These reductions of life expectancy due to violence represent social losses analogous to a permanent decline of 0.9% of yearly GDP for the United States and 9.7% for Colombia (of the 1995 GDP). Generally, a one-unit increase in life expectancy lost to violence is associated with an increase of 3.8% of the GDP (Soares 2006).

Another angle to look at the effects of the policy is that concentrates its harmful effects among the vulnerable, poor, and socially excluded groups (PRI 2013). Drug crop producers are usually farmers that face different kind of deprivations. As the TNI mentions their migration to illegality should be understood not as a product of greed, but as the lack of options (socioeconomic options up to the extreme of *plata o plomo* [money or bullet] law). Even more, certain estimates show that farmers only get around 1% of the overall global illicit drug income (Count the Costs 2013)<sup>6</sup>. Opium bans and crop eradication programs have lead many framers to deeper poverty conditions and large-scale displacements (Count the Costs 2013 and Keefer *et al.* 2008). A similar thing can be said about low-level dealers, usually coming from the lowest social strata, and which much of the enforcement has been concentrated (Perez-Correa 2012). This has been particularly important in Mexico, where given the lack of indicators of success of the new strategy, much of the effort has been concentrated in capturing low level

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<sup>6</sup> Most of the profit in the drug chain is made in the last stages, as it gets closer to the final consumer.

dealers, in much cases confused with just consumers, in order to have a better institutional statistical record (Perez-Correa 2012). In jails, convicts face situations of lack of medical services, deficient sanitary services, deficient supply of drinkable water, lack of beds, sexual abuse and ironically high rates of drug consumption, as well high prevalence of HIV, hepatitis C and other diseases. For example, in México, convicts face violence in jails that increase in 5 times the risk of dying in relation of people in freedom (ISDP 2010). This situation poses a serious challenge to human rights.

#### *1.1.2.2 Public Health*

Prohibition in developed countries drive drug traffickers to push for sells in transit developing ones (Keefer *et al.* 2008). Although prices are lower the marginal costs of distributing the drugs is also low, this provides the possibility of lucrative markets. For example the route of opiates from Afghanistan to Europe has spilled important increase in consumption in Central Asian countries like Uzbekistan and Kyrgystan (Reuter *et al.* 2004). More importantly the case of Iran, through which around of 60% of opiates exports of Afghanistan pass by, and has led to an estimated of 3 million opiate users (Keefer *et al.* 2008).

Another public health consequence is that illegality impedes quality revision on the products that are sold. This has led to the increase of the risk of overdose and poisoning due to adulteration of drugs (see Bernardo 2003, Miron and Zwiebel 1995, Cameron and Collins 2006, quoted in Keefer *et al.* 2008).

Finally, the illegality of drugs impedes the possibility of better treatment for drug addicts through the use of less harmful substances. This has been proven to a very effective way of reincorporating problematic addicts to normal social functions. Also, the conditions of social exclusion under which users consume drugs raise the probability of spreading diseases and HIV through the sharing of syringes. Roughly, one tenth of new HIV infections result from needle sharing among drug users; this figure can rise up to 90% in regions like Eastern Europe and Central Asia (WHO 2005). However, hepatitis B and hepatitis C are the most common blood borne virus infections affecting people who share injecting equipment. China, the Russian Federation and Vietnam have rates of HIV/HCV co-infection in populations of injectors of over 90% (Counting the Costs 2013).

### **1.1.3 The costs of drug consumption**

The reviewed costs of the prohibitionist policy necessarily leads to asking about what is the public good that is trying to be preserved that justifies such intervention. Here we can divide the analysis in two: the cost of the health damage due to drug consumption, but also, the possible rise in consumption if an alternative policy intervention was chosen. According to economic logic a necessary condition for the prohibition of a good is the existence of negative externalities that outweigh the surpluses associated with the good (Keefer *et al.*

2008).<sup>7</sup> The most debated externalities are productivity losses due to drug consumption and crimes that can be attributable to drug use. However, none of these are easy to calculate. Government's reports that put a monetary number to drug abuse as the ones produced by the White House and the British Home Office<sup>8</sup> have the main problem of counting them together with some of the costs of the policy response. For example, for the US, most of the productivity lost that they estimate are due to incarceration of drug offenders, this is a product of the policy and not of consumption itself. Or, for example, in the case of the UK, they assume that all property crimes committed by drug users can be attributed to drug use itself (Keefer *et al.* 2008).

Estimating the number of problematic drug users or the really costly ones is controversial, however some proxies can be made. According to the results from the 2011 National Survey on Drug Use and Health, in the US 85% or more of drug users do present a problematic use. The survey shows that in the US there are 22.5 millions active illicit drug users<sup>9</sup> (8.7% of the whole population). Among them 14.5 million only used marijuana and 8 millions other drugs. However, from these 8 million 6.1 were users of psychotherapeutic drugs like pain relievers, tranquilizers, stimulants and other sedatives. Moreover, the survey showed that 6.5 million illicit drug users presented signs of dependence or abuse,<sup>10</sup> from them

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<sup>7</sup> Private costs seem to be weighed by individuals assessing their own utility of drug use. The only problem here is with a time-inconsistency, where individuals under-estimate the future consequences of their actions.

<sup>8</sup> Executive Office of the President (2004) and Godfrey et al. (2002) for the British Home Office.

<sup>9</sup> Used in the month previous to the survey.

<sup>10</sup> Occurring in the past year from the survey. The questions related to **dependence** ask about health and emotional problems associated with substance use, unsuccessful attempts to cut down on use, tolerance, withdrawal, reducing other activities to use substances, spending a lot of time engaging in

4.2 million had marijuana dependence or abuse, 1.8 million persons had pain reliever dependence or abuse, and 821,000 persons had cocaine dependence or abuse.

Given these numbers it seems highly arbitrary to link crimes committed by drug users to the use of drug itself. In the case of the productivity losses it is possible that estimates have an important upward bias. For example, Hart *et al.* (2001) in a paper for the American College of Neuropsychopharmacology proved that acute marijuana smoking produced minimal effects on complex cognitive task performance in experienced marijuana users. Taking these considerations into account Keefer *et al.* (2008) make a very rough estimation indicating that it seems unlikely that the cost of illegal drug consumption could exceed 0.5% of the GDP.

#### 1.1.4 Efficacy of prohibition

Reuter (2010) documents what he calls the “already traditional” pessimism about the results in the efficacy of the strategy that have been reported by many others. The revealed goal of prohibition has always been to eradicate drug use, or at least reduce it, in its softer versions. The preferred way in trying to achieve this goal has been through the eradication of crops, interdiction of drugs and criminalization of consumption. Leave aside for a moment the unintended consequences, it is important to inquire about the results of the policy directly in

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activities related to substance use, or using the substance in greater quantities or for a longer time than intended. The questions on **abuse** ask about problems at work, home, and school; problems with family or friends; physical danger; and trouble with the law due to substance use. Dependence is considered to be a more severe substance use problem (NSDUH 2012).

impeding that the drug reaches consumers hands. A common complain by all scholars trying to assess these trends is the lack or weakness of data. Still, some tendencies can be made.

#### *1.1.4.1 Consumption*

According to the Rand Report 2009, the global number of users of cocaine and heroin expanded over the period from 1998–2007 (and since 1990 according to Costa and De Grauwe 2009). However, changes are uneven. In most Western countries the number of frequent users of heroin has declined through most of the last ten years, while a serious epidemic of opiate use occurred in some countries in Eastern Europe and Central Asia. The growth of cocaine in Western Europe apparently, has compensated a modest decline in the US. In the same period cannabis seems to remain stable, or showing a modest decline. However, overall consumption has changed little.<sup>11</sup> However, while consumption prevalence remains stable, drug related hospitalization has actually increased.

#### *1.1.4.2 Supply of drugs*

In the period going from 1990–2006 production of cocaine and heroine has shown to be quite stable, maybe showing a slight increase (Costa and De Grauwe 2009). Some of the efforts in eradicating plantations have been compensated by an increase in productivity per yield.

The most accurate way to describe the supply side response to prohibition enforcement is resilience. This capability is fuelled mainly by the constant demand, resources for adaptation and the relative simplicity of the production process. Paoli et al. (2009) ask if heroin supply can be cut worldwide and the

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<sup>11</sup> This data is consistent with the one presented by Grossman (2004).

answer is a categorical “no”. They use the metaphor of a balloon: when it is squeezed in one side it tends to bulge or emerge in another. This seems to be the case also of cocaine, as Reuter (2010) describes it, a “footloose” industry, which costs of changing location for production are minimal. Even more, the cost of production is a trivial share of the final price.

A good indicator of this resilience is the price of drugs. The expectation of a successful supply side strategy would be a price increase of the product. Higher drug prices will then eventually reduce the demand. However, according to almost any measure (Mejía and Posada 2005, Costa and De Grauwe 2009, Grossman 2004 and RAND Report 2009) retail drug prices have declined sharply since the 1980’s (Cocaine and Heroin 50–80%, 1990–2006). At the same time there is no evidence that drugs are more difficult to obtain and there is no reduction in the demand.

Many questions seem to remain about efficacy, especially because of the difficulties of doing a counterfactual experiment with a non-prohibition scenario. It is not easy to relate stabilization of drug consumption and even the slight declines in some developed societies to the prohibition strategy or to other factors. The closest possible comparison points are the legal markets of tobacco and alcohol, specially the results in alcohol prohibition and then legalization in the US. Dills et al. (2004) find that alcohol prohibition reduced consumption by no more than 10-20% in the medium run, but with apparently no impact in the long run (Keefer *et al.* 2008).

## **Chapter 2: Theoretical Approaches and the determinants of the global drug regime**

In a minimal definition, the global drug regime can be understood as the world-wide system structured by the three UN treaties of drug control. Although before the creation of the United Nations several international conventions were signed to better control and administer what was inadequately defined as “drugs”, the 1961 Single Convention on Narcotic Drugs was a key turning point. It excluded any possibility of regulated models of production and supply for the proscribed drugs (except alcohol and tobacco). It specified the substances that would be subject to criminal persecutions, limiting “exclusively to medical and scientific purposes the production, manufacture, export, import, distribution, trade in, use and possession of drugs” (Article 4c). It was with this instrument that an entire avenue of policy options was closed. This instrument was subsequently amended by the 1971 Convention on Psychotropic Substances, which added many “new” drugs such as LSD, MDMA and amphetamines; and then again by the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances that emphasised the persecution and repression of drug trafficking. As a result, every country enforces drug prohibition with the help of its police force or other armed forces. Moreover, most countries criminalize possession of small amounts of the prohibited substances (Levine 2003).

Research explaining the political economy of the international drug regime is rare. Being that it is understandable and much needed, scholars that deal with drug institutions have focused on the social outcomes of such frameworks and



have been testing other institutional approaches towards drugs issues (as seen in chapter 1). However, only a few have dealt with the determinants of its continuity and its possibilities of change. This dimension becomes particularly important for the case of the drug regime given the historical distance between drug research and policy and the great harm it has caused. In other words, the determinants of the policy should be found elsewhere and not in its public policy rationale.

There are many routes to try to fill this gap. A good entry point is understanding the drug regime as an institution. The literature on “new institutionalisms” provides several hypothesis and analytical tools that are applied in the international realm.<sup>12</sup> There are many routes to deal with the emergence, change and persistence of institutions. Hall and Taylor (1996) identified what is now known as the three “classic” or older new institutionalisms: rational choice institutionalism (RCI), sociological institutionalism (SI) and historical institutionalism (HI). However, as Shepsle (2006) suggests, the bright lines that formerly distinguished rational choice institutionalism from the many others (mainly historical and sociological) and were becoming less discernible. There is a continuous process of revising and addressing their main critiques. More recently, a new approach has been creating itself: the constructivist institutionalism. Although it encompasses many varieties, they share a “critical” standpoint versus the alleged determinism of the former three new institutionalisms.

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<sup>12</sup> The same main ontological and epistemological approaches of institutionalism narratives are embedded in the traditional theories of international relations. The distinction is mainly thematic.

## ***2.1 Rational choice institutionalism***

At its core, the Rational Choice Institutionalism approach to the emergence of institutions will emphasise that institutions rise as a way of reducing uncertainties, or transaction costs, that result from the multiplicity of individual preferences (stable and rational) and are means to confront collective action problems (like ‘the prisoner’s dilemma’ and the ‘tragedy of the commons’) that lead to sub-optimal solutions (Schmidt 2006). In this sense, the origins of institutions is a functionalistic one, meaning that institutions are unique and efficient forms of equilibrium. This characteristic is given through free competition, which is assumed to eliminate actions that are inconsistent with the logic of survival. RCI gives an important role to the actors, who identify the possible dysfunctions of the effects of institutions and are able to repair them. In this way, persistence is a function of institutional evolution. However there is not much space for explaining change beyond this level.

RCI is at the centre of the liberal approach to International Relations. It emphasises how states and other non-state actors will construct cooperation incentives to solve international, collective problems. This is materialized in bilateral and multilateral organizations that bind states to certain set of homogeneous and stable practices. The functionalist approach regarding the global drug regime is rather a simple one: it happens as a product of the growing threat of drug consumption and transnational drug traffic (Andreas and Nadelmann 2006).<sup>13</sup> It assumes that it is a common interest to confront what is

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<sup>13</sup> Andreas and Nadelmann (2006) apply this explanation to the whole international criminal law enforcement that includes the drug prohibition.

defined in the Single convention as “the serious evil” of narcotic drugs addiction. Then, as this evil becomes global, the response has to become global as well.

This discourse has been dominant in all official accounts that show the need of prohibition and enforcement, both nationally and, more importantly, in the three international conventions that structure the global regime. According to an RCI type of explanation, the homogenization of criminal laws is one of the most important features of the system to enhance its efficiency and go beyond political tensions of sovereign states. However, as Andreas and Nadelmann (2006) point out, law is not enough for drug enforcement to be effective, since a core feature is police and prosecutors. This explains, for example, bilateral programs such as Plan Colombia and Plan Mérida (in Mexico), which were signed with the US to enhance and homogenize their policing and combating skills against drug cartels.

This form of explaining the origins and continuity of a prohibition regime is the one that is currently under great criticism. Evidence like the one shown in chapter 1 pushes reconsideration of the functionalistic explanation. This goes beyond the idea of policy failure as just mistakes in steps of the policy cycle, and questions the deeper political interests involved in the origins and preservation of the regime.

## ***2.2 Historical Institutionalism***

Most of the academic work (beyond official explanations) interested in the determinants and evolution of the drug regime bases its explanations on different forms of historical institutionalism. The common glue that holds together different forms of HI is the central concern for historical structures rather than the

functionalism that sees political outcomes as a response to the needs of the system (Hall and Taylor 1996: 6). It focuses on sequences in development, timing of events, and phases of political change. It emphasizes not just the asymmetries of power related to the operation and development of institutions, but also the path dependencies and unintended consequences that result from such historical development (Schmidt 2006: 2).

One strand within the HI literature understands the path dependency as a locked in moment from a starting point or initial condition that is very difficult to derail. Institutions are implemented and spread; they tend to perpetuate themselves and are only cast aside in moments of crisis. Complementing this strand is the self-reproducing sequencing that by emphasising the initial condition understands change as a continuous layering of new elements, but without disrupting the main tendency. This approach will understand the beginning of the 20<sup>th</sup> century, mainly after The Hague International Opium Convention (1912), as the initial condition (for this approach see Bassiouni 1972). After this moment, a self-reproducing process will continue to add harsher measures that lead to the three UN conventions, the “war on drugs” and the zero tolerance policy in the US. It is a highly deterministic approach in which agents have almost no role.

To cope with the charge of determinism, Bewley-Taylor and Jelsma (2012) –one of the most indicative works in this approach, and one of the few in the overall literature– will suggest that the UN Single Convention of 1961 does not represent another layer, but rather a sort of critical juncture that breaks with the previous path. Before the 1961 treaty, the regime was focused on drug regulation.

However, this Convention changed the rules to a full-fledged prohibition that lead to the criminalization of drug related activities. With this approach, the authors are trying to emphasise that change in the regime is possible. However, the mechanisms through which change happens are not explained beyond the notion that “conditions change” and, therefore, the system is pushed to change too.

Perhaps the most important contribution of the HI approach, closely related to the Realist approach in International Relations, is the acknowledgment of the asymmetries of power in the international arena. More than an open space for negotiation where every player has a vote and saying the international crime control efforts ultimately reflect the interests and agendas of those states best able to coerce and co-opt others (Andreas and Nadelmann 2006). In this sense, the construction of the US drug policy and the construction of a global drug regime are processes that are at some point difficult to differentiate. Andreas and Nadelmann (2006) suggests comparing, for example, the impact of the US involvement in the Latin American anti-drug efforts with Mexican pleads to the US to control their weapons market, which is illegally arming Mexican and other countries' drug cartels. Or how the UN Single Convention forced many developing countries to prohibit the use of certain plants that are embedded in cultural and religious traditions (Bewley-Taylor and Jelsma 2012) and have not yet been a problem before.

Treating the state as a unitary and main actor has many advantages. For example, despite the transnational and global dimension of drug trafficking, there is still a fundamental role for national borders and the fact that enforcement is still

a primary role of states and not multilateral organizations. However, it undermines the dynamics inside the state and the interplay of interest among different fractions. This approach has not been able to deal with an important characteristic of drug politics, where, for example, head of states push for a regime change in the international level without having enough support for it in domestic politics.<sup>14</sup>

Given the asymmetries of power as a starting point, this approach already has a big explanatory power on the uneven bearing of the harmful consequences of the drug regime discussed in chapter 1. Once the hegemon sets its interests, a self-reproducing process sets in, giving rise to the need for harsher measures to control drugs every time the current laws seem to be insufficient. This provides a powerful explanation of why the regime has resisted change for so long if it has proven to be unsuccessful. However, by virtue of this almost mechanical understanding of history, this approach is better placed to account path dependency (inefficient) than it is to explain the periodic, if infrequent, bouts of *path-shaping* institutional change may concede (Hay 2006).

### ***2.3 Sociological institutionalism***

None of the former approaches concede much relevance to the significant role that ideas and values have in the determination of drug policy. As Hall and Taylor (1996) point out, many forms and procedures used in modern organization are not simply adopted for a calculation of their efficiency, but because they are culturally specific practices transmitted between generations. Therefore,

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<sup>14</sup> This is at least the case of president Santos in Colombia, one of the most important international drug reform leaders, but that failed in his attempt to decriminalize drug use in his country.

institutions are more than just formal rules, and include “symbol systems, cognitive scripts and moral templates that provide the frames of meaning guiding human action [...] This tends to redefine ‘culture itself as institutions’ (Hall and Taylor 1996: 14). This approach allows the possibility of asking what the norms and values that constitute the interests, and therefore, action are. It has been quite evident that morals, religion and prejudice play an important role in the determination of policy.

It is particularly interesting how many authors point out to the origins of the drug control effort in the US as an essentially racist issue (Brecher et al. 1972 and Savulescu and Foddy 2012 and) that has nothing to do with health. Concerns about opium consumption were a matter of a “life-style” brought about by Chinese railroad workers. Soon, white men and even large numbers of women were smoking opium side to side with the Chinese. Local authorities were informed by a research that highlighted that “many women and young girls, as well as young men of respectable family, were being induced to visit the [Chinese] opium-smoking dens, where they were ruined morally and otherwise” (Brecher et al. 1972: Chapter 6). Similar arguments were made for cocaine and marijuana. As McNamara (2004) sums it up, “moving to criminalize drugs made references to Negroes under the influence of drugs murdering whites, degenerate Mexicans smoking marijuana, and “Chinamen” seducing white women with drugs. This racist nonsense would be laughed at today, but it was quite influential in the passage of anti-drug legislation.”

The normative understanding of what is appropriate and what is not regarding drugs has been a powerful influence at every stage of the global prohibition regime. The anti-drug crusades have always relied on depicting “drugs” as extremely dangerous and destructive substances (Levine 2003). Religious groups, media, governments and even health authorities repeat and diffuse these messages until they become a legitimate mindset that does not require further questioning or assessment vis-à-vis scientific evidence. Once at this stage, almost any social problem can be blamed on drug addiction, or at least it makes it worse (Levine 2003). However, as the other approaches can be judged as being historically, politically or economically deterministic, SI can be judged as cultural determinism (Schmidt 2006). This is to the extent that it understands agents just as bearers of cultural structures and with little room for choice that departs from them.

So far, all the reviewed papers regarding the drug regime rely on the different analytical tools that this chapter had presented. All of them provide different hypothesis that explain the continuity of the prohibition paradigm, and each one with their own limitations. To overcome these limitations, Andreas and Nadelmann (2006), in their explanation of the evolution of an international crime control framework, suggest an “analytically eclectic approach that selectively combines elements of different perspectives”. However, it is argued here that this is weak form of theorizing (or of not theorizing at all) that can be solved with deeper forms of constructivism. As mentioned in the next chapter, a material-based form of constructivism built upon the concepts developed by the neo-



Gramscian perspective of Robert Cox provides a useful way of giving a coherent connecting thread to what Andreas and Nadelmann understands as eclectic. Its virtue relies on providing a framework capable of explaining both the long institutional persistency as well as the recent sprouts of change. Also, at an ontological level, it enables a pertinent relationship between material based interests and the role of ideas. And finally, it allows a broader understanding of the hegemonic relationships in the international system.

### **Chapter 3: Neo-Gramscian constructivism**

Explanations of the global drug regime have received some insights from constructivist perspectives, especially as a subset of broader themes as international security. Here the focus is located in the constructed nature of the sense of insecurity. For example, they will ask how threats are recognized, how enemies are labelled and how groups come together to imagine danger (Lott 2004). In this case, why particular issues are labelled as “security issues” and others not (Lott 2004). In the case of the drug war, constructivist may investigate how U.S. collective identity is reflected in anti-drug policies that are being taken in other parts of the world. Or how drugs have been constructed as a menace and why this discourse has proven so irreproachable (Crick 2011).

The starting point of constructivism as an epistemological approach is that social reality is not given, but constructed. Therefore, reality exists but only through processes of inter subjectivity. If there are not a priori meanings, then it is fundamental to situate in space and time any form of interpretation. This return to the role of ideas is fundamental to breaking the determinism of other approaches and as we will see opens the way for explaining process of change. However, beyond this common set of premises, constructivism can take very different paths.

Hay (2006) and Schmidt (2006) have insisted in the creation of a new form of institutionalism (the fourth) the Constructivist or Discursive one, which they claim

has the same academic status as the formers. For Schmidt (2010) institutions are

“... simultaneously constraining structures and enabling constructs of meaning, which are internal to thinking and speaking agents whose ‘background ideational abilities’ [the structural part] explain how they create and maintain institutions at the same time that their ‘foreground discursive abilities’ [agency] enable them to communicate critically about those institutions, to change or maintain them” (Schmidt, 2010).

Ideas and its communication process are at the centre of this approach. Change is adopted as a product of the dynamic process of communication and its intended and unintended consequences. One of the main positions of Hay (2006: 3) is that desires, preferences and motivations are not a contextually-given fact or a reflection of material or even social circumstance, but are irredeemably ideational.

However, other forms of constructivism, while recognizing the importance of ideas, will pose a criticism to Hay (2006) interpretation by questioning the origins of those ideas. One thing is to accept the role of ideas and another to recognize them as ontological premises. This is the case of the Neo-Gramscian approach of Robert Cox that will emphasise that ideas come from somewhere. Social relations of production foster and condition them, however not in a deterministic way (as in Marxist approaches). There is a sense of material reality, however the constructivist part of it lies in the fact that ideas could reshape this reality, hence ideas may change the system. Therefore, the main difference with Hay (2006) or Schmidt (2006) is the starting point. In this line, ideation type of constructivist

explanations of the drug regime provided by Lott (2004) and Crick (2011) will overemphasise the roll of discourse.

### **3.1 Hegemony**

A useful entry point to neo-Gramscian perspectives is the concept of hegemony. As developed by Cox, hegemony is understood in a wider way than IR Realist's do which mainly focus in the sole idea of dominance. However, for Cox (1989: 164) a hegemonic power is "a necessary combination of consent and coercion". Hegemony prevails, Cox argues, when "the consensual "the aspect of power is in the forefront" Cox (1989: 164). Because hegemony is enough to ensure compliance of behaviour in most of the time, coercion will be mainly latent and used only in particular, abnormal situations. Finally, "dominance by a powerful state may be a necessary but not a sufficient condition of hegemony" (Cox 1981: 139).

Hegemony in a historical moment is constituted through three spheres of activity: social relations of production, forms of state and world orders. According to Cox (1987: 1-8) patterns of production relations are the starting point from analysing the operation and mechanisms of hegemony. However production relations should not be reduced to production in an economic sense. It includes production of physical goods, but also, production and reproduction of knowledge and of the social relations, morals and institutions that are prerequisites to the production of physical goods' (Cox 1987: 39). By discerning different modes of social relations of production it is possible to consider how changing production relations gives rise to particular social forces that become the bases of power within and across

states and within a specific world order (Cox 1987: 4). This wider understanding of production ensures that social forces are not reduced to material aspects. "Non-class" issues—peace, ecology, and feminism—are not to be set aside but given a firm and conscious basis in the social realities shaped through the production process' (Cox 1987: 353).

Change comes inherently as the continuous process of struggle between different fractions of social forces where contingency plays an important role. As Cox remembers, hegemony is always a limited totality. However, change has different continuities and discontinuities or different rhythms and intensities. There are three important punctuations in worldwide drug policy orientation: a) the origins of drug regulation of 1909 and 1912; b) 1961 Single Convention and the consolidation of the prohibition regime; c) The “war on drugs” through out the 1970’s.

### ***3.2 The origins of drug regulation***

Most of the historical narratives point towards the end of the nineteenth Century in the United States as the origins of today's drug regulation. As Brecher et al. (1972) detail, throughout almost all of the nineteenth Century, the United States was a “dope fiends paradise”. Opium, morphine and heroine “were as freely accessible as aspirin is today”. Ideational explanations of racism in the US as the origin of the change (as explained in Chapter 2) play a fundamental role, however, they are at least incomplete.

The end of the nineteenth-century and the beginning of the twentieth was a moment of significant shift in interstate power relations that marked the end of the British

hegemony. According to Cox (1987) the monopolistic position of Britain in industrial power through the mid-century gave place to by the end of the century to a struggle of various industrial powers. For example, by 1893 Germany had passed Britain in steel production. However this period of time also saw the rise of power of other regions outside Europe as Japan and specially the United States after its civil war. With this setting, and industrialism as the driving force of the system, a new impetus for overseas expansion was necessary to secure industrial growth (Cox 1987). This need for expansion was internalized and publicized by ideological forces like the Christian proselytizing, la *mission civilisatrice*, and racial supremacy doctrines (Cox 1987). They claim it was their mission to bring civilization and/or religion to backwards peoples.

It is in this context where the American “transnational moral entrepreneurs” (Andreas and Nadelmann 2006: 19) or missionaries played their significant role by “saving” the Chinese people ruined by addiction to opium sold (smuggled) mainly by England (from its Indian colony). According to McNamara (2004) Roosevelt hoped that by stopping England, and other colonial powers, from persuading the unwilling China to accept highly lucrative opium cargos would win Chinese good will and allow Americans to open the massive Chinese internal market to their goods.

It is not the purpose to question the authenticity of the moral sentiments of the missionaries or to neglect the problematic opium consumption of many Chinese, but to point out that there is a deeper underlying force. Is within this context that the International Opium Commission met in Shanghai in 2009 and that the 1912

Hague International Opium Convention was signed. However, it can be said that the concern about drug addiction soon exceeded the US material interests and took a moral dimension on its own. Cocaine and heroine were added to the treaty and by 1920's 60 countries had adhered to it.<sup>15</sup>

### ***3.3 The drug prohibition regime***

As pointed out by Bewley-Taylor and Jelsma (2012), the 1961 Single Convention on Narcotic Drugs represented a turning point in the regime going from regulation to prohibition by introducing penal obligations for signatory states to criminalise production, trade and cultivation. The interpretation of the creation of the Single Convention and change from the previous stage must be understood in the context of the post-World War II new configuration of international forces.

According to Cox historical interpretation, the new hegemonic era emerged when the US assumed the leading role in building an open world political economy, exclusive of the Soviet sphere, in which Western Europe, Japan and the "Third World" were all to be incorporated (Cox 1987). The war economy that was created in the US could only kept running at the same capacity after the war ended if it was able to sustain an export surplus for a number of years. This surplus will also fuel the recovery of war-devastated economies. The Marshal Plan was the main instrument, which also foster the idea of multilateral world economy consistent with the US policy.

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<sup>15</sup> This interpretation is already highly different for the one provided by UNDOC historical narrative: "The international drug control system was born out of a very real humanitarian emergency, a catastrophe that only happened because of the lack of global norms..." (UNDOC 2008: 177).

However, as stated before patterns of production comprise more than just physical goods, it includes also reproduction of social relations, knowledge, morals and institutions. Then, US leadership in shaping economic structures comes hand-to-hand with exporting their ideas, morals and other non-economic institutions like the ones that deal with governance and security.

As we mention before, in its origin, economic interests were the main force behind the rise into the international arena of anti-drug sentiments (which were mainly determined by racial concerns). Both material and ideational interests reinforce each other to create the regulatory framework. However, with this impetus, the anti-drug discourse grew stronger in the US and became a politically profitable speech to win followers; therefore further reproduced and normalized.<sup>16</sup>

American promoters of prohibition have claimed that their international efforts are essential to reduce the extent and cost of drug abuse in the US (Andreas and Nadelmann 2006). After the 1912 Hague Convention, in the successive international meetings, US delegations kept pushing the issue of non-medical and non-scientific use of certain substances. However, for diverse reasons, most states were reluctant to penalise these activities (Bewley-Taylor and Jelsma 2012).

Then, the fundamental feature that explains the transition from a regulatory framework to the global prohibition is the rise of the United States hegemony

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<sup>16</sup> One of the best examples of this normalization process is described by McNamara (2004) as an “irony” that black leaders seem to accept the racist premise that Negroes are especially susceptible to drug use. Many African-American leaders describe decriminalization of drugs as a racial genocide.



after the World War II. In the absence of international resistance prohibition was easily translated from US domestic preferences to the global regime through the 1961 Single Convention. Nevertheless, this lack of resistance is not only explained by an asymmetry of material power, but also by the facility that this specific kind of discourse was normalized into other nations moral standards. In most countries drug consumption was limited to relatively powerless minorities or the poorer sectors of society. Not adhering to the conventions represented a way bigger cost. Finally, not much after the new regime was enacted, national governments started to realize the advantages that in criminalizing and enforcing drugs brought to their own interests.

### ***3.4 From prohibition to the war on drugs***

President Nixon in the US decided to escalate drug enforcement efforts by declaring the famous “war on drugs”. This mean substantial attention and resources on foreign sources of the drug production consumed in the US. After Nixon, Ford and Carter tried to minimize the rhetoric level of the efforts, however in the 1980’s Reagan and Bush administration revive the issue. Although this juncture didn’t involved a fundamental change in the international legislation, it is deem a mayor turning point in the fatal consequences related to the rise of violence it provoked. The main form of the regime continues, but its consequences escalated.

According to Robert Cox (1993) by the end of the 1960’s decade the US hegemony that came with the end of World War II was already showing sings of

decline. During the 1970's exports from Western Europe and Japan gained an advantage over those from the US (Cox 1987). Inflation stopped being regarded as beneficial and started to become the main obstacle to economic growth (Cox 1987). This situation unleashed radical restructuring process of the production structure.

For van Apeldoorn (2006), the major feature of this restructuring that happened since the 1970's but accelerated in the 1990's is the deepening transnationalization of capital. One of the features of this process is the constraint it has placed upon the autonomy of the states. This declining ability of the nation-state to intervene in the process of capital accumulation and to determine economic policies reflects the new power that transnational capital has acquired (Robinson 2004).

At the same time there is another less researched feature of the decline of the global hegemony: the parallel rise of strong militarism. "The more that military force has to be increased and the more it is actually employed, the less the world order rests on consent and the less it is hegemonic" (Cox 1987: 289). Militarism, sometimes embedded in the cold war discourse, becomes an effective resource to be used where economic benefits do not appear "naturally" from the market operation.

The "war on drugs" provided an effective channel –given its wide legitimacy– to ensure US domination in strategic regions. US policy towards Colombia provides perhaps the best example. "US security was seen as inextricably linked to promotion of the private enterprise system and unobstructed US access to Third

World economies and raw materials” (McSherrey 2000: 29). Therefore, US interest in the region since the 1960’s was to avoid the spread of anti-American governments like Cuba that could close its access in the zone.

According to Crick (2012: 411) as the Cold War approached to an end, “the intelligence agencies and the military, looking for a new enemy since the demise of the Soviet threat, offered to share their expertise and military hardware with law enforcement agencies in the fight against drugs”. This situation give rise to the “narco-terrorist” threat (Crick 2012) that justified more resources and eventually the 1988 UN Convention Against Illicit Traffic of Narcotic Drugs and Psychotropic Substances.

The construction of drugs as a dangerous enemy has permeated deeply in societies where the drug has been exported. This concept has taken life of its own in drug producer societies that now goes beyond the presence of the US. For example, US open population opinion towards drug legalization is far more favorable than in Latin America, where strict criminalization is widely supported (Newcombe 2004).

## Conclusions

Major changes in drug policy can be traced down to reconfigurations in power that emerge from processes of change in material capabilities, ideas and institutions. It was either the process of industrialization and the decline of British hegemony, or the power equilibrium that the end of World War II, or the crisis decline of US hegemony and the crisis of the “Keynesian” state.

Recently, the regime shows incipient signs of change like the efforts for decriminalize possession and consumption in Portugal, the harm reduction programs like syringe exchange or heroin substitution, or the marijuana legalization in Colorado and Washington State. However, although pushing the limits, most of these changes still remain within the framework of the prohibition regime. Evidence of a change impulse can be found in the Organization of American States (OAS), which in may of 2013 presented a report pushing possible scenarios including decriminalization of consumption and legalization of marijuana. This is a relevant shift given the nature of the Organization and the critiques that it usually faced of being the main instrument of United States foreign policy in the region.

These changes within the regime can be explained as is described by Levine (2003) as a product of the awareness of the ineffective, expensive and discriminatory character of drug prohibition. This is the work of diverse connections between scholars, NGOs, and some politicians with specific

symbolic power. However, at a more structural level, a factor that have been opening more space for this movements of drug reform is the shift in priorities after the 9/11 attacks and the war on terrorism. This particular contingency has resulted in relaxing the need for the construction of drugs (within the US) as a main enemy. Now there is another, more powerful, that requires all the possible resources. Terrorism fulfils the political functions of increasing the military powers, legitimation for more pervasive state power in private spheres, and as unifier of opposition.

However, while this situation has open a big space for discussion it seems, according to the history of previous changes in the regime, that the sole role of entrepreneurs is not enough for a sudden break in the determinants of the continuity of the regime. Especially important are the attitudes of open population to a path of legalization and regulation. Ironically, this feature is stronger in some of the nations that are leading the discussion of the drug war reform.

## Bibliography

- Andreas, P. and Nadelmann, E. (2006) *Policing the globe: Criminalization and crime control in international relations*. Oxford University Press.
- Bassiouni, M.C. (1972) "The International Narcotics Control System: A proposal", *St. John's Law Review* 46(4): 713–763.
- Becker, G. S. (1968) "Crime and punishment: An economic approach", *Journal of Political Economy* 76 (2): 169–217.
- Bernardo, N. (2003) "Caffeine and Other Adulterants in Seizures of Street Cocaine in Brazil." *International Journal of Drug Policy* 14(4): 331.
- Bewley-Taylor and Jelsma (2012) "Regime change: Re-visiting the 1961 Single Convention on Narcotic Drugs" *International Journal of Drug Policy* 23: 72–81.
- Brecher, Edward M. and the Editors of Consumer Reports Magazine (1972) *The Consumers Union Report – Licit and illicit drugs*. Schaffer Library of Drug Policy. [<http://www.druglibrary.org/schaffer/library/studies/cu/cumenu.htm>].
- Cameron, Samuel and Alan Collins (2006) "Addict Death. A Lacuna in the Welfare Economics of Drug Policy." *American Journal of Economics and Sociology* 65 (4): 963–969.
- Carl L. Hart, van Gorp W, Haney M, Foltin RW, Fischman MW. (2001) "Effects of acute smoked marijuana on complex cognitive performance", *Neuropsychopharmacology* 25(5): 757–65.
- Caulkins, Jonathan P. and Sara Chandler (2006) "Long-Run Trends in Incarceration of Drug Offenders in the US", *Crime and Delinquency* 52(4): 619–641.
- Chapter 1 Bibliography
- Costa, Claudia and Paul De Grauwe (2009) "Globalization and the price decline of illicit drugs" *International Journal of Drug Policy* 20(1):48–61.
- Count the Costs (2013) Count the Costs: 50 years of the War on Drugs. Development and Security Briefing. [[http://www.countthecosts.org/sites/default/files/Development\\_and\\_security\\_briefing.pdf](http://www.countthecosts.org/sites/default/files/Development_and_security_briefing.pdf)].
- Cox, R. W. (1987) *Production, Power and Order: Social Forces in the Making of History*. New York: Columbia University Press.
- Cox, R.W. (1981) "Social Forces, States and World Orders: Beyond International Relations Theory." *Millennium: Journal of International Studies*, 10 (2): 126–55.

- Cox, R.W. (1993) "Gramsci, hegemony and international relations: an essay in method" In Gill, S. (ed.) *Gramsci, Historical Materialism and International Relations*, pp. 49-66. Cambridge: Cambridge University Press.
- Crick, Emily (2012) "Drugs as an existential threat: An analysis of the international securitization of drugs", *International Journal of Drug Policy*, 25(5): 407–414.
- Dills, Angela, Jeffrey A. Miron and Garrett Summers (2010) "What Do Economists Know about Crime?" In, Di Tella, *et al. The Economics of Crime: Lessons for and from Latin America*. Chicago: University of Chicago Press.
- Executive Office of the President (2004). "The Economic Costs of Drug Abuse in the United States: 1992-2002." Washington: Office of National Drug Control Policy (December).
- Godfrey, Christine, Gail Eaton, Cynthia McDougall and Anthony Culyer (2002). "The economic and social costs of Class A drug use in England and Wales, 2000." Home Office Research Study 249. Great Britain: Home Office Research, Development and Statistics Directorate (July).
- Goldstein, P. J. (1985) "The drugs/violence nexus: A tripartite conceptual framework", *Journal of Drug Issues* 15 (Fall): 493–506.
- Grossman, Michael (2004). "Individual Behaviors and Substance Use: The Role of Prices." NBER Working Paper 10948.
- Hall, Peter and Rosemary Taylor (1996) "Political Science and the Three New Institutionalisms", *Political Studies*, 44 (5): 936-957.
- Hay, Colin (2006) "Constructivist Institutionalism" in S. Binder, R. Rhodes, B. Rockman, (eds.). *Oxford Handbook of Political Institutions*. Oxford University Press.
- IDSP (2010) Índice de Desempeño del Sistema Penal (2010), México: México Evalúa, Centro de Análisis de Políticas Públicas.
- Keefer, Philip, Norman V. Loayza and Rodrigo R. Soares (2008) "Development impact of the prohibition of the drug trade", Policy Research Working Paper, WPS4543. Washington: The World Bank.
- Kugler, Maurice, Thierry Verdier, and Yves Zenou (2005) "Organized Crime, Corruption and Punishment", *Journal of Public Economics* 89(9/10): 1639-1663.
- Levine, H.G. (2003) "Global drug prohibition: its uses and crises", *International Journal of Drug Policy* 14: 145-153.
- Lott, Anthony (2004) *Creating insecurity: Realism, Constructivism and United States security policy*. England: Ashgate Pub LTD.
- McNamara, Joseph D. (2004) "The American Junkie", *Hoover Digest*, No. 2. Stanford University.
- McSherry, J. Patrice (2000) "Preserving Hegemony: National Security Doctrine in

- the Post-Cold War Era". NCLA Report of the Americas 34: 26-34.
- Mejía, Daniel, and Carlos Esteban Posada (2005). "Cocaine Production and Trafficking: What do We Know?" Unpublished Manuscript, Brown University.
- Merino, Jose. (2011): "Los operativos conjuntos y la tasa de homicidios. Una medición" [The joint operatives and the rate of homicide. A measurement], *Nexos*, June 1, 2011.
- Merino, Jose. (2012): "Cuerpos sin nombre" [Bodies without name], *Nexos*, December 1, 2012.
- Miron, Jeffrey (2010) "The Budgetary Implications of Drug Prohibition" Cambridge: Department of Economics: 1–39.
- Miron, Jeffrey A. (1999) "Violence and the US prohibitions of drugs and alcohol", *American Law and Economics Review* 1(1-2): 78–114.
- Miron, Jeffrey and Jeffrey Zwiebel (1995). "The Economic Case Against Drug Prohibition", *The Journal of Economic Perspectives* 9 (4): 175-192.
- Newcombe, Russell (2004) "Attitudes to Drug Policy and Drug Laws; a review of the international evidence", 3D Research Bureau, Liverpool.
- NSDUH (2012) Substance Abuse and Mental Health Services Administration, *Results from the 2011 National Survey on Drug Use and Health: Summary of National Findings*, NSDUH Series H-44, HHS Publication No. (SMA) 12-4713. Rockville, MD.
- Nutt, David Nutt; King, Leslie A; Saulsbury, William; and Blakemore, Colin "Development of a rational scale to assess the harm of drugs of potential misuse," *The Lancet* (London, United Kingdom: March 24, 2007), Vol 369, p. 1051.
- Perez Correa, Catalina (2012) "Desproporcionalidad y delitos contra la salud en México" Working Papers n. 59. Mexico: Centro de Investigación y Docencia Económicas.
- PRI (2013) "The unintended negative consequences of the 'war on drugs': mass criminalisation and punitive sentencing policies". London: Penal Reform International (PRI).
- Rasmussen DW, Benson BL, Sollars DL. (1993) "Spatial competition in illicit drug markets: the consequences of increased drug war enforcement" *Review of Regional Studies*. 123: 219.
- Reuter, Peter (2001) "Why does research have so little impact on American drug policy?" *Addiction* 96(3): 373–376.
- Reuter, Peter, and Victoria Greenfield (2010) "Measuring Global Drug Market: How Good Are the Numbers and Why Should We Care About Them?" *World Economics* 2 (4): 159-73.
- Reuter, Peter, K. Jack Riley, Justin L. Adams, Susan S. Everingham, Robert Klitgaard, J.T. Quinlivan, With Kamil Akramov, Scott Hiromoto, Sergej



- Mahnovski (2004) "Mitigating the Effects of Illicit Drugs on Development." Rand, Public Safety and Justice, Project Memorandum (PM-1645-PSJ-2).
- Rich, Josiah M.D., M.P.H., Sarah E. Wakeman, M.D., and Samuel L. Dickman, A.B. (2011) "Medicine and the Epidemic of Incarceration in the United States", *New England Journal of Medicine* 364(22): 2081–2083.
- Robinson, William (2004) "What empire? Whose Hegemony? The transnationalization of capital and the Gramscian critique of statolatry" Paper presented at the 2004 Annual Meeting of the ISA, Montreal, March 16-21.
- Savulescu, Julian and Bennett Foddy (2012) "A moral argument against the war on drugs", Practical Ethics blog. University of Oxford. [<http://blog.practicaethics.ox.ac.uk/2012/04/a-moral-argument-against-the-war-on-drugs/>].
- Schmidt, Viven (2006) "Give peace a chance: reconciling four (not three) 'new institutionalisms'" Paper presented at the annual meeting of the American Political Science Association, Marriott, Loews Philadelphia, and the Pennsylvania Convention Center, Philadelphia, PA, Aug 31, 2006.
- Schmidt, Viven (2010) "Taking ideas and discourse seriously: explaining change through discursive institutionalism as the fourth 'new institutionalism'", *European Political Science Review* 2(1): 1-25.
- Shepsle, KA. (2006) "Rational Choice Institutionalism" in S. Binder, R. Rhodes, B. Rockman, (eds.). *Oxford Handbook of Political Institutions*.
- Soares, Rodrigo (2006) "The welfare cost of violence across countries", *Journal of Health Economics* 25 (5): 821–846.
- Uprimny, Rodrigo, Diana Guzman, Jorge Parra (2013) "Addicted to Punishment: The disproportionality of drug laws in Latin America", Working Paper 1, Bogota: Dejusticia Center for Law, Justice and Society.
- Van Apeldoorn, B. (2006) "The transnational political economy of European integration: the future of socio-economic governance in the enlarged union", in R. Stubbs and G.R.D. Underhill (eds), *Political Economy and the Changing Global Order*, 3<sup>rd</sup> ed. Oxford: Oxford University Press: 306-315.
- Werb, Dan, Greg Rowell, Gordon Guyatt, Thomas Kerr, Julio Montaner and Evan Wood (2010) "Effect of Drug Law Enforcement on Drug-Related Violence: Evidence from a Scientific Review". Vancouver: International Centre for Science in Drug Policy (ICSDP).
- WHO (2005) Regional Office for Europe Copenhagen, "World Health Organization Europe Status Paper of Prison, Drugs and Harm Reduction", Doc No EUR/05/5049062, 2005.