

Towards Metrics that Measure Outcomes that Matter

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Key Points

- Although recent years have witnessed an increasingly honest and sophisticated discourse on the measurement of illicit drug markets, metrics relating to drug policy outcomes remain dominated by the activities of law enforcement agencies. This owes much to the underlying philosophy of the extant UN based international drug control system and an approach that has delivered few sustained and geographically widespread successes.
- Current metrics are resilient in part because they provide politically useful certainty within a complex, fluid and ultimately problematic policy domain. This is the case even though traditional indicators are increasingly at odds with policy shifts seeking to reduce the overall harm of illicit drug markets.
- While alert to the need for national, even local, specificity, more appropriate and holistic indicators at the multilateral level could be developed around the core purpose and principles of the UN itself and the security and health of citizens and the social and economic development of communities.
- Such a move would require the creation of some new data capture mechanisms. Yet much of the necessary data – as well as expertise – are already collected by and present within UN agencies, including those beyond the drug control apparatus in Vienna (E.g. the World Health Organisation, UNAIDS, the United Nations Development Programme and the UN Office of the High Commissioner for Human Rights).
- The United Nations General Assembly Special Session on the World Drug Problem (UNGASS) in April 2016 looks likely to be a missed opportunity for the initiation of a formal process to develop a new basket of drug policy objectives and appropriately refined indicators.
- Nonetheless, building upon some positive aspects of the UNGASS Outcome Document – particularly in relation to the Sustainable Development Goals – progress can be made in the lead up to the next high-level meeting on drug policy in 2019. A productive way forward would be the establishment of some form of expert technical review group.
- Such a move would not only help facilitate the implementation of more effective and humane drug control policies and interventions at local, national, regional and international levels, but would also contribute to the reduction of continuing systemic dissonance around the issue of drug control within the UN system.

INTRODUCTION

Beginning with an overview of the characteristics of and drivers behind metrics measuring the ‘success’ of drug policy at a number of levels, this policy brief focuses on the increasingly pressing need to move away from indicators that remain dominated by law enforcement activity; activity traditionally concerned with the scale of and flows within and between illicit drug markets. Having explored the functionality and limitations of current metrics, including a growing trend to question traditional measurement of policy outcomes, it discusses the challenges of developing new and holistic indicators as they relate to more nuanced policy objectives, including those linking directly to the core principles of the UN itself. The brief concludes, among other things, that although the United Nations General Assembly Special Session on the World Drug Problem (UNGASS) in April 2016 looks increasingly likely to be a missed opportunity for the initiation of formal moves to review and revise UN drug policy metrics, progress can still be made. Building upon a number of paragraphs within the Outcome Document to be adopted in New York – especially explicit references to the Sustainable Development Goals – as well as welcome momentum on the issue from a number of UN agencies beyond the drug policy apparatus in Vienna, member states can work to secure sophisticated discussion onto the agenda for the next high-level meeting on drug policy in 2019. Such a move would not only help facilitate the further implementation of more effective and humane drug control policies and interventions at local, national and regional levels, but also contribute to a much needed improvement in UN system-wide coherence on drug policy.

BACKGROUND AND CONTEXT

In recent years, we have seen the emergence of an increasingly honest and sophisticated discourse surrounding the measurement of

illicit drug markets. With this has come a growing acceptance among some governments and international organisations of the concept of uncertainty; an inherent characteristic of our understanding of any illegal market. At the UN level, for example, this is reflected in the use of data ranges rather than specific point figures for drug use prevalence and associated variables within the United Nations Office on Drugs and Crime’s (UNODC) flagship annual publication, the *World Drug Report* (WDR). The WDR also now openly contains the admission that there are enormous data gaps in certain regions, particularly in Asia and Africa. Both of these parts of the world possess expanding populations and accelerating rates of urbanization, phenomena associated with increasing levels of the illicit use of a range of psychoactive substances. As such, although sometimes relying on extrapolation and expert opinion for some sense of ‘ground truth’, out-of-date and incomplete figures are omitted from some regional and sub-regional assessments of prevalence rates. The result is a more candid, if still inherently problematic, attempt to offer an overview of aspects of a complex and increasingly fluid illicit market.

While this is the case, within discussion of the effectiveness of drug control policy at various levels of governance, there remains a remarkable faith in and dominance of certain quantitative data¹ to back up claims that authorities are pursuing what are deemed to be successful counter drug strategies. A growing appreciation of the problems associated with measuring an increasingly complex and fluid illicit market has not been accompanied by a systemic appreciation that measurements of ‘success’ might be focusing on the wrong things.

Such misdirected assessments take place within a conceptual framework ingrained in what can be usefully called the global drug prohibition regime; an almost universally accepted treaty-based system currently built

on a suite of three UN treaties. Dating back to the first decades of the twentieth century and in its current form the 1961 Single Convention on Narcotic Drugs, the existing regime has dual overarching aims: to ensure an adequate supply of pharmaceuticals for the licit market – particularly essential medicines – and at the same time prevent the non-scientific and non-medical production, supply and use of narcotic and psychotropic substances. With this in mind, the system has been developed on the basis of two interconnected tenets. First, a deeply held belief that the best way to reduce what has become known simply as the ‘world drug problem’ is to minimize the scale of – and ultimately eliminate – the illicit market and second, that this can be achieved through a reliance on prohibition oriented and supply-side dominated measures.

Since the 1960s, such measures have relied predominantly on the activities of law enforcement agencies, and in some parts of the world, the military. On the supply-side the traditional and until relatively widely accepted logic of this zero-tolerance ‘war on drugs’ approach has been that success in disrupting and ultimately halting the illicit production, manufacture and distribution of drugs listed in the conventions will reduce their availability to actual and potential consumers. Furthermore, although the regime makes some provision for drug prevention, treatment and rehabilitation, demand reduction has been long driven by a belief that the widespread arrest of drug users and the punitive punishment of individuals caught with drugs will reduce the scale of the market by coercing current users to change their behaviour and by deterring potential users from engaging in proscribed activity in the first place.

With such ideas underpinning the operation of the regime, much attention has unsurprisingly been given to metrics with a narrow focus on arrests and prosecutions (drug dealers, traffickers and in some cases drug users),

seizures (unprocessed and processed drugs including opium, coca, cannabis, cocaine, heroin, amphetamine type stimulants and precursor chemicals required for manufacture), in traditional producer states like Colombia and Afghanistan, hectares of drug crops eradicated (cannabis, opium poppy and coca) and increasingly in various parts of the world, drug processing laboratories destroyed. Along with the scale and patterns of drug use, many of these data sets are given prominence in the WDR as well as regional and national equivalents. As with other aspects of the market, the quality of data here is also patchy and variable due to the resource intensive processes involved in their capture, but this is the general picture. As any observer of sessions of the Commission on Narcotic Drugs (CND), the UN’s Vienna based central policy-making body on drugs, will attest, country statements frequently comprise little more than long lists of achievements against these supposed indicators of policy success. One visible manifestation of the current regime’s bias is the number of national delegations to the CND comprising almost entirely of representatives from law enforcement and criminal justice departments within their governments, some of them resplendent in dress uniforms and shoulder pips.

THE FUNCTIONALITY AND LIMITATIONS OF CURRENT METRICS

Beyond the directional influence of the regime in sustaining the use of these metrics in measuring policy success, what might be considered as a function of path dependency,² it is plausible to suggest that the current foci of measurement are politically attractive to both governments and some international agencies. This is the case since they add a much needed degree of simplicity and certainty to what is being increasingly understood to be an uncertain market environment. Figures concerning seizures, arrests and hectares

eradicated provide relatively stable islands of numeric confidence within a sea of statistical inexactitude. Moreover, they are valuable in terms of media management and providing the populace of countries, in many cases voters and tax payers, with what is presented as tangible evidence that authorities are achieving some success in their on-going and costly – both in terms of resource and in some cases lives – efforts to ‘solve’ the drug problem. In this regard, recall media friendly events and photo opportunities involving neatly arranged bales of cannabis, blocks of heroin and cocaine and bags of pills, often flanked by police officers or soldiers and pleased looking senior officials. Additionally, at the operational level, particularly with regard to law enforcement agencies, such metrics can be important in terms of targets and a range of Key Performance Indicators.³ In this way, at both the regime level and the operational level beneath it, the current metrics do much to reinforce assumptions and behaviour, and further embed policy priorities.

It must be said that in some instances an emphasis on indicators is also a characteristic of a positive shift towards policy evaluation, which is part of any good five-phase policy process including agenda setting, formulation, decision-making, implementation and evaluation. A useful example of this can be found within the European Union Drugs Action Plan 2013–2016. This relatively recent document was, mindful of the EU’s strong association with the UN treaty system, developed in line with the regime’s core principles. Among other things, the Action Plan includes a range of supply reduction indicators, including drug price and purity.⁴ These variables can be useful when trying to understand the state of the market and by implication the effectiveness, or indeed ineffectiveness, of policy and associated law enforcement action. Increases in price and reductions in purity can be seen in some ways as evidence of successful policies and law enforcement interventions. However, as with

other guidance and strategy documents, there is a need to interrogate exactly what the Action Plan’s indicators in other areas, particularly those relating to arrests and seizures, really tell us.⁵

It is true that they may be useful for understanding and analysing market trends, including changing trafficking routes, the different drug trafficking organisations involved in the trade (through the analysis of packaging and smuggling techniques) and patterns of drug use. Yet, as with figures relating to drug crop eradication or the number of drug laboratories destroyed in other parts of the world and presented within the WDR and other reports, in reality these are process indicators of law enforcement operational activity. Such activity might be completely independent of the true scale and nature of the market and have more to do with budgetary and personnel considerations and even political imperatives. Measures of operational activity, they therefore have limited utility in terms of measuring policy effectiveness.⁶

While such measurements of process continue to be privileged in multinational policy debates, there is a growing realization in some quarters that these traditional, and relatively simplistic, indicators are increasingly inadequate and, in driving resources towards the wrong activities, potentially damaging. This is particularly so as we begin to understand more about the dynamic and resilient nature of markets and how they are affected by policies and interventions. Evidence from over fifty years of enforcement dominated drug policy has revealed few sustained and geographically widespread successes. Far from being reduced in scale and then eliminated, drug markets have survived the attention of law enforcement agencies and, in places like Latin America, the military, through adaptation. These adapted markets often cause more social harm, and in wider geographical areas, than the original markets that were subject to enforcement

action.⁷ Moreover, an increasing preoccupation with elimination of the illicit market and an obsession with preventing diversion of licit drugs for recreational purposes has done much to limit access to essential medicines in some parts of the world, particularly Africa.

Despite this ‘whack a mole’ situation where ‘successes’ in one place are offset by transformations in the market – and the subordination of one of the regimes core objectives regarding access to drugs for medical purposes – consensus statements negotiated at the UN level still implicitly frame the multinational approach in terms of solving the ‘world drug problem’. Each building upon the thrust of earlier pieces of international soft law, significant documents as recent as the 2009 Political Declaration on drugs not only pledged the international community to ‘eliminate or reduce significantly’ illicit drug production and demand, drug-related health and social harms and drug related money laundering, it also set a date by which the goal should be achieved: 2019.⁸ Although a slight move away from the quixotic slogan, and the thinking that underpinned it, of the 1998 United Nations General Assembly Special Session (UNGASS) on Drugs, ‘A Drug Free World. We Can Do it!’ – in this instance by 2008 – there remain within the UN echoes of discussions of the expectations of the regime that date back to the 1960s; an era when the knowledge of both markets and the properties and harms associated with the consumption of a range of psychoactive substances was far less developed than today. For example, commenting on the passage of the Single Convention, in 1966 Herbert May, a grandee of the system, remarked that ‘By now the problems have been clearly defined and some of them have been *solved*, or instruments of their *solution* have been created: non-medical consumption of opium, coca leaf and cannabis, and the drugs manufactured from them is outlawed in principle and is bound to disappear after transitional periods of adaptation....’ (emphasis added).⁹ Such a view

is very much at odds with current thinking within some states where the drug issue is seen far more as a ‘wicked problem’. That is to say, a problem that is difficult or impossible to solve because of incomplete, contradictory and changing requirements.¹⁰ As John Camillus succinctly put it in a 2008 edition of the *Harvard Business Review*, “‘Wicked’ problems can’t be solved, but they can be tamed.”¹¹

This change in perspective, objectives and a resultant shift in the policy landscape in some parts of the world are crucial to any discussion of drug policy metrics and their reform. Armed with a better understanding of drugs, drug markets and the limitations of enforcement oriented interventions, more and more nations, or jurisdictions within them, are moving away from a determination to simply eliminate the market (and viewing every seizure and arrest as a linear and positive step towards that goal), and shifting towards a market management approach that seeks to reduce a range of drug market related harms. Such a process has much to do with a growing appreciation of what were referred to by the Executive Director of the UNODC itself in 2008 as the ‘unintended consequences’ of the operation of the current regime.¹² As the data presented in the WDR demonstrate, while perhaps stable and ‘contained’ – questionable claims bearing in mind the continuing high levels of data uncertainty in many parts of the world – the policies championed by the regime have not only failed to achieve a core high order objective of eliminating the illicit drug market.¹³ Their pursuit has actually generated a range of what are akin to iatrogenic individual and societal harms that are in many ways often greater than those associated with markets for proscribed substances themselves. These include the creation of a criminal black market often characterised by high levels of violence and corruption, an emphasis on law enforcement interventions rather than those associated with health, processes of geographical and substance displacement and

the marginalisation of drug users and small scale subsistence farmers involved in the production of drug crops.¹⁴

Within this context, and inevitably driven by specific ‘local’ imperatives including the financial costs associated with law enforcement dominated policies, increasing numbers of governments and authorities are engaging with approaches that include the decriminalisation or depenalisation of the possession of drugs, often cannabis but sometimes – as in Portugal – all controlled substances, for personal use, and health oriented harm reduction interventions that explicitly tolerate, and seek to manage the consequences of, illicit drug use. These include evidence based interventions like needle exchange programmes, opioid substitution therapy, and in some instances drug consumption rooms and controlled heroin prescription.¹⁵ And of course, within the United States of America and, at the national level, Uruguay, there have recently been shifts to establish legal regulated markets for recreational cannabis use.

The decision within Montevideo in 2012 owed much to concerns regarding drug related market violence. While few states are at the point where they wish to create legal markets to better deal with this problem, there is a growing appreciation that illicit drug markets are not inherently violent places. Rather, the level of violence is often a product of the type of law enforcement intervention deployed. With this in mind, the goal of reducing market violence is instructive in highlighting not only the increasing disconnect between new priorities and objectives at the national and sub-national level and the traditional indicators still dominating the multilateral scene, but also what might be seen as a path dependent metrics trap; the role of numbers in sustaining what are being increasingly regarded to be ineffective and counterproductive policies. How, for example, can authorities measure the success of an intervention aiming to reduce

retail market violence when the established and narrow indicators only consider figures for arrests and seizures? Within this instance, moreover, the very act of making arrests and disrupting market structures through seizures may actually increase violence through ‘turf wars’ within and between retail organisations.¹⁶ Here healthy arrest and seizure figures might, therefore, be used to denote policy ‘success’, but they miss entirely consequential increases in violence and the negative impact on communities. Similar situations exist in relation to a range of health, development and security issues across a wide array of drug markets.

Appreciation of these sorts of dilemmas is not entirely new. Various NGOs and academic research units, including the Global Commission on Drug Policy, have been flagging up, if not fully exploring, the issue for some time.¹⁷ Perhaps more significantly, some member states and agencies within the UN system itself have begun also to call for a reassessment of the current situation. At the 2015 session of the CND, both Ecuador and, notably, Colombia raised the issue of metrics within their national statements.¹⁸ Similarly, the following year a number of states, including Canada, included the issue of metrics and indicators in statements within the special segment on the UNGASS while others, like Mexico and Brazil, made progressive contributions at side-events.¹⁹ At the agency level, in June 2015 a report of the United Nations Development Programme (UNDP) included an explicit call for ‘New metrics to evaluate drug control policies’.²⁰ It is also worth noting that the UK government has been quietly developing an innovative framework for assessing policies to counter transnational organised crime.²¹ These, and other examples, suggest a growing view among some stakeholders within the international system that there should be a shift away from process indicators to measurement of the impact of drug markets (production, trafficking and consumption) and

related policy responses on the security and health of citizens and the social and economic development of communities.

THE CHALLENGES OF DEVELOPING NEW METRICS

It seems clear then that, in broad terms, drug policy effectiveness assessments should be involve moving away from the measurement of interventions, flows and scale, towards metrics that measure outcomes that really matter to individuals and communities. What is less clear, however, are the specifics of what to measure and how to measure them. This is clearly complex and far from value free. While often accompanied by a positivist premise, the development of objectives and associated metrics and indicators always involves subjectivity.²² That said, mindful of its central role within this policy field, the obvious place to start would seem to be an examination of law enforcement. This is particularly so because of the symbiotic and reinforcing relationship between objectives and indicators and the potential for them to generate perverse incentives that may, in some circumstances, encourage a range of abuses.²³ As already discussed by the International Drug Policy Consortium (IDPC), a refocusing of law enforcement could involve developing, or refining, a range of indicators that focus on the outcomes of law enforcement operations and the shape of drug markets, drug related crime, contributions to health and social programmes and evaluation of environment and patterns of drug use and dependence.²⁴ As an initial foray into the issue area, these are certainly useful organising headings and worthy of further attention. However, when unpacked they reveal the complexity of the challenge of developing new metrics.²⁵ For instance, some of the variables are more appropriate to jurisdictions within the ‘global north’.²⁶ There is a differential resonance of metrics in different countries – this is not a

one size fits all environment. Furthermore, they reveal that – while a central concern – a recalibration of indicators goes well beyond the law enforcement domain. It includes more holistic, and admittedly nebulous, issues of ‘wellbeing’, ‘quality of life’, and particularly but not exclusively in the case of traditional producer states, ‘human development’²⁷ and ‘human and citizen security.’²⁸ As such, at the multilateral level at least, there would arguably be much to gain from developing a set of new overarching high order indicators relating to revised objectives that are framed within the terms of the core purpose and principles of the UN itself: security, development and human rights. These might, as the IDPC has also suggested, cover the following domains and possible issues of concern within them, many of which incorporate a law enforcement component.

Public health, harm reduction and well-being: reductions in drug related deaths, including overdose fatalities, increased coverage and quality of harm reduction and drug treatment services and a related reduction incidence of HIV, hepatitis and tuberculosis.

Essential medicines: measures of the increased availability of controlled medicines for medical and scientific purposes – especially for pain and palliative care in low and middle-income countries

Human Security; improvements in citizen security and a commensurate reduction in violence, crime and corruption resulting from the illicit drug market and from counterproductive policy responses

Development: improvements in social and economic development in areas of drug production, increased provision of equitable and environmentally sustainable development programmes

Human Rights: reductions in human rights violations and abuses against affected populations and comprehensive access to health, social and legal protections with adequate access to justice and legal aid for victims of human rights abuses.²⁹

More recently, the International Centre for Science in Drug Policy (ICSDP) has presented useful work within similar domains (health, peace and security, development and human rights) and added an additional layer of specific potential policy indicators.³⁰

With such proposals comes the obvious question, how do we go about data capture? To start with, although uneven across jurisdictions, some of the required data are already collected. In the health sector, much of information is covered in data fed to the UNODC by member states via Annual Report Questionnaires (ARQs) , and included with varying degrees of confidence within the WDR, such as ‘health consequences’. Other data are also collected by other UN agencies like UNAIDS and WHO.

Moreover, and cognizant of their shortcomings, it might be worth exploring the possibility of ‘mining’ and realigning appropriate domains from national composite indexes both within and currently beyond the drugs sphere.³¹ Similarly, and again aware of the pitfalls of their formulation there is probably utility in exploring a range of non-drug specific indices that capture domains which, in various ways, relate to the impact of drug policy in a more holistic sense.³² Examples here include indices on corruption perception, wellbeing³³ and human rights. Indeed, in terms of building upon existing information and expertise, the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in developing Human Rights indicators must not be overlooked. Within any shift in the focus of metrics, it is vital to establish robust and effective human rights monitoring mechanisms

to ensure compliance by governments and law enforcement agencies.³⁴ Perhaps most worthy of examination in this regard, however, is the UNDP’s Human Development Index (HDI), Human Development Data and the associated Human Development Reports.³⁵ This is particularly interesting in light of the UNDP’s recent regional publication on Citizen Security in Latin America .³⁶

The key point here is that we are not starting from scratch. That said, an imaginative approach to corral and utilize existing data sets, both quantitative and qualitative, will certainly be required. Furthermore, while this is the case, there is no escaping the need for the creation of new data capture mechanisms. This will be a considerable challenge in a number of domains, including measuring drug related corruption and the reach and influence of transnational organised crime groups.

CONCLUSIONS: THE UNGASS; A MISSED OPPORTUNITY?

Amidst growing discussions around metrics, some aspects of which have been touched upon here, the UNGASS in April 2016 looked set to be an ideal opportunity to move discussions forward and begin to systematise within the UN the process of developing a new basket of drug policy objectives and sophisticated indicators. Overall, it seems timely to review the current measurement tools in light of what is appropriate for not only a contemporary understanding of the dynamics of drug markets and their associated harms, but also in relation to the development of innovative metrics taking place within some member states.

Although at the time of writing the dust has barely settled after the CND in March, it is difficult to argue that the UNGASS Outcome Document agreed by country delegates in Vienna for adoption in New York is little more than a homeostatic text that, perhaps

unsurprisingly, sustains the over-arching control architecture and attendant processes within it.³⁷ It is true that technically the Document can be re-opened for further negotiation before the UNGASS. Nevertheless, this seems highly unlikely considering the arduous and protracted process necessary to achieve agreement. As such, certainly in terms of initiating a formal review of the currently dominant indicators deployed at the UN level, it seems that the New York Special Session will be a missed opportunity. Indicative of this was the loss of a proposed – and relatively innocuous – paragraph in a working draft of the Outcome Document that included a call to ‘identify quantifiable indicators...in line with the integrated and balanced approach’. This was shifted to the ‘car park’ designated for contested language during negotiations and failed to gain sufficient agreement for inclusion in the final text.³⁸

That said, in a number of areas, including directly and indirectly metrics, some positives must be acknowledged. Involvement within the formulation process of a range of UN entities beyond the drug control apparatus in Vienna can only be constructive in terms of any future consideration of non-traditional drug policy indicators.³⁹ Similarly, a move away from the established three-pillar structure laid out in the 2009 Political Declaration (‘demand reduction’, ‘supply reduction’ and ‘countering money-laundering and promoting judicial cooperation to enhance international cooperation’) also offers opportunities for more sophisticated and disaggregated measurement processes, particularly in relation to access to essential medicines.⁴⁰

In terms of specific metrics, the Document also includes mention of the target to end the HIV epidemic by 2030 ‘among people who use drugs’. This was the compromise language after agreement could not be reached to recognize that the 2015 target agreed by the international community to reduce HIV

transmission by 50 per cent among people who inject drugs had been missed. Furthermore, that the Outcome Document explicitly welcomes the Sustainable Development Goals (SDGs) as ‘complementary and mutually reinforcing’ to drug control, and recommends ‘the use of relevant human development indicators’ provides a valuable toe hold for the future development of metrics that not only move beyond law enforcement process indicators, but also enhance system-wide coherence on the issue. To be sure, linking new and carefully designed indicators to broader UN objectives, principles and contemporary UN endeavours, such as Sustainable Development Agenda agreed in late 2015, would do much to bring international drug control policy more into line with the UN Charter and other instruments, including those concerning indigenous rights. Any serious discussion of the measurement of drug policy impacts within the broadly defined development domain must read across to relevant SDGs indicators.⁴¹

With all this in mind, and viewing the development of new metrics as a process rather than an event, it is perhaps prudent then to admit that while it looks unlikely that the UNGASS will fulfil the potential it initially offered, it is well worth utilizing the limited progress made to initiate serious dialogue on the issue. Between now and the next high-level review in 2019 efforts should be made to incorporate discussions within CND sessions that include a range of relevant UN agencies. Additionally, much could be gained from encouraging discussion of drug policy metrics and outcomes in other UN forums, including the World Health Assembly. Such a process should certainly engage with the expertise present within the UNODC and build upon the welcome refinement of its approach to measuring the illicit market, including the revision of mechanisms feeding into the WDR such as the ARQs. Such a broadening of the current narrow indicators favoured at the multilateral level to incorporate health, development and security

outcomes would help facilitate the further implementation of more effective drug control policies and interventions at local, national, regional and international levels and break the current metrics trap. Moreover, inclusion within the review process of proficiency and data sets within UN agencies in addition to the UNODC, including UNAIDS, WHO, UNDP and OHCHR would also contribute to the reduction of systemic dissonance around drugs and the continuing – although declining – isolation of Vienna. This is particularly so in relation to human rights; an issue that while now rhetorically prominent within debates and increasingly evident within some UN documentation, remains vague on substance and monitoring.

Once again, an obvious question arises. How would such a process be initiated? Although, despite some support from a few nations states, the idea in general was not included within the Outcome Document, a good way forward would be to establish some sort of expert technical review group on metrics and indicators.⁴² As well as drawing on expertise from other UN agencies, this should be tasked with looking at other sectors, including security, and evolving mechanisms within nation states for best practice. While the group's task would be complex, its goal would be straightforward: the development of new metrics and indicators to be considered for adoption at the next scheduled high-level review of progress in three years time. Its

remit should also be broad enough to consider policy shifts that operate outside the confines of the extant regime framework and perhaps be part of proposed endeavours to examine wider tensions not only across the drug control conventions but also between these and other international instruments, including those relating to human rights. As ever within the UN system, the drug control regime being no exception, there will be a question of financial resources. Who pays? One would hope that member states would be willing to provide sufficient budgetary resource for such an undertaking. If not, in one way or another, we will all pay through the continuation of inappropriate, ineffective and ultimately harmful drug control policies.

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ENDNOTES

- 1 There is a tacit admission here that there is a need to attempt to incorporate qualitative data within evaluation processes, problematic though this may be. On this debate see Auvray, A. (2015), 'The "War on Data" in Africa, or how to provide an alternative discourse to the "War on Drugs" within the international drug control system', Global Drug Policy Observatory, Swansea University, *Situation Analysis*, November <http://www.swansea.ac.uk/media/WaronDataText.pdf>
- 2 Path dependency is seen here as a process that constrains future choice sets. See Kay, A., (2005), 'A Critique of the Use of Path Dependency in Policy Studies,' *Public Administration*, Vol.83, no. 3, p. 553
- 3 Including Input, Process, Output and Outcome indicators.
- 4 See [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XG1130\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XG1130(01)&from=EN) The Plan includes an annex listing indicators ('Overarching indicators from the EU Action Plan on Drugs 2013–2016')
- 5 It should be noted that while the EU strategy contains a high-level objective of reducing supply, there have not been the necessary accompanying efforts to assemble data, or even a scheme, to assess if that objective is being achieved.
- 6 IDPC, TNI, SICAD, *Expert Seminar – Where next for Europe on drug policy reform?* Lisbon, Portugal, 20th to 21st June 2013 pp. 12–13. https://www.tni.org/files/download/expert_seminar_in_lisbon_final.pdf
- 7 On the demand side, this may involve problematic drug users reacting to shortages by shifting to other substances and methods of consumption. Meanwhile, on the supply side, the concepts of the balloon effect and the displacement of trafficking routes following 'successful' law enforcement and military interventions relating to forced crop eradication and interdiction are now widely accepted, if not given the attention they warrant within supposedly 'balanced' and 'integrated' counter narcotic strategies.
- 8 See https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_52/Political-Declaration2009_V0984963_E.pdf
- 9 May, H (1966) 'Twenty Years of Narcotics Control Under the United Nations – Review of the work of the Commission on Narcotic Drugs, *Bulletin on Narcotics*, https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1966-01-01_1_page002.html
- 10 Rittel, H. J. W and Webber, M. M., (1973), 'Dilemmas in a General Theory of Planning', *Policy Sciences* 4
- 11 Camillus, J. (2008), 'Strategy as a Wicked Problem', *Harvard Business Review*, May
- 12 'Making drug control "fit for purpose": Building on the UNGASS decade', Report by the Executive Director of the United Nations Office on Drugs and Crime as a contribution to the review of the twentieth special session of the General Assembly, 7 May 2008, https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_51/1_CRPs/E-CN7-2008-CRP17_E.pdf
- 13 For analyses of the 'containment' narrative see Transnational Institute (2008), *Rewriting History: A Response to the 2008 World drug Report*, Drug Policy briefing, No. 26 (Amsterdam: TNI, 2008) <https://www.tni.org/files/download/brief26.pdf> and International Drug Policy Consortium (IDPC) (2008), *The 2008 World Drug Report. A Response from the International Drug Policy Consortium* (London: IDPC, 2008) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1910567
- 14 Also see MacCoun, R. J. and Reuter, P. (2001) *Drug War Heresies: Learning from Other Vices, Times and Places*, Cambridge University Press, pp. 106–7 for a taxonomy of drug related harms. The authors list 48 harms, many of which are caused by enforcement.
- 15 See Bewley-Taylor, D. R. (2012), *International Drug Control: Consensus Fractured*, Cambridge University Press
- 16 For example, as IDPC's Modernising Drug Law Enforcement initiative (<http://idpc.net/policy-advocacy/special-projects/modernising-drug-law-enforcement>) has highlighted, retail drug markets are not fundamentally violent places. In fact, violence is often related to the type of law enforcement intervention deployed. In some instances, in order to meet arrest targets and demonstrate intent, law enforcement agencies target low-level dealers. The results are far from satisfactory. The low threshold means that these 'clockers' are easily replaceable and there is limited (if any) substantive impact on organisational effectiveness or drug supply. Importantly, such an approach may also trigger turf wars and increase violence. Yet, within the current frameworks, it is difficult to measure 'success' in more sophisticated policing and community approaches that aim to reduce violence without necessarily increasing arrests. See particularly Stevens, A. (2013), Applying harm reduction principles to the policing of retail drug markets, Modernising Drug Law Enforcement, Report 3, IDPC. https://dl.dropboxusercontent.com/u/64663568/library/MDLE-report_3_applying-harm-reduction-to-policing-of-retail-markets.pdf
- 17 The Global Commission on Drug Policy noted in 2011 that 'The current system of measuring success in the drug policy field is flawed ... A new set of indicators is needed to truly show the outcomes of drug policies, according to their

- harms or benefits for individuals and communities ...” Recommendation 4 in *War on Drugs: Report of the Global Commission on Drug Policy*, June 2011, p. 13 http://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf The issue also receives attention in the Commission’s *Taking Control: Pathways to Drug Policies that Work*, September 2014, p. 36. Other work on the issue includes Shultze-Kraft, M. and Befani, B. (2014) *Getting high on impact: the challenge of evaluating drug policy*, Policy Brief 3, Global Drug Policy Observatory, Swansea University, UK <http://www.swansea.ac.uk/media/GDPO%20Getting%20High%20FINAL.pdf>, Muggah, R., Aguirre, K., and Szabo de Carvalho, I. (2015), *Measurement Matters: Designing New Metrics for a Drug Policy that Works*, Strategic Paper 12, Instituto Igarape, Rio de Janeiro https://igarape.org.br/wp-content/uploads/2015/05/AE-12-Measurement-mattes-07h-jan_.pdf,. For a brief early discussion of political issues surrounding data at the UN level see, Hallam, C. and Bewley-Taylor, D. (2010) ‘Editorial. Mapping the world drug problem: Science and politics in the United Nations drug control system’, *International Journal of drug Policy*, 21, pp. 1–2
- 18 Author notes, CND March 2015
- 19 Author notes, CND March 2016. In terms of side-events, see ‘Improving System-Wide Coherence by Reprioritizing Metrics to Evaluate Illicit Drug Policy. 15th March 2016. IDPC Blog <http://cndblog.org/theme/side-events/page/5/>
- 20 Schleifer R., et al, (2015) *Addressing the Development Dimension of Drug Policy, United Nations Development Programme: HIV, Health and Development* <http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/addressing-the-development-dimensions-of-drug-policy.html>
- 21 In addition it is noteworthy that some police services (e.g. the Metropolitan Police Service) have in the past experimented with more sophisticated Performance Indicators around drugs. In 2001, the MPS Output Performance Target for drugs included percentage of adults referred to programmes as a result of arrest referral schemes. Correspondence with Geoff Monaghan, 26-11-2014
- 22 See Ritter, A. (2009) ‘Methods for comparing drug policies – The Utility of composite Drug Harm Indexes’, *International Journal of Drug Policy* 20, pp. 475–9. Ritter notes, ‘The choice of outcomes for inclusion is driven by the purpose... but also often by practical considerations, such as data availability.’ Also see Howlett, M., Ramesh, M and Perl A. (2009), *Studying Public Policy: Policy Cycles and Policy Subsystems*, Oxford University Press, pp. 178–9
- 23 As has been noted, law enforcement strategic objectives should be moved to focus on the consequences – positive or negative – of the drug market, rather than its scale. IDPC, *Drug Policy Guide*, Edition 2, March 2012, p. 34 https://dl.dropboxusercontent.com/u/64663568/library/IDPC-Drug-Policy-Guide_2nd-Edition.pdf
- 24 IDPC, *Drug Policy Guide*, Edition 2, March 2012, p. 34 https://dl.dropboxusercontent.com/u/64663568/library/IDPC-Drug-Policy-Guide_2nd-Edition.pdf
- 25 For example in relation to organised crime, the power and reach of criminal groups includes money laundering. But other issues that could be considered include – poverty, social marginalisation, public distrust of law enforcement, environmental damage, loss of civil liberties, family break-up and racial disparities.
- 26 For instance, within the ‘global south’ consideration must be made for law enforcement engagement with small-scale subsistence farmers growing crops declared illicit as well as populations displaced due to crop eradication and drug related violence (on the latter, Ciudad Juárez in Mexico is a good-bad example). Also of note here is the influence of drug related corruption in Afghanistan. See Bewley-Taylor, D (2013) ‘Drug Trafficking and Organised Crime in Afghanistan: Corruption. Insecurity and the Challenges of Transition’, *The RUSI Journal*, December, Vol. 158 No. 6 pp. 6–17 and Felbab-Brown, V. (2013), *Focused Deterrence, Selective Targeting, Drug Trafficking and Organised Crime*, Modernising Drug Law Enforcement, Report 2, IDPC. As Felbab-Brown notes, not all organisations and leaders are equally as powerful and consequently capable of corruption. As such there is a need to target and reduce corruption, but also measure success against their most pernicious forms. Moreover, in a country like Afghanistan, there is a need to measure improvements in governance as well as development and security.
- 27 On the UN drug control apparatus and human development see IDPC Advocacy Note (2014), *UNODC’s shifting position on drug policy: Progress and challenges*, p. 3, regarding the ‘Contribution of the Executive Director of the United Nations Office on Drugs and Crime to the high level review of the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balance Strategy to Counter the World Drug Problem’. As is noted, this is vague on ‘the implications of comprehensive, sustainable alternative development programmes. These would require new ways of measuring success – focusing not on eradication activities, but more on impact and human development indicators. As pointed out in previous UNODC documents, these would include “improvements in education, health, employment, the environment, gender-related issues, institution building and government capacity”’. https://dl.dropboxusercontent.com/u/64663568/library/IDPC-Advocacy-Note_UNODC-contributions-HLS.pdf

- 28 Human Security can be defined as freedom from fear and freedom from want and include seven threats: economic, security, food security, environmental security, personal security, community security and political security. See *Afghanistan National Human Development Report 2004. Security with a Human Face: Challenges and Responsibilities*, (UNDP) Afghanistan and Islamic Republic of Afghanistan, p.6
- 29 These proposed domains are based on ideas in IDPC (2015), *The Road to UNGASS 2016: Process and Policy Asks from the IDPC*, https://dl.dropboxusercontent.com/u/64663568/library/UNGASS-asks_External_04-2015_ENGLISH.pdf
- 30 Werb, D et al (2016), *Open Letter: A Call for a Reprioritization of Metrics to Evaluate Illicit Drug Policy*, International Centre for Science in Drug Policy, Toronto, 21 January https://www.unodc.org/documents/ungass2016//Contributions/Civil/ICS DP/ICS DP_Open_Letter_EN_Web.pdf
- 31 On indexes see Roberts, M, Trace, M. and Bewley-Taylor, D. (2006), *Monitoring Drug Policy Outcomes: The Measurement of Drug-related Harm*, Report 9, The Beckley Foundation Drug Policy Programme, Report 9, July 2006, http://www.beckleyfoundation.org/pdf/Report_09.pdf. At the national level, these might include data and/or mechanisms from the UK Drug Harm Index, the Australian Federal Police Drug Harm Index and the New Zealand Drug Harm Index. The UK DHI, for example, captured data to in relation to (i) drug related domestic and commercial crime (ii) community problems (iii) health harms.
- 32 See Crick. E (2011), *Drugs and well-being: Prohibition's negative impacts*, in Julia Buxton (Ed.), *The Politics of Narcotic Drugs: A Survey*, London & New York: Routledge, , pp. 150–5. Key themes are 'health, security (both economic and physical), and the ability to engage on social and political levels. Including concepts of 'satisfaction' and 'happiness'
- 33 Other indexes to consider might be Transparency International's Corruption Perception Index and data sets within Foreign Affairs Fragile States Index. In terms of well-being these could include data from the Index of Economic wellbeing (IEWB), Weighted Index of Social Progress (WISP), Economist Intelligence Unit's (EIU) Quality of Life Index.
- 34 On this see United Nations Human Rights Office of the High Commissioner, (2012) *Human Rights Indicators: A Guide to Measurement and Implementation*, http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf
- 35 These include data on social integration, health and a multidimensional poverty index <http://hdr.undp.org/en/data/api>
- 36 United Nations Development Programme, (2013) *Citizen Security with a humane face: Evidence and proposals for Latin America*, (Executive Summary). <http://hdr.undp.org/en/content/citizen-security-human-face> This was written with the assistance of the UNODC and includes reference to not only drug use, but the 'unintended consequences of the State fighting drug trafficking organizations', p. 2. The report focuses mainly on homicides and violence. Moreover, although the HDRs haven't gone into detail on 'issues related to the control of illegal drugs' it would be good to see more engagement with the issue in its future reports (Annual HDR as well as the Regional and National HDRs). That said, the UNDP is not immune from the politics often surrounding the drug issue. See 'UNDP sets record straight on drugs debate', 14 March 2013 <http://www.undp.org/content/undp/en/home/presscenter/articles/2013/03/14/undp-sets-record-straight-on-drugs-debate.html> Helen Clark (UNDP Administrator) was apparently forced to row back on apparent criticism of US drug policy in Latin America when speaking about the impact of trafficking in Latin America at launch of HDR 2013, *Rise of the South*.
- 37 For a useful analysis of the Outcome Document against 'asks' set by the International Drug Policy Consortium see Bridge, J (2016), *The Commission on Narcotic Drugs on the final road to UNGASS: Progress made, but a long way still to go*, International Drug Policy Consortium blog, 31 March http://idpc.net/blog/2016/03/the-commission-on-narcotic-drugs-on-the-final-road-to-ungass-2016-progress-made-but-a-long-way-still-to-go?utm_source=IDPC+Monthly+Alert&utm_campaign=d70d682b86-IDPC+April+2016+Alert&utm_medium=email&utm_term=0_d40f46a7df-d70d682b86-18214509
- 38 The language was included within the 25th February draft. The account of this situation draws upon the author's participation in the CND in March 2016.
- 39 These included UNAIDS, WHO, UNDP the OHCHR and UN Women
- 40 The seven headings are: Demand reduction and related measures, including prevention and treatment as well as other health-related issues; Ensuring the availability of and access to controlled substances exclusively for medical and scientific purposes, while preventing their diversion; Supply reduction and related measures; effective law enforcement; responses to drug related crime; and countering money laundering and promoting judicial cooperation; Cross-cutting issues: drugs and human rights, youth, children women and communities; Cross-cutting issues in addressing and countering the world drug problem: evolving reality, trends and existing circumstances, emerging and persistent challenges

and threats, including NPS, in conformity with the three international drug control conventions and other relevant international instruments; Strengthening international cooperation based on the principle of common and shared responsibility; Alternative development; regional, interregional and international cooperation on development-oriented balanced drug control policy; addressing socioeconomic issues. See Commission on Narcotic drugs, *Revised draft resolution submitted by the Chair. Special Session of the General Assembly on the world drug problem to be held in 2016*, 22 March 2016. <https://documents-dds-ny.un.org/doc/UNDOC/LTD/V16/017/77/PDF/V1601777.pdf?OpenElement>

- 41 See <https://sustainabledevelopment.un.org/?menu=1300> A simple mapping exercise reveals a number of obvious intersection between drug policy objectives and indicators and the SDGs. For example:

SDG 1 - End poverty in all its forms everywhere.

In areas of concentrated drug production, trafficking and consumption, drug control objectives that currently focus on reducing the scale – ultimately to the point of elimination – of the market at all costs could be replaced by an approach that seeks an improvement in the established social and economic development indicators. This could be evaluated via links to the United Nations Development Programme’s Human Development Index, (HDI) notably its Multidimensional Poverty Index, and the data used for the production of the annual Human Development Reports

SDG 2 - End hunger, achieve food security and improved nutrition and promote sustainable agriculture. With its strong links to SDG 1, while there are a number of specific targets of relevance, drug control efforts could have an impact in relation to a number of areas:

- 2.3, 2.4 & 2.5 - Within traditional producer states, improvements in agricultural productivity, sustainable food production and investment in rural infrastructure are all factors that should be embedded within alternative development programmes that themselves need to be integrated within comprehensive and long-term development strategies. Once again, the HDI and selected associated data sets could be used to evaluate policy outcomes.

SDG 3 - Ensure healthy lives and promote wellbeing for all at all ages. There are four aspects of the ‘health’ SDG that drug control could contribute significantly to:

- 3.3 - Reduce new HIV and AIDS infections attributed to injecting drug use. This objective, and the means for measuring progress, already exists within the UNAIDS system, and will be reiterated at the AIDS UNGASS later in 2016.

- 3.4 - Reduce drug related deaths. Systems for the measurement of causes of death are well established within the World Health Organization and national reporting systems.

- 3.5 - Expand prevention and treatment. This objective, while more process than outcome, is already bedded into the SDG system. A related outcome objective would be to reduce the number of addicted, or problematic, drug users.

- 3.8. Improve access to essential medicines. It is increasingly recognized that the current international drug control system hinders access, especially in relation to opioid analgesics. Although currently falling outside the three pillars laid out in the 2009 Political Declaration – but not the seven pillars within the 2016 UNGASS Outcome Document - data on access to essential medicines is collected and collated by the International Narcotics Control Board and could be used to evaluate the impact of drug policy on progress towards this SDG target.

SDG 16 - Promote peaceful and inclusive societies. There are two aspects of the ‘security’ SDG to which drug control could significantly contribute:

- 16.1 Reduce homicides associated with the illicit drug market. Some countries are already prioritizing reductions in violence as the objective of drug law enforcement.

- 16.5 Reduce corruption and bribery associated with illicit drug market. A potential objective is the reduction of the power and reach of organised crime, which could be measured through estimates of the profits accumulated by organised crime groups through drug trafficking.

As a cursory examination of the SDGs reveals, the cross-cutting nature of the issue area ensures that in addition to those discussed above, a number other of Goals intersect with drug policy, including Goal 5 (Achieve gender equality and empower all women and girls), Goal 8, (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), and Goal 15 (Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss) and Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels). On this issue, also see International Drug Policy Consortium, IDPC Drug Policy Guide, 3rd Edition, Chapter 4.1, which includes suggested indicators, and Sagredo, J., Schleifer, R., and Avafia, T. (2016), ‘Addressing the Development Dimensions of Drug Policy’, in *After the Drug Wars. Report of the LSE Expert Group on the Economics of Drug Policy*, pp. 97–108 February,

<http://www.lse.ac.uk/IDEAS/publications/reports/pdf/LSE-IDEAS-After-the-Drug-Wars.pdf> The report also contains useful comment on drug policy metrics more generally throughout.

- 42 See Jelsma, M. (2015), 'UNGASS 2016: Prospects for Treaty Reform and UN System-Wide Coherence on Drug Policy,' Brookings Institute, Center for 21st Century Security and Intelligence Latin American Initiative <http://www.brookings.edu/~media/Research/Files/Papers/2015/04/global-drug-policy/Jelsma--United-Nations-final.pdf?la=en>, Transnational Institute, (2015) *UNGASS 2016. Background memo on the proposal to establish an expert advisory group*, Memo <http://www.undrugcontrol.info/en/un-drug-control/ungass/item/6638-ungass-2016-background-memo-on-the-proposal-to-establish-an-expert-advisory-group> and Cockayne, J. and Walker, S. (2015), *What Comes After the War on Drugs – Flexibility, Fragmentation or Principled Pluralism? Strengthening global drug policy at the 2016 United Nations General Assembly Special Session on the World Drug Problem*, United Nations University, pp. 30-36 <http://un.org.au/2015/11/04/what-comes-after-the-war-on-drugs-flexibility-fragmentation-or-principled-pluralism/>

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About the Global Drug Policy Observatory

The Global Drug Policy Observatory aims to promote evidence and human rights based drug policy through the comprehensive and rigorous reporting, monitoring and analysis of policy developments at national and international levels. Acting as a platform from which to reach out to and engage with broad and diverse audiences, the initiative aims to help improve the sophistication and horizons of the current policy debate among the media and elite opinion formers as well as within law enforcement and policy making communities. The Observatory engages in a range of research activities that explore not only the dynamics and implications of existing and emerging policy issues, but also the processes behind policy shifts at various levels of governance.

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