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AIR COMMAND AND STAFF COLLEGE

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TO LEGALIZE OR NOT TO LEGALIZE?

THAT IS THE QUESTION

by

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A Research Report Submitted to the Faculty

In Partial Fulfillment of the Graduation Requirements

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Maxwell Air Force Base, Alabama

April 2009

Distribution A: Approved for public release; distribution unlimited.

Report Documentation Page

Form Approved
OMB No. 0704-0188

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

1. REPORT DATE	2. REPORT TYPE	3. DATES COVERED
APR 2009	**N/A**	**-**

4. TITLE AND SUBTITLE	5a. CONTRACT NUMBER
To Legalize or not to legalize? That is the question	5b. GRANT NUMBER
	5c. PROGRAM ELEMENT NUMBER
6. AUTHOR(S)	5d. PROJECT NUMBER
	5e. TASK NUMBER
	5f. WORK UNIT NUMBER
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) **Air Command And Staff College Air University Maxwell Air Force Base, Alabama**	8. PERFORMING ORGANIZATION REPORT NUMBER
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSOR/MONITOR'S ACRONYM(S)
	11. SPONSOR/MONITOR'S REPORT NUMBER(S)

12. DISTRIBUTION/AVAILABILITY STATEMENT
Approved for public release, distribution unlimited

13. SUPPLEMENTARY NOTES

14. ABSTRACT

The illicit opium cultivation and trade continues to undermine the efforts of the Afghan government, the United States and international community to improve security and promote development in Afghanistan. The negative effect on the nations overall security, the corruption it facilitates in the public sector degrading governance, and the implications on the wealth and health of Afghans are reason enough to continuously assess the current counternarcotics strategy pursued by the Afghan government and its supporting international community. This research paper uses the problem/solution methodology. The research explores the current illicit opium cultivation in Afghanistan and its effect on the current development efforts. It will investigate the usefulness and applicability of the current counternarcotics strategy in Afghanistan. More specifically, this researchers goal is to determine if the emphasized eradication pillar of the counternarcotics strategy is appropriate. If not, this paper will present historical cases and identify common characteristics of each case applicable to Afghanistan. This paper presents two historical cases: India and Turkey. The goal of this effort is to assist policymakers in implementing an appropriate strategy to resolve the illicit opium cultivation and curtail its negative effect on the current development efforts.

15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT	b. ABSTRACT	c. THIS PAGE			
unclassified	**unclassified**	**unclassified**	**SAR**	**36**	

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Acknowledgements

I would like to thank the many people who helped me complete this research effort. My advisors, Lt Col Barak J. Carlson and Dr Jonathan K. Zartman, provided persistent reasoning and guidance. They offered important recommendations greatly improving this paper's significance and made it paper more comprehensive. I also would like to give a special thanks to the staff of the Muir S. Fairchild Research Information Center for their relentless aid in retrieving data to support numerous phases of this paper. I would be remiss if I did not acknowledge my fellow students for their support and objectivity during countless conversations regarding this research.

On a personal note, I owe the most gratitude to my family for the support they provided me. My kids have endured numerous occasions without my presence and yet were eagerly forgiving at first sight. No one has worked harder to support me than my wife, Denise. I cannot adequately thank her enough. I am very grateful for her love, patience and sacrifices she made in order for me to successfully complete this effort.

Abstract

The illicit opium cultivation and trade continues to undermine the efforts of the Afghan government, the United States and international community to improve security and promote development in Afghanistan. The negative effect on the nation's overall security, the corruption it facilitates in the public sector degrading governance, and the implications on the wealth and health of Afghans are reason enough to continuously assess the current counternarcotics strategy pursued by the Afghan government and its supporting international community.

This research paper uses the problem/solution methodology. The research explores the current illicit opium cultivation in Afghanistan and its effect on the current development efforts. It will investigate the usefulness and applicability of the current counternarcotics strategy in Afghanistan. More specifically, this researcher's goal is to determine if the emphasized eradication pillar of the counternarcotics strategy is appropriate. If not, this paper will present historical cases and identify common characteristics of each case applicable to Afghanistan. This paper presents two historical cases: India and Turkey. The goal of this effort is to assist policymakers in implementing an appropriate strategy to resolve the illicit opium cultivation and curtail its negative effect on the current development efforts.

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Section 1: Introduction

Afghanistan is considered one of the world's poorest nations. This economic condition, and the strategic geographic location it occupies, creates a state vulnerable to invasions and external manipulation. Afghanistan has a long history of both internal and external strife. As a result, Afghanistan has struggled to gain a national identity and remains a fragmented society. Once the United States was attacked on 11 September 2001 and it declared a Global War on Terror, Afghanistan was once again in the sights of the international community. After the removal of the Taliban regime, seen as a sponsor of terrorism, and the fight to destroy the Al-Qaeda terrorist network, Afghanistan's dire straits became ever more evident to the international community. Afghanistan's leaders used this spotlight as an opportunity to seek economic assistance. More than six years after the declaration of war on terror and the beginning of military operations in Afghanistan, the start of a modest improvement to a war torn economy is evident. According to a joint report by the United Kingdom's Department for International Development and the World Bank, "…whilst economic growth rates are high, approximately 80-90% of economic activity is estimated to be informal, human capital is poorly developed, and the bulk of investment and development activity as well as a large portion of recurrent expenditures are still financed through international aid."[1] The international community continues to recognize the need to modernize almost every aspect of the tormented country and foster development of a budding democracy; otherwise, Afghanistan would remain vulnerable to another invasion by sponsors of terrorism.

One of the biggest hindrances to Afghanistan's development is the illicit production and trafficking of narcotics. According to the 2008 U.S. National Drug Control Strategy, "The drug trade undermines every aspect of the Government of Afghanistan's drive to build political

stability, economic growth, and establish security and the rule of law."[2] Afghanistan has had a long history with narcotics and has become part of the culture. The knowledge and skill needed for opium cultivation has been passed down among farmers from generation to generation. However, until it developed its first National Drug Control Strategy, the Afghan government failed to acknowledge the ill effects the narcotics have had on its rebuilding efforts and the world population at large. The Afghan government, with the help of the international community, developed a comprehensive plan to combat illegal narcotics. In 2004, Afghanistan adopted a new US-led counternarcotics initiative that patterned itself on the Plan Colombia effort.[3] The Five Pillar Strategy focuses on public information, alternative development, poppy elimination and eradication, interdiction and justice reform. "When the government of Afghanistan imposed restrictions on growing poppy, many farmers left their families in the eastern region to travel to remote parts of the country where they could earn money planting and harvesting illegal poppy."[4] In 2007, Afghanistan saw its highest output in the production of world opium, producing more than 90% of the world supply.

Although the picture seems ominous, there seems to be some positive news in this front for 2008. A report from the UN Office on Drugs and Crime (UNODC) indicates a 19% drop in opium poppy cultivation from 2007 to 2008. In addition, more than half of Afghanistan's 34 provinces are now categorized as poppy free. Based on the 2009 Afghanistan Opium Winter Rapid Assessment, this trend seems likely.[5] Although this shows some significant progress, the report goes on to explain the drop in production. Along with some counternarcotics efforts, the decline is attributed to unfavorable weather conditions that caused extreme drought and crop failure.[6] It may be too soon to rejoice over the 2008 survey results, but in a country where not much has gone right in the way of counternarcotics, any positive sign is a sign worth noting. If

eradication is not the correct strategy, several countries can serve as role models for turning illicit drug cultivation into a positive story.

Section 2: Dangers of Illicit Poppy Cultivation

According to a RAND publication, *The Beginner's Guide to Nation-building*, "even when an intervention is welcomed by the great majority of the local population, the intervening military forces must anticipate the emergence of criminal and extremist elements intent on preying on the population and frustrating the objectives of the intervening authorities."[7] The stated objective for the criminals and extremists in the RAND publication seems to sum up the concern of illicit drugs and its effect on Afghanistan's development. Specifically opium, its cultivation and trade, continues to undermine the efforts of the Afghan government, the United States and international community to improve security and promote development in Afghanistan. The negative effect on the nation's overall security, the corruption it facilitates in the public sector degrading governance, and the implications on the wealth and health of Afghans are reason enough to continuously assess the current counternarcotics strategy pursued by the Afghan government and its supporting international community.

Security

The association between the opium trade and the security situation in Afghanistan is acknowledged by differing levels of the government and in the international community. The Afghanistan National Development Strategy established for 2008-2013 documents the narcotics trade as "inextricably linked to insecurity and terrorist activities."[8] Those involved in this trade take extreme measures to protect themselves, which makes this situation extremely challenging. David McKeeby describes this connection, "Those who are engaged in the narcotics industry are opposed to any gain in the government's legitimacy or stability for the country. They provide

funding for terrorist activities and fuel corruption."[9] The individuals that profit from the trade are relentlessly defending their occupation and will stop at nothing to inflict great harm to carry it out or to inflict harm to those that stand in their way. As reported to the Secretary-General of the United Nations, "in a particularly disturbing incident, on 4 September [2008], the head of the appeals court of the Central Narcotics Tribunal was shot and killed on his way to work in Kabul."[10] Although this shows brutality on their part, that does not mean that is the only method employed to sustain their activities. The insurgents also use the government's counternarcotics strategy to garner sympathy. "In Kandahar, [the Taliban] were even reported to have offered financial assistance to farmers whose fields were being eradicated, in exchange for support in fighting against the government."[11] The issue of security, narcotics and the advancement of Afghanistan as a stable nation is a foundational one. In the words of Barnett Rubin and Ahmed Rashid, "advancing reconstruction, development, good governance, and counternarcotics effort and building effective police and justice systems in Afghanistan will require many years of relative peace and security."[12] If this is the case, then the priority of coalition effort should be on establishing a peaceful and secure environment.

Although the priority to peace and security seems relatively innocent, more and more, the relationship between trying to solve the challenges of security and the illicit opium trade seems to be a case of trying to solve that famous riddle, *which came first, the chicken or the egg?* In this case, which do you tackle first, the drug trade or insurgent to provide a more secure environment? If you concentrate on security, then you leave yourself vulnerable to the resources the opium trade provides the insurgents. If you tackle the opium trade, the insurgent take advantage of the newly disenfranchised drug trade participants and strengthen their membership. This situation has occurred in the southern region of Afghanistan. As David McKeeby notes,

"the southern opium trade increasingly is controlled by drug kingpins and wealthy landowners who have partnered with the Taliban to take advantage of continued insecurity."[13] This is especially true if the poor farmers deposed by counternarcotics operations do not have a legitimate alternative for their welfare and the welfare of their families. David Mansfield and Adam Pain of the Afghanistan Research and Evaluation Unit capture this dilemma succinctly, "for most households, the search for security and welfare is paramount, and they have to seek it through the same informal institutions of community and household through which they seek welfare."[14] If the only available source of income and therefore welfare for some households in the rural areas of Afghanistan is by way of poppy cultivation, then they will also pursue security from those that benefit most from their harvest. In this case, the chicken and the egg riddle provides a false decision, each response avenue leads you back to the other. Ultimately, the best response is to approach both the security and the drug trade with an understanding of the underlying relationship between the two, "since most of the poppy cultivation remains confined to the south and south-west region dominated by strong insurgency, eradication operations may in the future become even more challenging."[15] Not studying this relationship can lead to making minimal progress or even having worsened the situation. Outside of the security situation, there are other risks to the greater Afghan population.

Wealth & Health

Although most of the opium cultivated in Afghanistan supplies the world at large, the national populace is not immune from the risks associated with this trade. Opium cultivation negatively affects the individual's well-being in two ways. The first negative effect is the impact on the farmer's economic condition. While the second negative effect, at an emerging national level, is the health of the Afghan population. Both of these risks combined not only continue to

endanger the current circumstance of a worn torn Afghanistan, but also impedes the future growth of the government's capacity to provide basic needs and services to its population.

Although the illicit drug economy is booming in Afghanistan, not all those involved are reaping the rewards. "The southern opium trade increasingly is controlled by drug kingpins and wealthy landowners who have partnered with the Taliban to take advantage of continued insecurity. They reaped an estimated $2.7 billion in 2007 while paying an average of only $1 per day to area farmers…"[16] Peasants and farmers receive credit from brokers against future crops to guarantee food for their families. The Afghan farmer often becomes trapped in a never-ending loop. They work for a landowner to make money, not earning enough wages to improve their economic status or enough to pay back the loan. The farmers remain in poverty while the wealthy landowners and drug smugglers increase their wealth and further assist the insurgents in exchange for protection. There are those who question poverty as a motive for farmers to involve themselves in illicit trade, but according to the 2008 UNODC Opium Survey, "in southern and western provinces, high sale price [sic] and poverty alleviation were the dominant reasons for opium cultivation while in the eastern region it was poverty alleviation."[17] While the individual farmer is not earning a significant amount of income to improve their economic status from this seemingly lucrative venture, the health of those involved is also an increasing concern.

The amount of Afghan drug users has increased significantly. The U.S. Department of State cites a World Drug Report assessing that "almost 4% of the Afghan population – nearly one million individuals – is addicted to drugs…and children in rural areas are using drugs at higher rates than those in urban areas."[18] This is not good news, especially in regards to addiction rates and children. Children are already facing a challenge to make it out of their infant years. According to USAID, "the health status of Afghans is among the worst in the

world - one out of every five Afghan children dies before the age of five."[19] The reasons of the addictions are as varied as the population. The farmers are victims of the trade they participate in while carpet weavers become addicted from self-medicating. The aches and pain of the laborious skill induces the crafters to search out solutions to continue their work and provide an income for the overall family welfare. According to the deputy minister for policy and coordination in the Ministry of Counter Narcotics of Afghanistan, "when the poppy cultivation increases, the number of addicts also increases...the [number of] addicts…is increasing day by day."[20] The increasing addicted population will further burden the already overstretched government and its capacity to provide health and human services to its needy population.

Corruption

Corruption is another offshoot fueled from the drug trade. According to the World Governance Indicators 1996-2006 produced by the World Bank Institute in 2007, "Afghanistan is close to the bottom among 212 countries in terms of its ability to control corruption."[21] When a fledgling state is dealing with insecurity and a war torn economy, the last thing it needs is for its population to suspect corruption from its elected officials. In January 2009, Virginia Congressman Tom Perriello, during a panel discussion regarding the foreign policy challenges and the way forward in Afghanistan, referenced a qualitative survey he conducted of Afghans and what they considered was the top security threat. He found, "an overwhelming majority of Afghans felt that corruption was the single greatest threat to security and stability, not that the insurgency wasn't, but that it was corruption in fact that enabled the insurgency to rebound."[22] This is in line with *The Beginner's Guide to Nation-building's* assertion that one of the first steps in the security sector reform arena is to ensure those units or individuals involved are scrutinized for possible corruption and for an economy to quickly make progress, it must fight the ill-effects

that corruption creates. "Corruption hampers economic growth, disproportionately burdens the poor, undermines the rule of law, and reduces respect for and the credibility of the government."[23] Unfortunately, most Afghans believe corruption is a common practice. A 2004 U.S. Congressional Report specified, "across Afghanistan, regional militia commanders, criminal organizations, and corrupt government officials have exploited opium production and drug trafficking as reliable sources of revenue and patronage, which has perpetuated the threat these groups pose to the country's fragile internal security and the legitimacy of its embryonic democratic government."[24] Generally, this is the prevailing thought for all levels of government. Specifically, suspicions of corruption for the benefit of the drug trade also implicate the President's half-brother. Thomas Schweich, former ambassador for counternarcotics and justice reform in Afghanistan, explained diplomatic reports indicated Ahmed Wali was involved in the drug trade.[25] Clearly, corruption has negative consequences on the counternarcotics endeavor.

Two examples of negative impacts corruption has on the counternarcotics effort are selective targeting and the burden on legitimate counternarcotics' officials. The first is that of selective targeting for eradication. "Anecdotal evidence…[suggests] district authorities may be selective in the areas they target for eradication, bypassing the crops of the powerful and influential in favor of those with whom they share no common interests."[26] This undoubtedly adds to the overall corruption problem. If farmers believe their poppy fields are eradicated based on not sharing any common interests or not having preferential relationships, then an obvious alternative is to seek out those authorities and pursue a preferential relationship. This situation is articulated in the 2007 U.S. Counternarcotics Strategy, "Some provincial authorities solicit bribes to bypass fields while eradicating the fields of farmers who don't pay bribes."[27] This is the same sentiment given by an Afghan in a recent interview, "this is a fact that every Afghan,

even the Afghan government knows," he says. "Traders support the farmers. They are government officials, high-ranking policemen and members of parliament. They are powerful people. And the big drug traders are free."[28]

The second negative impact is the undue burden felt by those undertaking a legitimate role in the fight against the illicit drug trade. "Government officials who are sincere about addressing the problem are increasing[ly] being intimidated, while corrupt officials and drug traffickers continue to operate with impunity."[29] The understandable thought process of the government official is to question his own judgment and to respond in one of three ways. One response is by fortifying his allegiance to the greater good and he continues his fight against illicit drugs. A second response is to succumb to the intimidation and pledge his support to the drug trade, whether for safety concerns or financial gain. Finally, the third response is to move to another organization or to quit altogether. The second, along with the third response, may ultimately serve those corrupt official or drug traffickers. From the illicit drug trade community, the government official leaving his post provides an opportunity for unimpeded cultivation and production of opium. Filling the position promptly provides a fresh target for the employment of intimidation tactics.

Afghanistan is facing serious concerns, maybe not solely the responsibility of the illicit drug trade, but the trade is certainly the fuel that keeps it going. The inter-relationship between the insurgents and the drug trade is well recognized at all levels, domestically and throughout the international community. To tackle the resulting condition of insecurity, both the insurgency and the illicit drug trade must be included when searching for solutions. The overall well-being of the individual Afghan is also not improving. Alternatives for farmers must focus on providing

long-term viability and resources to improve this desperate situation. In concert, these impediments threaten the future stability and progress for a new and improved Afghanistan.

Section 3: Current Counternarcotics Strategy

Since the Bonn agreement, one of Afghanistan's persistent mandates is to "cooperate with the international community in the fight against…drugs and organized crime."[30] In an effort to align resources to achieve this mandate, a national strategy became evident. In 2003, as a sign of its commitment to a counternarcotics' program, the government of Afghanistan drafted its first National Drug Control Strategy. In 2006, Afghanistan launched a revamped strategy that is now an updated five-year strategy for tackling the illicit drug problem. The updated strategy consists of four priorities: disrupting the drugs trade by targeting traffickers and their backers, strengthening and diversifying legal rural livelihoods, reducing the demand for illicit drugs and treatment of problem drug users, and developing state institutions at the central and provincial level vital to the delivery of the counternarcotics strategy.[31] These priorities are broken down to eight pillars. These pillars include: public awareness, international and regional cooperation, alternate livelihoods, demand reduction, law enforcement, criminal justice, eradication, and institution building. These pillars serve as a collective grouping of the wide array of government activities and efforts in the counternarcotics arena.

The U.S. is committed in supporting the Afghan fledgling government and their policies, especially those having such an impact on its national security. The initial objective of Operation Enduring Freedom was to degrade al Qaeda capabilities and institute regime change in Afghanistan. Although this is the case, "in mid-2002 the Pentagon decided that, to avoid diverting the already small numbers of U.S. troops in Afghanistan from their primary anti-Al Qaeda and anti-Taliban missions, U.S. forces would not participate in drug interdiction and

eradication."[32] The United Nations Assistance Mission in Afghanistan placed the United Kingdom as the lead nation for counternarcotics efforts. Since that time, the U.S. government has voiced its disappointment of both Karzai and the British for diminutive eradication results and has communicated the importance of making advances in the eradication efforts.[33] In 2005, the Pentagon changed its position on U.S. military engagement and increased the military's commitment to a more significant role for counternarcotics activities.[34] As a response to the Afghanistan drug control strategy, its update and the situation on the ground, there have been several updates to the corresponding U.S. counternarcotics strategy in Afghanistan. The overarching goal of the strategy has remained the same, mainly to combat the illicit opium cultivation in Afghanistan.

During his October 2007 testimony before a House subcommittee, the Acting Assistant Secretary for Counternarcotics in Afghanistan emphasized, "The U.S. has evaluated the soundness of the Five-Pillar approach and determined that it continues to provide the correct framework for comprehensively addressing the narcotics problem in Afghanistan."[35] He goes on to explain the focus area for the subsequent updates from the original plan is the needed refinements and improvements on the implementation of the five-pillar strategy, not actually changing the five pillars themselves. The current U.S. strategy consists of five pillars: public information, alternative development, elimination/eradication, interdiction, and law enforcement/justice reform.

Evaluation of Eradication Strategy

Of the five-pillar counternarcotics strategy, the pillar most emphasized by the United States for the Afghanistan illicit opium trade is eradication.[36] "With eradication getting most of the attention and resources, the alternative livelihoods, interdiction, law enforcement and justice

reform, and public information pillars of the U.S. counternarcotics strategy have been neglected, resulting in an ineffective counternarcotics program."[37] The practicality of an eradication strategy has proven to be very contentious for Afghanistan. In July 2008 Thomas Schweich, former ambassador for counternarcotics and justice reform in Afghanistan admitted, "crop eradication claiming less than a third of the $500 million budgeted for Afghan counternarcotics, was the most controversial part of the program."[38] The emphasis in the eradication pillar of the Afghan and U.S. counternarcotics strategy has been destructive, not only for the relatively few illicit opium crops destroyed but also to the future stability of the state.

Ineffective

The emphasis on eradication in Afghanistan has proven to be ineffective. History has proven different methods more effective than eradication. The Strategic Advisory Group, co-chaired by James L. Jones former NATO Supreme Allied Commander and the newly appointed National Security Advisor for the Obama administration, stated, "experience from other counternarcotics campaigns suggest…economic development is far more successful in persuading poor populations to stop producing illicit drugs, rather than harsh measures such as law enforcement raids and eradication."[39] Besides economic development, another tactic that seems to be more effective is coercion of the power holders of that area. They trade opium poppy cultivation for more development assistance and power.[40] "The means of reduction was coercion by those who have some control of the opium trade, not physical eradication or a transformation of the context of cultivation."[41] Another side effect of forced eradication is alternate drug cultivation. When the government is focused on the illegal opium cultivation, the farmers switch their efforts to the cultivation of marijuana. "In fields where pink poppy flowers stood last year, jagged green marijuana stalks poke above other crops and in places whole

cannabis fields produce a pungent aroma strong enough to be picked by passing motorists."[42] Is the true intent of the counternarcotics efforts to counter the opium trade or to counter the illicit drug trade in general?

Finally, the eradication efforts themselves have not proven to show results. As described in the Afghanistan Opium Survey for 2008, government security teams only destroyed 5,480 hectares due to eradication efforts. When this achievement is compared to previous year's eradication efforts (2007: 19,047 ha vs. 2008: 5,480 ha) or the amount of opium actually cultivated versus eradicated (157,000 ha vs. 5,480 ha), the eradicated hectares amounts to a negligible result.[43] The eradication target set for 2008 was 50,000ha. The eradication forces only met 10 percent of this goal. To compound the issue, this decreased performance from the previous year came at an increased expense of human casualties.

Dangerous

The increased danger is another factor to consider when selecting a counternarcotics strategy. Highlighting the increased danger associated with an eradication strategy, the eradication forces took severe losses in 2008 for the amount they achieved. "Only 5,480 of the 50,000 hectare eradication target was reached. Achieving that result also proved costly in terms of human life: 77 members of the eradication force were killed, a six-fold increase in casualties compared with the previous year."[44] Counternarcotics teams employ ground-based efforts instead of aerial spraying because of Afghan cultural concerns and loud condemnation of aerial spraying practices from the Afghan government. As described by Mr. Scweich, "ground-based eradication was inefficient, costly, dangerous and more subject to corrupt dealings among local officials than aerial eradication. But it was our only option."[45] The southern provinces of Afghanistan are Taliban strongholds. As the increased growth of poppy production has shifted

from the northern regions to the southern regions, the nature of the violence has also shifted. As indicated by the latest opium survey, "the nature of the attacks changed between 2007 and 2008. In 2007, police deaths were the result of violence by farmers whereas deaths in 2008 were the result of insurgent actions, including suicide attacks."[46] The diminishing benefits for the effort expanded, and even more importantly, the increased cost of human lives, inhibits this strategy, which is counterproductive for the stabilization of Afghanistan.

Counterproductive

The eradication strategy also proves to be counterproductive in the long-term efforts to secure Afghanistan and dissuade farmers from illicit opium cultivation. Counterinsurgency scholars understand that insurgents depend on support from the population. This is not a new concept. Mao Tse-tung, the extremely influential guerrilla warfare theoretician, stated "the richest source of power to wage war lies in the masses of the people."[47] The Taliban uses the international community's eradication strategy as a tool to garner support from the rural community. This is especially true in the Taliban dominated southern regions. "In Kandahar, [the Taliban] were even reported to have offered financial assistance to farmers whose fields were being eradicated, in exchange for support in fighting against the government."[48] The Taliban have also been theorized not only to support the famers financially but also to actively encouraging the farmer to cultivate illicit opium. David Mansfield and Adam Pain reported, "There is a very real possibility that their strategy of encouraging opium poppy cultivation is aimed at provoking the Afghan government to adopt a more aggressive eradication strategy, which in turn would drive a wedge between the rural population and the government and its international supporters."[49] The Strategic Advisory Group also agreed and declared, the "elimination through eradication of the poppies would create massive economic hardship and

disruption that would turn a substantial portion of the population against the Karzai government and the NATO forces as more insurgents would now be recruited if only to derive income."[50] The emphasis on eradication efforts provides support for insurgents and disregards Mao's revelations on irregular warfare.

Another counterproductive effect of eradication is its inability to dissuade farmers from participating in the drug trade. One of the often-celebrated successes on the reduction of opium cultivation is the Taliban prohibition of 2001, while ignoring the resulting effect. "The Taliban prohibition of 2001 led to an increase in the farm-gate price of opium, not only encouraging the return to cultivation the following year but also attracting new entrants."[51] Since then, opium production has continued to rise. Actually, Afghanistan's opium farmers have produced record number of harvests. These harvests have outpaced world demand for several years.[52] The oversupply being the case, normal economic supply and demand forces should drive opium prices down dramatically. Although this occurred for a short period, the prohibition of opium cultivation and now the eradication efforts have had an unintended effect. "After three massive harvests, prices had fallen from $600 to $90 per kilogram, but after announcement of eradication they jumped to $400."[53] Since that time, according to the UNODC, the price per kilo has fallen to just under $70 per kilogram. According to the head of the UN drug and crime office, the Taliban have turned to stockpiling opium.[54] The Taliban have stockpiled opium for two reasons: to control prices and in preparation for a possible coalition offensive on the opium rich southern region. A spokesperson for Britain's Serious Organized Crime Agency confirmed opium stockpiles discovery by NATO forces.[55] These stockpiles could have a significant impact on the future cultivation and prices of opium. The government may see cultivation reductions in the

coming years ahead, more so due to supply and demand versus the eradication strategy by the government.

The ineffectiveness of the eradication strategy, the dangers it creates, and its counterproductive nature all call into question its utility in Afghanistan. The eradication strategy has shown little results. Although this year there are more poppy free provinces than last and this trend is expected to continue for 2009, the corresponding cultivation and hectares yield do show mixed results.[56] The government personnel involved in eradication efforts are facing increased danger. While instead of dissuading farmers from poppy cultivation, eradication efforts are increasing farm gate prices making it more attractive for farmers to continue the illicit opium cultivation. It is time to look at a strategy that more effective, safe, and productive results. Emphasis on the eradication pillar proves to be ineffective, dangerous, and may ultimately even be counterproductive in winning the hearts and minds of the Afghans.

Section 4: Licensing Opium

The illicit opium trade is not a new world phenomenon. There have been other countries in the past that faced such a complex challenge to their statehood and navigated the resulting troubled waters to success. One way several countries survived was by implementing legalization strategies. Opium licensing is one alternative to the eradication strategy for combating illicit cultivation of opium. Licensing counters the illicit drug trade by several countries to include Turkey and India. The United Nations Single Convention on Narcotic Drugs of 1961 is the international narcotics law controlling the legal production of drugs to include opium by authorized countries. It establishes the framework for which approved countries follow for the legal cultivation of narcotics. This framework shifts the illegal drugs

production from the black market to production of drugs for scientific and medical purposes, e.g. essential medicines required domestically and internationally for health reasons.

India

In India, the Narcotic Drugs and Psychotropic Substances Act and Rules law passed in 1985 controls the licit cultivation of opium for medicines. The Central Bureau of Narcotics (CBN) presides over the cultivation of opium and all matters relating to narcotic drugs and psychotropic substances. The CBN issues licenses to eligible farmers based on the general conditions of the license outlined by the central government. Of these general conditions, the most important measure is the Minimum Qualifying Yield (MQY). This amount, calculated every year compared to the amount of the actual field yield, dictates the eligibility of the farmer to participate and receive a license in the opium poppy cultivation the following year. If the farmer does not meet the MQY, they face scrutiny for not meeting the quota and potential loss of license for the following year.

There are penalties for those that stray from the legal framework. Those licensed cultivators that funnel opium to an illegal market face up to 20 years imprisonment. Moreover, for those unfortunate defendants that face a repeat offence, they can face the death penalty.[57] "It is estimated that as many as 1 million Indian farmers are employed in the harvesting of around 35,000 hectares of opium poppy each year."[58] The farmers involved in the licensed cultivation receive some comparative benefits to other farmers. "These farmers often own the only car or tractor in the village; they educate their children outside the village; and their houses are considered to be well-constructed, compared to unlicensed farmers... [while] agricultural workers and expert harvesters receive a higher wage than agricultural labourers [sic] in non-poppy farming communities."[59] There are concerns with the leakage of licit cultivation to illicit

markets. "On average, it is estimated that as much as twenty percent of opium produced by licensed farmers is diverted."[60] Another country that followed the legalization framework of licensing is Turkey.

Turkey

The Turkish licensing of opium production stands as a successful model to emulate. In 1969, the U.S. identified Turkey as the source of 80% of the illegal heroin flooding into the US and approached the Turkish government to eradicate illegal opium poppies.[61] Although Turkey initially refused, for a short period it banned the practice. It quickly overturned the decision and instead took a different approach. The two countries agreed to a compromise in 1974. It employed a United Nations licensed system for legal opium production to contend with its status as the number one supplier of criminal narcotics to the world. "The Turkish political dynamic was such that poppy farmers' interests were essential to the political stability of the country, as they are in Afghanistan."[62] The incorporation of the stakeholders of illicit poppy cultivation and its hardnosed consequence system on criminal activity in its overall strategy is a highlight of the program's success.

A Turkey farmer describes the importance and history of opium, "it is product that we cannot give up, it is part of our life," He said. "My father, my grandfather and his grandfather have all grown the opium poppy. I started as a child. I grew in the opium fields; it is part of my blood."[63] Turkey has the largest opium producing industrial plant, continuously working to supply the half the worlds legal poppies. The factory machines processes whole poppy capsules. Farmers face 20 years in jail for lancing poppies, the traditional opium extracting method.[64] Government inspectors ensure farmers are complying with cultivation guidelines prior to harvest. "Any discrepancy with what is actually delivered will immediately result in an investigation,

with the sanction of a long jail sentence and a ban for life from cultivating opium poppies legally."[65] These implemented control procedures are very expensive, costing nearly 20% of Turkey's worldwide sales.[66] "In fact, the government's opium production program only breaks even, but with a nearly million people dependent on opium cultivation, for cash and their cultural identity, the Turkish state believes it is money well spent."[67]

Section 5: Recommendations

Based on the failures of the currently emphasized pillar of the counternarcotics strategy in Afghanistan, another solution is in order. The Afghan National Drug Control Strategy states, "Targeted and verified eradication will be carried out where access to alternative livelihood is available."[68] This leads to the obvious question, what happens to those with no alternative livelihood? The other often-touted counternarcotics mechanism is alternative livelihood. Even the UNODC acknowledges, "While 98 percent of Afghan opium farmers are ready to stop opium poppy cultivation if access to an alternate livelihood is provided, relatively few of them have realistic alternatives available."[69] The agricultural reality of the poppy crop is its highly valued characteristics for this region; poppies are relatively drought resistant and non-perishable.[70] "The Afghan economy continues to be overwhelmingly agricultural, despite the fact that only 12% of its total land area is arable and less than 6% currently is cultivated."[71] With the Afghan economy dominated by agriculture, the solution should be one with agriculture in mind. Legalization addresses this relationship and provides some associated benefits.

The Islamic Republic of Afghanistan and the international community should institute an opium licensing pilot project over eradication. Eradication is only one of the five pillars of the current counternarcotics strategy and therefore the strategy as a whole should not be abandoned. The recommendation is to deemphasize eradication and resources be reapportioned to the other

counternarcotics strategy pillars. This shift should also provide for the needed resources to initiate a small scale pilot project. The focus is on evolving to a legalized licensing system and not an instantaneous swap. The licensing pilot project should be structured based on the International Council on Security and Development (formerly The Senlis Council) technical blueprint named *Poppy for Medicine*. With the implementation of a licensing program there are several gained benefits. Associated benefits of a poppy licensing program are it allows for an improved security situation and a revenue stream. "This project would also improve the security situation by drawing warlords and Taliban elements into a legal economy... and erode the financial basis for organized crime and terrorist groups."[72] This will funnel dollars back to government hands, from the village level all the way up to the national level. Ambassador Schweich noted, "opium poppy grown by wealthy land-owners and corrupt officials funds the insurgency."[73] For every Afghani raised based on the legal cultivation of poppy is an Afghani taken away from the pockets of the insurgents. This diversion of Afghanis to the governing establishment will assist in providing the government the needed resources to improve the basic needs and services it provides to its constituents.

Following this blueprint will persuade the farmers to reestablish their connection with the local and central government. It shows resolve on the part of the government for the concern of the welfare of the rural population and the traditional way of life. This will also serve to move farmers away from supporting the insurgents, a welcomed consequence from the international peacekeeping forces. Ultimately, "it offers good money to the individual cultivator and also holds a promise for microfinance for others in the community as well as a possibility of funding development schemes in the concerned village."[74] The licensing system may required some

initial subsidizing to ensure competitive pricing with the illicit market, but in the long run it will prove to pay for itself.

Licensing can create a bridge until true alternative livelihoods become available. In the meantime, Afghan farmers are involved in cultivating a crop they are very familiar with and is considered part of their culture. This is not a total reversal of the current declared illegality of cultivating opium; "*shari'a* (Islamic law) allows for the cultivation of opium when it does not harm but rather benefits society, as is clearly the case of the opium for medicine project."[75]

Alternative Viewpoints

Although several countries support the legalization of opium production in Afghanistan based on the results in India and Turkey, there are those that have voiced their objections to this idea, including the U.S. government. These objections center on three counterpoints. First, the government of Afghanistan does not maintain the required governance to control the leakage of legal poppies to the illegal market. The second dispute points out the oversupply of poppy derived medicines to the estimated world demand. Finally, the third argument is how to overcome the cultural support for the illicit opium trade by Afghans.

The objection most voiced by the U.S. government and others is the lack of government capacity to control such a licensing system. During an interview, Ambassador Thomas Schweich discussed this objection using India's leakage problem as an example. He said, "Even India, with a well-developed democracy, a functioning police force and an established rule of law, could not 'control the runoff [of legal poppy] to the illegal market'."[76] There are serious concerns with the Afghan capacity to control their own government processes let alone one that has such implications on warlords and insurgent funding. However, as one article suggested, "As of now, 100 percent of the Afghan opium supply "leaks" to the illicit market, so there is

plenty of room for improvement."[77] It is recognized that this will not be the proverbial silver bullet. There will be some areas of required improvement; dealing with leakage is one. One way to contend with this problem is for the "international community… [to] subsidize the distribution of available technologies that make diversion of opium gum into illicit production very difficult."[78]

One other very important factor is the security situation, which is an essential measure for implementing such a plan. The insufficient number of security forces deployed to a post-conflict Afghanistan has had a serious impact on the security situation. "Overall, Afghanistan has one of the lowest international-troop-to-population ratios (and one of the lowest international-aid-to-population ratios) of any major intervention in the past decade."[79] When compared to Iraq and Kosovo, this disparity is glaring. A recent article in *Newsweek* described it as, "at the post-surge peak in Iraq, there were 140,000 U.S. troops trying to secure a smaller population of 28 million, in an area only two thirds as large. In Kosovo, the multinational coalition numbered 50,000 at its height; Afghanistan's population is 16 times bigger and its area is 60 times larger."[80] President Barak Obama and Secretary of Defense Robert Gates recognized this shortage and promised to send more U.S. troops to address the declining situation in Afghanistan. With the forthcoming increase in U.S. forces to Afghanistan looming, this may be the right time to implement such a plan as the increased troops produce the necessary security environment.

Obviously, the government of Afghanistan will continue to require support from the international community to supervise and assist in executing and maintaining the required controls. One assurance they may have that increases the likelihood of success and impacts on controls is from accounts of farmers from both India and Turkey. As the former Narcotics Commissioner of India noted with the case of Indian farmers caught cultivating illegal poppy,

"the entire village loses its license. With the entire community being affected by one bad penny, the community will discourage farmers from illegal diversion."[81] As for Turkey, a local farmer describes the need for farmers to work together or risk being banned for life while remembering the government imposed bans on poppy cultivation, "it was a terrible time…we lost not only income, but our culture, cuisine, everything depends on it. There was great unhappiness, hunger and anger."[82] With a hope for a more secure environment, international community oversight, and farmers' cooperation, there is an opportunity to counter the lack of government capacity.

Another often-voiced objection is the market saturation of poppy derived medicines. The International Narcotics Control Board (INCB) 2004 report stated the raw materials supply of such opiates is "at levels well in excess of global demand."[83] United Nations figures also support this assessment, although there are reported elements left out that affect the true calculations of world demand. "Potential demand from developing countries that lack those essential medicines is not taken into account in these calculations. Most governments did not respond to the UN's questionnaire on their medical needs for painkillers."[84] The potential for an unmet demand is also highlighted by the INCB 2004 report, "In 2003, six countries together accounted for 79 per cent of global consumption of morphine. Developing countries, which represent about 80 per cent of the world's population, accounted for only about 6 per cent of global consumption of morphine."[85] The same report goes on to say, "The Board encourages Governments to take steps to increase the medical use of opiates in their countries in order to meet their real needs for the treatment of pain."[86] The true opiates demand for pain treatment seems to be underreported. Also contrary to the world market is saturated argument, the United Kingdom facing critical diamorphine shortages have started cultivating poppy for medicinal use. Diamorphine is manufactured from poppy raw materials. As reported in the *London Times*, "In

2005 the Department of Health cautioned that NHS [National Health Services] supplies of diamorphine remained low and advised health professionals to prescribe morphine, keeping any diamorphine for use in palliative care."[87] This shortage was recognized domestically in the U.K. for quite some time and even those in the U.K. government have looked to Afghanistan for implementation of a similar solution. "Cultivation of the crop for legal means has expanded rapidly in Britain since trials began six years ago – but the global morphine shortage is so severe that Foreign Office Minister Lord Malloch-Brown has raised the possibility of legalising [sic] opium growing in Afghanistan."[88] Based on this evidence, it is difficult to concur fully with the market saturation assertion.

Finally, there is also an argument that the Afghan culture is predisposed to support the illicit opium production. In a recent report, the Afghanistan Research and Evaluation Unit found "observations from all provinces indicate that where farmers have the governance environment and agricultural resources to engage in a licit farming strategy that is both profitable and sustainable, they generally favor this over illicit cropping."[89] This is an important measure, if this strategy is to work. As discussed above, another important measure is the control over a licit process. The social structure of the Afghan culture provides an informal control mechanism. Integrating the village level social control mechanism is critical to achieve a successful poppy licensing system. "For centuries, traditional rural assemblies such as *jirga* [Village or tribal chief/elder] and the *shura* [Tribal Council] have functioned as the primary forum of consensus building and order enforcement in rural communities."[90] In addition, there is a decreased ability to impact the social control over an individual the farther you move from the informal village level social control mechanism to a formal national level social control mechanism.[91] The

general favor of producing licit versus illicit crops and the informal social control structure in the Afghan culture provides the proper attributes for a poppy licensing system.

Section 6: Conclusion

Although an overwhelming majority of illicit opium comes from Afghanistan, the international community must recognize the inextricable links between drugs, insurgents and poverty. "The drug trade feeds on the poverty of this region, and allows radical Islamic groups to become self-financing. Drug dealers and arms traders propagate each other, and have long been cooperating in this part of the world."[92] Emphasizing the eradication pillar of the Afghan counternarcotics strategy is not working. Achieving security and reconstruction goals via eradication of an illicit drug trade in Afghanistan is doubtful. "So far, it has not materialized in any case where drugs and conflict have interacted – be it in Peru, Colombia, China, Burma, Lebanon or Thailand."[93]

Eradication campaigns alienate the rural community and increases support for the insurgent. Where the population is the center of gravity for counterinsurgency operations, this is not the desired effect.[94] "Escalating forced eradication does not integrate counter-narcotics with counter-insurgency: it makes counter-narcotics a recruiter for the insurgency."[95] This is an extremely important point with the expected increased of U.S. troops in Afghanistan. "Plans to increase international and Afghan troop numbers in southern provinces are aimed at breaking the insurgency's hold…a side effect of these plans will be interference in the drug-insurgency nexus."[96]

The legalization plan provides the feasibility and the framework to institute licensing in Afghanistan. The implementation of a licensing plan worked in other countries facing large scale illicit opium cultivation. The implementation of such a strategy has associated positives

and negatives, but with the international community increased concerned of the outcome of military operations in Afghanistan, “there is no time to waste, as Afghanistan could well be slipping back to chaos and civil strife. Tackling the drug economy is central to easing Afghanistan’s ills, and the only remaining alternative is the poppies for peace proposal, using medicinal poppy cultivation as bridge to sustainable development and lasting security in Afghanistan.”[97]

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