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UK POLICING OF DRUG TRAFFICKERS AND USERS: POLICY IMPLEMENTATION IN THE CONTEXTS OF NATIONAL LAW, EUROPEAN TRADITIONS, INTERNATIONAL DRUG CONVENTIONS, AND SECURITY AFTER 2001

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This paper examines the day-to-day implementation of drug legislation in the United Kingdom (UK) by enforcement agencies, prosecution authorities, and courts within the broader contexts of national law on drug trafficking and possession, international drug conventions (especially the 1988 United Nations Convention), and issues concerning security and transnational organized crime. The situation in the UK is described, with some European comparison points. Increasingly, both in terms of the letter of the law and in everyday practice, police action against drug users in relation to simple possession is being deemphasized, especially with regard to cannabis. Government prioritizes its anti-trafficking action, especially in relation to "the drugs that do most harm." The ways in which this strategy fits with the international drug conventions is outlined. In conclusion, this paper speculates how, in the light of the current climate surrounding international security, UK and other European drug policies might develop in future.

INTRODUCTION

This paper describes European and specifically UK drug control policies and their implementation by police and other law enforcement agencies. In the UK, government drug strategy embraces harm minimization, applying that logic to law enforcement by targeting trafficking in the drugs that do the most harm and by deemphasizing action in relation to drug users who consume cannabis or other drugs relatively unproblematically.

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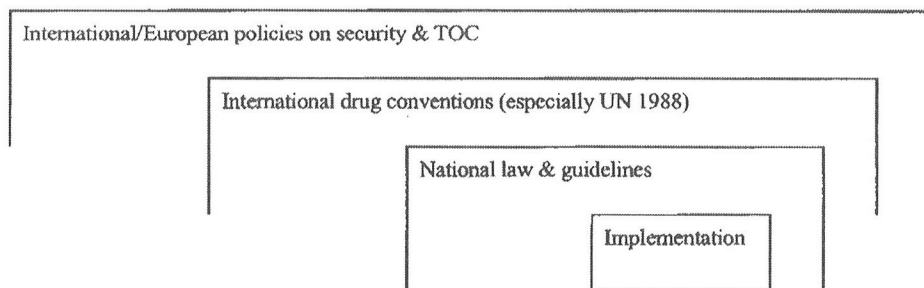
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What is meant by harm minimization (or harms reduction)? There may be a number of variations on the concept of harm reduction/harm minimization circulating internationally. Without wishing to go into definitional questions, the author suggests that the version utilized by British ministers, officials, and practitioners is a quite broad concept, fine-tuned operationally by the circumstances of its deployment. Hence, for example, when public health issues and responses are being discussed, the objectives of preventing overdoses and infections are of the utmost importance and all agencies – not just health agencies – support appropriate actions. When community safety and petty crime is of concern, all agencies – city authorities, police, and health and welfare workers – support a variety of public health, social, and policing measures to reduce street dealing, burglaries, and other acquisitive crimes (illegal means of raising income to support expensive drug use habits, such as use of heroin or crack). In relation to policies on organized crime and drug trafficking at higher levels, the enforcement agencies and their civil and commercial partners focus not only on those groups that traffic in “the drugs that do most harm” to drug users and those around them, but also on those groups’ *modi operandi* – how they do the most harm in terms of market violence, neutralization or corruption of enforcement agencies, and/or infiltration and criminalization of the licit economy. Thus, in UK policy circles, harm minimization/reduction is a widely accepted, pragmatic, and context-dependent concept rather than being a mark of conflict, as it may be in some other countries.

How this policy consensus on harm minimization has been arrived at is now discussed. Everyday policing decisions take place within three wider contexts, as is illustrated in Figure 1. First, the national laws and specific codes of conduct to which law enforcement agencies are subject shape police decision-making. Second, the national laws and codes are, in turn, subject to binding international agreements – in particular, the United Nations

FIGURE 1
THE CONTEXTS OF POLICING



1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychoactive Substances,¹ which most national governments have signed. Later we will come to the question of just how constraining these conventions are, from a European point of view. Finally, we also need to acknowledge a yet wider context – that of current policies concerning organized crime (significant from the 1990s onwards) and security (very significant from 2001 onwards).

Each of these wider contexts to some extent shapes the options for national law making and implementation. The outcome, from the UK's point of view, has been a harm minimization policy in relation to both trafficking and use. This paper now looks at each of these levels in turn. At each stage of the paper, something will be said about the European experience in general and about the UK situation specifically.

APPLICATION OF DRUG LAWS

Imagine the following scenario:

In a Member State in which cannabis use is a criminal offense and where there are no policy directions not to make arrests for cannabis use/possession, two police officers smell cannabis in the street. They are near a large block of apartments, many of which have open windows. Should they seek entry to every apartment until they find the culprit? If they have no powers of entry, should they seek such powers from the magistrate? How should they balance the demand to investigate the suspected offense against other demands that day – for example public cannabis use, or street drug trades, or offers of drugs to minors, or acquisitive crimes? (European Monitoring Centre for Drugs and Drug Addiction [EMCDDA], 2002, p. 10-11)

This scenario is taken from a comparative study that involved work by experts in each of the 15 EU member states. The EMCDDA had provided only modest resources, so the study was limited to consultations with participants within each of the legal systems concerned. Specifically, participants were asked to estimate how likely action would be in each of the following cases:

- Offenses of drug possession and/or use (where such offenses exist in Member States).
- Drug trade and supply to drug users (in the street or in private premises) and sharing drugs between drug users (where such acts constitute offenses).

- Acquisitive crimes, when committed by a drug user, particularly one who may be considered to have a habit, dependency, or addiction.

In each case, the participants were asked the following questions:

- (1) In what proportion of instances (e.g., illegal drugs found) would the police take formal action resulting in a case being sent to the prosecuting authorities?
- (2) What proportions of those cases would be forwarded by the prosecutors to the courts, or dealt with in some other way (diversion), including simple discontinuance?
- (3) Of the cases that are forwarded to the courts, how many would, where the facts of the case merited it, impose a sentence – as distinct from discontinuing the case and/or reaching an agreement with the person concerned in relation to assistance that might include treatment?

The results are illustrated in Table 1.

TABLE 1
DISPOSITION OF POSSESSION, RETAIL SALES, AND PROPERTY CRIME CASES

ACTIONS...	BY POLICE →	PROSECUTION →	COURT
For possession/ use of small amounts (not in public):	Diverse approaches at police stage	Diverse approaches – but discontinuance is quite common	Most EU member states discontinue before or at court stage
For retail sale:	Strong tendency to pass case to prosecutors	Tendency to prosecute	Tendency to apply criminal penalty, unless the retail sale is seen as very closely related to drug use
For property crimes committed by drug users:	Strong tendency to pass case to prosecutors	Tendency to prosecute	Tendency to apply criminal penalty, unless the property crime is seen as very closely related to drug use

Adapted from: EMCDDA, 2002.

According to informants, nearly all cases of drug sales or of property crime by drug users are likely to go all the way up the chain – from police to prosecutors, from prosecutors to court, and on to penalty. However, most cases of drug possession/

use are likely to drop out somewhere along the chain because the police do not take further action, or, if they do, the cases are not prosecuted. If they are prosecuted, the court applies at most a minor penalty, such as community service, small fine of about 50 Euros, and/or a treatment order. Whilst the latter might not technically be a penalty, it may be viewed as such by some who receive it. *Discontinuance* is the name of this process, and the main difference among European countries is *at what stage* it occurs. This finding is in line with other research, which suggests there is a general tendency to reduce the pressures upon the courts (Jehle, 2000).

As for England and Wales (Scotland and Northern Ireland have different jurisdictions in which practice varies slightly), when the drugs found are considered to be for personal use and the amounts are small, the police can issue a formal warning, called a *caution*. The situation has been described as follows:

The police may decide to caution [that is to say, formally warn...] a first offender, and may caution [...] for a second or third offender “depending on the circumstances of the case and the character of the offender.” The CPS [prosecutors] may also decide to discontinue the case if they believe prosecution is not in the public interest. The courts will almost certainly give a noncustodial sentence, which may if the circumstances are appropriate include a condition of treatment, if a probation order is given. The less dangerous the drug will, as a general rule, produce the greater likelihood that the offender will be cautioned. (Bean, 2002, p. 367)

Formal warnings/cautions are recorded by the police, the objective being to restrict the number of cautions that a person may receive. In addition to these cases, there are many occasions when the police simply make an informal comment (informal warning). In other situations, it is fairly clear that a crime is being committed, yet the police take no action. For example, in the scenario described above – the smell of cannabis coming from a block of apartments – it would be an unusual police officer who set out to locate and “collar” the user. Only if the officer was already concerned about other, more serious crime in that locality and felt that the cannabis might offer a pretext for some low-level intelligence gathering, would he or she start ringing doorbells or report the matter to other officers who might have an interest. It is not possible to quantify such responses at present. Thus, nonaction is not recorded in policing statistics, and in that respect comparative research on police practice is not available.

There are several reasons for this lack of zeal by the police. First, there are greater priorities competing for police time: for example, violence to the person, acquisitive crime, and drug trafficking – particularly trafficking in the drugs that are

linked to acquisitive crime, such as heroin. Interagency discussion and decision making occurs in the context of local circumstances (e.g., whether there is a visible problem, whether minors appear to be at risk, etc.) as well as in the broader context of national priorities, and the local police prioritize the use of their resources accordingly. The broader policy context typically includes matters having nothing to do with drugs. For example, the British police have in recent years made an effort to root out what has become recognized as “institutional racism” in policing practices. The determination of police managers to remake police forces along nonracist lines has contributed to a more careful approach to minority groups. This spills over to some extent to White youth, given the mixed nature of British society and its many friendship groups. Finally, and specifically in relation to cannabis, the British government has accepted proposals to reduce the maximum penalty for cannabis possession (see below). This sends a signal to police – a signal to which they are receptive. Law enforcement agencies in the UK fully accept the government’s strategy of prioritizing policing efforts towards the drugs that do the most harm (particularly crack and heroin). The overall result is that “zero tolerance” is not a viable concept when it comes to policing drug users in the UK. Let us turn now to the national legal frameworks that support day-to-day responses.

NATIONAL LAWS AND GUIDELINES – SOME DEVELOPMENTS

The general trends in European countries over the past two decades or so have been new offenses, longer prison sentences, and confiscation of proceeds of trafficking (now possible civilly in the UK, with a lower standard of proof than that required for a criminal conviction). In some cases, penalties for use or possession of drugs have stayed the same or have been reduced (Dorn, 1999; Dorn & Jamieson, 2001; for up-to-date material, see www.emcdda.org).

TRAFFICKING

The increase in sanctions against drug trafficking has been remorseless. In the UK, for example, following the distinction between trafficking and possession first made in the 1971 Misuse of Drugs Act, penalties for trafficking were increased *de jure* by the 1995 Controlled Drugs (Penalties) Act and increased in practice by appeals court guidelines. The court established guidelines both before and after the 1995 Act: Aramah, 1983, suggests 12 to 14 years for trafficking in drugs with a “street [retail] value” of one million pounds sterling; Belinski, 1987, suggests 14 years minimum for that offense. In 1986 the UK’s Drug Trafficking Offences Act incorporated provisions for confiscation of financial proceeds of trafficking (Fortson, 1988; Bucknall & Ghodes, 1989).

There have been similar developments in other EU member states, together with enhanced cooperation regarding exchange of information (sometimes called intelligence), coinvestigation, and extradition. Most of these forms of cooperation have been driven by the broader response to organized crime. Some observers have especially attributed such developments to the European Union (see, for example, Bigo, 2000). However, what that reaction overlooks is that all these tendencies had wider post-war European and international propulsion – notably the Council of Europe (established to consolidate European peace, security, and democracy following the Second World War) and the United Nations.

Evidently, when criminal penalties have been so greatly increased – in the UK imprisonment for 30 years is possible and has actually been imposed for the most serious trafficking offenses – they could not go much farther. Recent changes involve a shift into the realm of civil law and regulatory measures (Dorn, 2003). The UK's 2002 Proceeds of Crime Act introduced civil recovery for trafficking and other crimes, meaning that the suspected proceeds of such crimes can be confiscated unless the person concerned can show that they derive from legitimate sources (Home Office, 2003). A government press release states:

The Act establishes a civil recovery scheme empowering the Director of the ARA [Assets Recovery Agency] to sue in the High Court to recover the proceeds of crime. The Director will be able to apply to the High Court for an interim receiving order, freezing suspect property, which will be managed by an independent receiver. The Director will have to show a good arguable case that property is derived from crime.... The burden of proof will rest with the Director on the civil standard, namely the balance of probabilities. Civil recovery will focus on the origins of the property, not on the guilt of the individuals and will not lead to a conviction or imprisonment. . . . (Home Office, 2002, p. 1)

If the director of the ARA has reasonable grounds to suspect that a person's income is derived from crime, he can assess them for income, capital gains, corporation, and inheritance taxes. The director does not have to identify the source of income in order to assess a tax. His assessment will be subject to appeal, however, as with any other tax (Home Office, 2002). As far as powers of investigation are concerned:

The Act empowers the Director of the ARA, as part of a confiscation or civil recovery investigation, to compel a person to answer questions, provide information and produce documents. For

the first time civilian staff of law enforcement agencies will have access to investigation powers, provided they have been accredited by the ARA as financial investigators. (Home Office, 2002, p. 1)

This compulsion to answer questions is thought by policy makers not to run foul of the provisions for a fair trial found in the European Conventions on Human Rights (ECHR) because the person is not on trial: the action is taken in relation to things, not persons. Nevertheless it seems likely that there may yet be some challenges under the ECHR.

POSSESSION AND USE

Five patterns of legislation on drug possession can be identified in Europe, as summarized in Table 2. One possibility is for possession to be illegal, but not to be seen as an offense unless it is regarded as being connected to trafficking. Possession without trafficking is assimilated into the category of drug use (which does not have to be criminalized, according to UN conventions). This is the situation in Spain. Indeed, Spain goes further, also assimilating self-supply into the concept of drug use, for example, making cultivation of cannabis criminal only in those cases where trafficking to others also occurs. Another possibility, illustrated by the Italian penalties, is for possession to be handled as an administrative offense. Administrative sanctions may include the loss of one's driving license. The Netherlands' approach is to make possession a criminal offense, but the police take no action as long as the amount is below a stated threshold. Another approach, illustrated by Belgium, is for possession to be included as a criminal offense subject to a fixed, on-the-spot fine. In Belgium, an adult found in possession of up to three grams of dried cannabis plant or resin for personal use, without any aggravating circumstances or signs of problematic use, will receive a simple warning and a police fine of 15-25 Euros. The same applies for the cultivation of one cannabis plant. Criminal action may be taken regarding possession of other drugs. Finally, there are countries, such as the UK, in which

TABLE 2
NATIONAL LAWS FOR POSSESSION FOR PERSONAL USE

	Spain	Italy	The Netherlands	Belgium	UK, etc.
Offense?	No	Administrative	Criminal	Criminal	Criminal
Action?	Not applicable	Admin. sanction e.g. loss of license	Prosecute over threshold	Fixed through an on-the-spot fine by the police	Many options open

possession is a criminal offense and the possessor could be brought to court, although the most common response will be diversion, a warning, or no action at all.

The most common situation in European countries is the existence of a criminal offense combined with leniency and proportionality in application:

With regard to small quantities in particular, all countries have legislation or guidelines permitting a more lenient outcome if the amount possessed is for personal use, and most refer to the quantity in some way as a guide. However, of the 16 countries, only four have tried to fix the “small” quantity by specifying a precise weight, and two of these refer to cannabis only. The great majority chooses to mention some sort of “small” quantity in the law or guidelines, but leave it to prosecutorial or judicial discretion with knowledge of all of the surrounding circumstances to determine the true intention behind the offence. No country definitively uses the quantity to determine who is a user or a trafficker. (EMCDDA, 2003, p. 2)

In 2002, the UK government accepted a recommendation of its Advisory Committee on the Misuse of Drugs – itself prompted by an independent inquiry, the Runciman Committee (Independent Inquiry Into the Misuse of Drugs Act 1971, 2000) – to reduce the penalty for possession of cannabis in circumstances making it likely that possession is for personal use.

Home Secretary to Focus Resources on Hard Drugs

Giving evidence to the Home Affairs Select Committee at Parliament on 23 October 2001, [Home Secretary] David Blunkett underlined the Government’s determination to focus resources on tackling hard drugs. After receiving advice from the Advisory Council for the Misuse of Drugs, the Home Secretary re-classified cannabis from Class B to Class C on 10 July 2002. In doing so he stressed that cannabis was not being decriminalised, nor was it being legalised. . . . (UK government, 2002, p. 1)

The effect of this change will be to reduce the maximum penalty for cannabis possession from five to two years (the same as for illicit possession of steroids). In announcing the decision, the Home Secretary was at pains to put the change in the context of the best use of government resources to reduce problems associated with other, more dangerous drugs:

Of the 104,400 arrests for drug-related offences in 2000, 67% (or 70,306) were cannabis-related. Each offender takes 2-3 hours to process, a total of around 175,000 police hours taken up processing cannabis arrestees. The measure aims to bring credibility and common-sense to the fight against drugs by freeing up these resources to tackle the drugs that cause the most harm - heroin and crack cocaine. (UK government, 2002, p. 1)

The reference to freeing up of resources clearly signals that the police are expected to respond to the reduction in penalty by making fewer arrests for cannabis possession. The change in law and the way in which it was communicated to the police and to citizens brings the letter of the law closer to enforcement practice – being tough on trafficking and on the more dangerous drugs – and encourages further reallocation of resources by the police.

The government's decision was widely welcomed in the UK press, although it was deplored by the UN's International Narcotics Control Board. There is a possibility that possible future "unintended consequences" in relation to trafficking in cannabis may, if they emerge, be seen as problematic by some UK observers (comment made on the basis of private discussions and interactions with officials).

CULTIVATION

To some extent, cannabis has been grown commercially in the UK for decades. According to law enforcement sources, commercial, large-scale cultivation indoors (disused factories, etc.) probably accelerated during the 1990s. At present, there are indications that most cannabis consumed in the UK is now grown there. Some of this – an unknown but probably a minor portion – is grown by the consumers (Hough et al., 2003). Cultivation remains a trafficking offense and in principle is subject to strong penalties, although in practice the most that a person caught growing a few plants might expect is that these will be destroyed and that they will be fined. No one understands the dynamics of the market well enough to know if consumer cultivation expands the total market or displaces commercial trafficking. UK policy makers are concerned that if a large number of people were to take the reclassification of cannabis as a "green light," then the UK could see an expansion of small-scale, semi-commercial, intensive cultivation – a phenomenon that the Dutch authorities found difficult to address.

IMPORTATION

Cannabis imports vary in size from tourist self-supply to large-scale (tonnage) commercial trafficking. For many years, Her Majesty's Customs and Excise

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(HMCE) have had a policy of offering a small fine as an alternative to going to court for those caught attempting to import small amounts. Commercial importation is prosecuted. One privately voiced concern is whether the general policy of transferring resources from cannabis enforcement to enforcement of more dangerous drugs might result in a ballooning of cannabis importations. This would be a concern not simply in relation to consumption, but also in relation to its implications for organized crime. Cannabis trafficking is regarded in law enforcement circles as one of the main sources of finance for the growth of organized crime in the UK and the groups concerned typically indulge in other forms of criminality as well (National Criminal Intelligence Service [NCIS], 2003). If reprioritization and underregulation of cannabis trafficking were to result in its faster expansion, with the more general consequence that more skilled and flexible organized crime groups could capitalize themselves, that would be an unwelcome development from the perspective of policy.

THE INTERNATIONAL DRUG CONVENTIONS

The international drug conventions represent common ground between countries on drug control. That common ground is unambiguous in relation to trafficking:

The 1988 Convention ... was formulated specifically to deal with the growing problem of international trafficking which only had been dealt with marginally by earlier international legal instruments. The Convention includes money laundering and illicit traffic in precursors and essential chemicals [for drug production] in the ambit of drug trafficking activities and calls on parties [to the Convention] to introduce these as criminal offences in their national legislation. Its objective is to create and consolidate international cooperation between law enforcement authorities and provide them with the legal guidelines: (a) to interdict drug trafficking effectively; (b) to arrest and try drug traffickers; and (c) to deprive them of their ill-gotten gains. (United Nations International Drug Control Program [UNDCP], 1997, p. 169)

When it comes to responses to drug users, however, the United Nations (UN) conventions, and specifically the 1988 convention, leave to signatory states a considerable degree of latitude. That is, drug use *per se* has to be limited, prohibited, and/or made illegal (the wording varies in relation to different drugs), but it need not be made a criminal offense. For drug possession, each signatory state shall "...subject to its constitutional principles and basic concepts of law ... establish a criminal

offence" (1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychoactive Substances, Article 3.2).

Comparative legal research has shown that the conventions introduce considerable "room for maneuver" at the national level (Dorn & Jamieson, 2001).² This arises from the distinction between what is required on use and what is required regarding possession; the qualification regarding criminalization of possession, subject to its constitutional principles and basic concepts of law and the fact that the convention does not require any particular pattern of enforcement. The adherence to the conventions by European countries whose approaches to the control of drug possession vary quite markedly can be understood in this light.

As mentioned above, the International Narcotics Control Board was highly critical of the UK's recent action in reclassifying cannabis. Responding to that attack on March 20, 2003, a UK minister said to a parliamentary committee:

(Mr. Ainsworth) ... We were, as I think we have said, astonished at what was said in that regard. I do not know what legal basis there was for the comments that were made or what research was put into the announcement that was made. ... I do not know what legal advice they have taken with regard to our changes of classification on cannabis. We will be pursuing that with them. ... As I have tried to say, the Conventions are fairly broadly drawn. ... None of the harm minimisation proposals within our own drugs strategy – we are firm on this – fall foul of the Conventions at all. <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmhaff/uc559/uc55902.htm>

It should be understood that, in polite British society, the word "astonished" is often intended to imply something about the state of mind of the other party. Indeed it is clear that the International Narcotics Control Board's (INCB) negative commentary lacked a basis in legal terms. The UK's reclassification of cannabis did not eliminate the criminal offense of possession, nor did it remove the possibility of prosecution or punishment. It seems more likely that the INCB was concerned about the "signal" that may be sent by lowering maximum penalties (Jamieson, 2001). Nevertheless, the UK drug strategy continues to prioritize "the drugs which do the most harm," and this seems unlikely to change in the foreseeable future.

CONNECTING TO THE INTERNATIONAL AGENDA ON ORGANIZED CRIME AND SECURITY POLICY

By the 1990s, the emphasis from the 1980s on anti-trafficking action had become integrated into a wider agenda on transnational organized crime (TOC). The TOC

agenda still focuses on the development of law and on responses by law enforcement agencies:

[T]he United Nations Convention against Transnational Organized Crime ... will enter into force on 29 September 2003. ... By ratifying the Convention, States commit themselves to adopting a series of crime-control measures, including the criminalization of participation in an organized criminal group, money-laundering, corruption, and obstruction of justice; extradition laws; mutual legal assistance; administrative and regulatory controls; law-enforcement; victim protection; and crime-prevention measures. (http://www.unodc.org/unodc/press_release_2003-07-07_1.html)

However, from 2001 on, the TOC agenda was upstaged by the urgent emphasis on international security. The post-2001 agenda – sometimes referred to as “securitization” – is of course much wider than law enforcement. It runs from policing and military action to humanitarian and development issues. This is clearly seen in Iraq and, to some extent, in Colombia and Afghanistan. The Europeans are particularly concerned about Afghanistan because roughly 90% of the heroin entering the European Union originates there. One question is whether the post-2001 securitization agenda will in any way impact drug control in Europe. There seem to be two broad possibilities: user accountability and policy accountability.

USER ACCOUNTABILITY?

The first possibility is that, because of links between some drug traffickers and regional armed groups – for example, leftist guerrillas in Colombia and so-called “warlords” in Afghanistan – drug policies will be more closely integrated into the security agenda, deepening links between the military and drug law enforcement agencies. This has already become the case in Colombia and is happening to some extent in the Central Asian Republics. If that were to become the general trend, then what could be the implications, if any, for drug possession policy? Might governments embellish the rhetoric of the former U.S. drug czar William Bennett and seek to hold drug users accountable for giving economic succor to terrorists? That is not inconceivable, depending on the political evolutions in specific countries. However, on the evidence available at the time of writing, it seems somewhat unlikely for most European countries, for reasons that are now briefly explored.

POLICY ACCOUNTABILITY?

From a European perspective, the second option is that security and drug policies coexist in a wider context that moderates both. This can be illustrated by a quick

review of some issues in relation to Afghanistan. The British Foreign Office's *UK Plan to Support Implementation of the Afghan National Drug Control Strategy* (Foreign and Commonwealth Office, 2003) notes that on May 19, 2003, the Afghan Transitional Authority (TA) adopted its *Afghan National Drug Control Strategy*. The UK is the "lead nation" in supporting this strategy and is contributing \$114 million over a three-year period (Foreign and Commonwealth Office, p. 2). The strategy "requires a general improvement in political and economic conditions, particularly the development of the physical (transport, buildings, electricity) and intellectual (education, skills) infrastructure, to encourage a switch to licit activities over time, [... with] counter-narcotics activities [being] phased with wider reconstruction programmes for Afghanistan' (Foreign Office and Commonwealth Office, p. 3). Key elements include the following:

. . . drugs law enforcement with centralised authority, extensive provincial outreach and constructive operational connections with external agencies that enables it to carry out widespread interdiction operations against traffickers, laboratories and stockpiles [...]; ensuring that those who were previously dependent on opium cultivation are offered alternative livelihoods; institution building to establish the mechanisms for co-ordinating all issues relating to drug policy such as law enforcement, drugs legislation, demand reduction and alternative livelihoods; demand reduction - raising public awareness so that the citizens of Afghanistan understand the social costs of poppy cultivation; and evaluating through research and assessment the impact of our [UK and other international] efforts to inform policy-making. (Foreign and Commonwealth Office, pp. 3-4)

In terms of practical steps taken by the end of 2003, the UK is

. . . working with the Afghans on drug enforcement interdiction measures which should be operational by October 2003 [...]; working with Germany, who have helped the Afghan police establish a training academy [and] undertaken joint UK-Iranian training for border officials in Iran in June 2003 [...]; the UK intends to establish a Drugs Control Unit (DCU), in Kandahar, to train and mentor the Afghans by October 2003 [...]; [is] setting up a professional mobile detection force in Kabul to improve drug interdiction at key city checkpoints [... and] a basic forensic science service by December

2003. This will help to develop a consistent and reliable system for collecting and analysing key drugs-related data (such as seizures, drugs arrests, etc) so that trends can be identified and the effectiveness of counter-narcotics law enforcement can be assessed. (Foreign and Commonwealth Office, pp. 7-8)

Future developments in Afghanistan are not at all clear – any more than they are in the Middle East or in Columbia and some other countries where drug production, trafficking, security, and development issues are bound together. Therefore, can anything be said about implications for domestic drug policies in European countries? In this author's view, there are no "automatic" domestic policy implications of the international securitization agenda. Perhaps, as mentioned above, some policy makers could seek to import anti-terrorist language and objectives into domestic drug policies, including demand reduction, seeking to hold drug consumers responsible not only for trafficking but also for warlordism, insecurity, and economic woes in less developed countries. However it is very doubtful that such a stance would be welcomed by the majority of policy makers or law enforcement personnel in Europe. Most senior enforcement personnel, in particular, are acutely aware of the need for public support. They are wary of any action or rhetoric that could backfire, undermining that support. There is a sense that, in the face of the gravity of international security issues and the challenges in relation to drug supply, policy needs every friend it can get. This could mean that, in a pragmatic attempt to maintain support for the international security agenda, further support could be offered to pragmatic, harm-minimizing moves in relation to drug users, both at home and abroad, within the global context of political and economic development, democracy, and human rights. Today, increasingly, it is policy, rather than drug consumers, that is being held accountable.

CONCLUSION

This article has described aspects of UK drug policy enforcement within the context of European traditions, international drug conventions, and current security concerns. Although the UK may be less creative than one or two other European countries in the way that it relates to the international drug conventions, nevertheless it has been able to formulate and implement domestic policy in a way that furthers harm minimization in relation to drug supply and drug use. The UK has also retained room to maneuver within the conventions. Is further movement likely? As far as decriminalization of possession for personal use of cannabis is concerned, the current UK approach is so close that it makes little difference in practice. As for legalization of drug supply – a recurrent theme in the UK – a government website evenhandedly hosts a link to a prominent pro-legalization group alongside one for an anti-legalization group

(<http://www.drugs.gov.uk>). This openness perhaps reveals a degree of nonchalance regarding that debate.

This paper has drawn attention to the intersection between domestic drug policies and international drug policies, particularly in relation to security policies. Whilst there is no apparent mismatch between the UK's domestic and international policy goals, the latter face strong challenges. On one hand, there is at least some potential for reasonable progress to be made at home. On the other hand there is the possibility of being completely overwhelmed by abject failures internationally. At the heart of this conundrum is the still evolving relationship between security and drug policies. In the future, this question should receive at least as much critical attention and analysis as do domestic issues.

NOTES

- ¹ A useful summary of this is given in the first World Drug Report (United Nations Drug Control Programme [UNDCP], 1997, p. 169). The full texts of the 1988 convention and two others in force are available at <http://www.unodc.un.or.th/convention>.
- ² The author gratefully acknowledges the study sponsors, the "Runciman Inquiry" (Independent Inquiry Into the Misuse of Drugs Act, 2000) and also thanks his study colleagues Alison Jamieson, Yann Bisiou (France), Tom Blom (the Netherlands), Lorenz Böllinger (Germany), Maria Luisa Cesoni (Italy), José Luis de la Cuesta, and Isidoro Blanco (Spain), and Josef Zila (Sweden).

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