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## U.S. Opposes Efforts to Legalize Opium in Afghanistan: The Rationale Against Legalization

U.S. Department of State  
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### Overview

#### I. Our Concern

In recent months, we have seen several articles and reports advocating the legalization of opium in Afghanistan. While this idea does have surface appeal to some, legalization would be a severe mistake that would undermine efforts to bring a stable democracy to Afghanistan. The governments of Afghanistan, the United Kingdom, and the United States are all opposed to the legalization of opium in Afghanistan, as are the relevant technical agencies of the United Nations.

In the following pages, we examine the main arguments raised in favor of legalization as advocated by The Senlis Council, an organization with offices in London, Brussels, Paris, and Kabul. While we use The Senlis Council's proposals as a starting point for our discussion, the points made are applicable to other proposals to legalize opium in Afghanistan. The Senlis Council, which has been quoted by mainstream media as an authority on this subject, has published a report with dangerous conclusions, which are based on the misleading use of statistical information and sources, often simplistic methodologies, and an inattention to the complexities of Afghanistan and the international market for licit opiates.

#### II. Arguments for Legalization

The Senlis Council's central contention is that legalizing opium cultivation and production in Afghanistan is:

- **Needed to alleviate a massive "global pain crisis" caused by a shortage of opium-based pain medications** - People suffering from HIV/AIDS, cancer, and other types of chronic pain have limited access to pain medications in the developing world. Increasing the supply of opium by licensing Afghan farmers to legally produce it, The Senlis Council believes, would make important medicines such as morphine more widely available.<sup>[1]</sup>

**Feasible and easily accomplished** - According to their report, the revenues earned by taxing a legal opium trade could support the necessary law enforcement and control measures needed to prevent diversion into the black market.[2] Subsidizing legal cultivation could also provide a large enough financial incentive that Afghan farmers would quit the illegal drug trade in favor of a licit market.[3]

- **Beneficial to Afghanistan's security and economic development** - The Senlis Council contends that legalizing opium in conjunction with amnesty for traffickers and other criminals would remove the violent criminal and anti-government elements. Free of criminal elements, opium poppy production could become a viable economic activity, thus helping poor Afghan farmers.[4] Legalization would also hurt insurgent groups like the Taliban as there would be fewer disaffected and poor Afghans to influence.[5]

At first glance, these arguments may seem appealing. However, they do not withstand analytical scrutiny.

### III. The Rationale Against Legalization

On both a practical and factual basis, we disagree with the conclusions of those who advocate legalization and any policy prescriptions put forward to achieve this goal.

- **The licit opium market is not lucrative enough to entice Afghan farmers** - The price difference between licit and illicit opium is so substantial that Afghan farmers would not quit the black market. To make up for the price difference, exorbitant subsidies would have to be offered, which would prove prohibitively expensive. Moreover, the Government of Afghanistan would be obligated to purchase opium stocks, resulting in the crops exponential expansion as more farmers would grow to take advantage of a guaranteed source of income.

- **There is no legitimate world demand for legally produced opium from Afghanistan** - According to the United Nations International Narcotics Control Board (INCB)[6] - whose mandate includes maintaining the balance between supply and demand for licitly produced narcotics like opium - world demand for opium-based medicines is fully met. World stockpiles are also sufficient to meet any conceivable future or increased demand.

- **It is not feasible** - Countries which produce licit opium have strict controls, sophisticated law enforcement, and licensing systems - and still admit to significant illegal diversion. The lack of law enforcement and security in Afghanistan has led to the explosion of the current illicit poppy crop, so a licit industry which relies on legal controls could not work. Without safeguards, licit and illicit opium would be indistinguishable. Opium really destined for the black market would be produced under the pretense of a legal system.

- **Historical experience argues against this approach** - Lessons from India, Pakistan, Bolivia, and other countries show the often disastrous effects of legalizing drug production without the requisite market demand or law enforcement and control mechanisms. Each of these countries attempted to regulate a legal trade in narcotics and, as a result, saw an increase in cultivation or significant diversion into the black market.

- **Legalization is ultimately counterproductive and dangerous** - Legalization would expand and entrench the drug trade, undermining ongoing efforts to bring security and sustainable economic development. This would benefit insurgent groups such as the Taliban who have been known to profit from the trade, as well as criminals and corrupt government officials. Afghanistan would suffer from more violence, lawlessness, and corruption as a result of legalization, not less. Expanding opium cultivation would also come at the expense of important efforts to diversify Afghanistan's economy, making the country's welfare dangerously reliant on one commodity.

### IV. Conclusion

There are no shortcuts to fighting opium production in Afghanistan. Based on the experiences of other nations in this fight, the international community and the governments of Afghanistan, the United Kingdom, and the United States support a mix of deterrence, prevention, and economic development assistance to suppress existing illicit opium cultivation, production, and trafficking in Afghanistan. The following report contains a fact-based exploration of the licit opium argument. It highlights independent opinions and cites historical examples of countries which have attempted to legalize opium production.

## **1. Licit vs. Illicit Prices**

### **I. Summary**

Any proposed system to license cultivation and production must provide a large enough financial incentive for Afghan farmers to participate. The price difference between licit and illicit opium is substantial and show that the black market would remain a significant pull. Substantial subsidies would have to be offered and this would prove prohibitively expensive.

### **II. Prices**

For the 2006 growing season, farmers participating in India's licit market were paid anywhere from \$16 to \$49 per-kilogram of opium gum (the lower end of this price range being far more typical).[7] In contrast, a trafficker in Afghanistan was willing to pay \$138 per-kilogram of opium gum on average in 2005 and \$125 on average in 2006.[8] The difference between licit and illicit prices is even more substantial when you consider that GDP-per-capita in Afghanistan was only \$231 in 2006.

While there is no perfect comparison, the price of licit opium gum produced in India is a fair illustration of the price difference between the licit international system and the black market in Afghanistan. India is the only country which produces opium gum (a product identical to that of an Afghan farmer's) for export. We must also note that while the licit price in India is set by the Government of India, it is clearly influenced by the market price for opium gum used in pharmaceutical products.

### **III. Subsidies**

The price differential means extensive subsidies have to be offered if Afghan farmers are to participate in a licit system. At minimum, the Government of Afghanistan would have to offer a direct financial subsidy to boost the price.

The Senlis Council argues that subsidies would not be as large as one might think. According to their study, the price difference between the licit and illicit market is less substantial once you take into account the various taxes and bribes a farmer must pay to traffickers, the Taliban, or corrupt officials. The study concludes that by subsidizing opium at \$52 per-kilogram farmers would receive the same net income as they would have selling on the black market at \$113 per-kilogram.[9] While net income certainly fluctuates when you take into account the various costs of production, \$52 is an arbitrary figure which is impossible to confirm. The Senlis Council's admits as much: "Given the severe paucity of reliable data on the components of the farm-gate price, the range of statistical deviation in analysis of these components, makes it extremely difficult to quantitate to any high degree of accuracy the net income received by poppy farmers." [10]

In addition to direct financial subsidies, The Senlis Council's proposal requires donor contributions to be devoted to providing farmers with irrigated land, micro-credit, fertilizer, and high yield opium poppy.[11] The study also calls for the taxation of poppy farmers in order to sustain the necessary bureaucracies and law enforcement measures that would have to be implemented.[12] This would significantly impact their assumptions about prices and indicate even more subsidies would be

required. At this point, we must take issue with their selective use of data. It is hypocritical for The Senlis Council to deduct the cost of taxes for illicit opium, but not mention the impact of taxes in a licit system.

A licensing system would also obligate the Government of Afghanistan to purchase opium stocks from farmers. The crop is currently worth \$755 million to Afghan farmers per year.<sup>[13]</sup> By way of comparison, commitments to the Afghan Trust Fund for development projects are only \$80 million after two years. Costs would escalate as the crop would expand exponentially in response to a buy-out.

For example, compensation programs to individual coca growers in Bolivia in the mid-1990's merely expanded cultivation. Cultivation moved from farmland into the national parks, where thousands of hectares of rainforest were destroyed. After the government changed its policy to forced eradication and interdiction operations, along with community-based alternative development projects, Bolivia's coca cultivation dropped from 45,800 hectares in 1997 to 19,600 hectares by 2000. *This demonstrates that compensation does not resolve the issue of cultivation, but rather distorts and complicates the process of directly and effectively addressing it.*

Finally, as will be addressed in the next section of this report, global demand for licit opium is fully met, meaning additional production would cause price instability. Afghanistan's huge supply of opium would create a glut on the licit international market and drive the already low price of licit opium even lower. This further undermines their notion that legal opium could provide a sufficient financial incentive to farmers.

#### **IV. Conclusion**

Drug trafficking is profitable for a reason: users demand dangerous substances to feed their addictions. Creating a legal framework will not put traffickers out of business; rather, they will continue to pay more than the licit system is capable of offering in order to create diversion. In India, traffickers have been known to pay up to ten times the licit price in order to tempt farmers to divert their crops.<sup>[14]</sup> In short, the licit system is not able to compete with the allure of illegal profits.

Only 12.6 percent of the population is currently engaged in opium production, less than 4 percent of agricultural land is under poppy cultivation, and cultivation takes place in 28 of Afghanistan's 34 provinces (as opposed to 7 percent of agricultural land and all 34 provinces, according to The Senlis Council).<sup>[15]</sup> Legalization would increase the number of farmers cultivating opium and, in turn, drive licit opium prices even lower and increase the availability widely abused drugs.

Ultimately, for such a system to work, you have to assume that Afghans are willing to switch to a less profitable activity in order to stay within the letter of the law. The current explosion of illegal opium poppy argues that this is not likely. Afghan farmers do not fear that their illegal crops will be eradicated or that they will be prosecuted for violating Afghanistan's laws. Given that there remains no coercive incentive to switch to a legal alternative, legalization proposals would be disastrous. The issue remains creating credible law enforcement structures and instilling the fear of eradication. This is the only way Afghan farmers will believe it is not in their economic interest to grow opium poppy.

## **2. Afghanistan's Opium Supply Far Exceeds Licit World Demand**

### **I. Summary**

A central flaw in any legalization proposal is that Afghanistan's supply of opium far exceeds world demand for opium-based medicines. Simply put, there is no legal demand for Afghan opium.

The Senlis Council contends that this is not the case. Their study shows a huge need for these medicines to alleviate a growing world pain crisis brought on by the rising numbers of cancer and HIV/AIDS patients, as well as sufferers of other types of chronic pain. According to their needs assessment, the problem is particularly acute in the developing world. Once this large source of unmet demand is accounted for, a global shortage of opium-based medications exists. They largely blame this shortage on an insufficient supply of opium.[16]

We defer to the internationally recognized expert body, the INCB, which states that the supply of opium for legal medicines is sufficient.

## II. Licit Supply and Demand

As mentioned above, there is no additional need for licitly produced opium according to the INCB. Moreover, world stockpiles and increased production by current licit producers could meet any increased need. World stockpiles of raw materials have been growing since the 1990s.[17] Turkey and India, two major suppliers, cut production in 2005 and 2006 due to excessive stocks from previous years - India faced significant diversion as well. The INCB also estimates that stock piles of opiate raw materials rich in morphine are sufficient to cover annual global demand for two years.[18] Another important point is that the type of opium Afghanistan produces (opium gum as opposed to poppy straw) is used to manufacture only a small percent of opium-based medicines.[19] This confirms that supply is already outpacing demand.

The Senlis Council uses a flawed methodology to determine world demand. It does not take into account the numerous factors which determine the demand for a product and instead relies on a simplistic formula to calculate world need.[20] Their figures can not be independently validated. It must be noted that the INCB's data is incomplete, because many developing countries are unable to respond to surveys regarding their domestic needs (a shortcoming the INCB freely admits). However, the existence of stockpiles argues that flaws in the INCB's data do not deprive people of opium-based medicines; if there was unmet demand current producers would have already fulfilled it.

Shortages in the developing world are unfortunate, but the issue is not supply. It is a lack of proper economies and systems of distribution. While people suffering from pain need relief, The Senlis Council's proposal will not overcome poverty, broken markets, excessive regulation, conflict, and other factors which limit access to pain medications in the developing world. The net effect would be more opium produced for the black market, no additional relief for people suffering from pain, and increasing insecurity and corruption within Afghanistan. Increasing the supply of one drug without addressing the overarching distribution, licensing, and financial impediments to availability will not solve the larger problem.

These same countries need preventative medications for HIV/AIDS, malaria, TB, and other ailments arguably more than they need pain medications. Yet, they lack these medications for the very same reasons. The Senlis Council focuses on increasing the supply of pain medications, which can be widely abused, when what many countries need are preventative medicines.

## III. Cheap Opium does not Equal Inexpensive Medicines

An abundant supply of cheap opium would not make pain medications more affordable. Raw materials such as opium are a relatively small percentage of the cost of pain medications. According to the Generic Pharmaceutical Association, the cost of the Active Pharmaceutical Ingredient in generic prescription medicines represents less than 10 percent of the cost of the finished dosage form. Research and development, marketing, and systems to monitor production and prevent diversion are the major factors in determining the cost, not the procurement of narcotic raw material. The Senlis Council admits that it does not understand the supply chains of drug manufacturers and does not have access to such commercially sensitive information.[21]

#### **IV. Thebaine-Rich Poppy is not an Alternative**

Another suggestion advanced by The Senlis Council and others is that Afghanistan should switch to the thebaine-rich strain of opium poppy. Thebaine-rich poppy is significantly harder to divert, but legalizing and licensing it in Afghanistan faces the same practical and economic impediments as morphine-rich poppy does.

Thebaine-rich poppy is primarily produced in Australia, Spain, and Hungary. It is considerably more difficult to divert than morphine-rich poppy, because it is not used in therapy. Rather, thebaine is an important building block for the manufacture of other drugs such as codeine, oxycodone, hydrocodone, and other opioids. All are widely abused prescription drugs that produce physical and psychological reactions similar to heroin.

Currently, there is no shortage of thebaine-rich narcotic raw material according to the INCB and the demand for thebaine is significantly smaller than that for morphine. Therefore, if Afghanistan began growing thebaine-rich poppy and putting thebaine into the world market, the balance between supply and demand would be jeopardized. Again, the notion that legal opium could provide a sufficient financial incentive to farmers does not withstand scrutiny. Faced with low prices for licit thebaine, Afghan farmers would continue producing morphine-rich poppy for the black market to make money. There would be little if any net-reduction in illicitly produced opium and the issue of effectively addressing cultivation would become vastly more complicated.

This proposal also assumes countries who would be Afghanistan's direct competitors in the thebaine market are willing to provide proprietary technology. That they would willingly lose market share is unlikely. The nature of the licit opiate market is very much a zero-sum game.

#### **V. Conclusion**

A delicate international system is in place to balance the supply of narcotic raw material with the demand for legitimate medicines. Legalizing opium in Afghanistan would jeopardize this balance and increase the availability of widely abused drugs such as opium, morphine, and heroin.

If Afghanistan overcame all of the practical impediments and establish a system to license opium cultivation and production, its supply would overwhelm the licit world market. Introducing such a large quantity would create a glut and drive the already low price of licit opium down. Price instability not only makes licit opium unattractive to Afghan farmers, but also hurts poor farmers in India and Turkey. The already more profitable black market would continue unabated if not flourish due to the permissive environment legalization would create.

### **3. Effectively Controlling a Legal Market in Afghanistan is Unrealistic**

#### **I. Summary**

To ensure the legitimacy of a legal system, unlicensed crops have to be eradicated and violators punished. Without the necessary control measures, legalization allows illegal opium to be cultivated and refined under the pretense of a legal system. The experiences of Pakistan and India show how difficult legalization makes efforts to control cultivation and production. The difficulties would be greatly magnified in Afghanistan. Law enforcement would have to distinguish between legal opium produced with a license and that which is not; a daunting task, especially in Afghanistan. The opportunities for fraud and abuse are substantial.

#### **II. Law Enforcement and Security are Essential**

The Senlis Council's feasibility study states that, "An opium licensing framework requires the development of effective law-enforcement and control mechanisms to reduce diversion into the illegal market."<sup>[22]</sup> It also prominently notes, "Strict control, monitoring and law enforcement mechanisms form the core of a licensing scheme for the production of opium for medicine."<sup>[23]</sup> We agree, but establishing effective controls in Afghanistan in the immediate future, or even over the next decade, would be impossible.

The reality in Afghanistan is that a lack of infrastructure combined with wide stretches of barren desert and extensive mountain ranges makes overseeing such a program out of the question. Security impediments alone are insurmountable. Insurgent activity has increased significantly in the primary poppy growing regions over the past year. Elements of the Taliban in Southern Afghanistan already use drug proceeds to finance their activities and would not willingly give up this source of revenue. Control measures would also be extremely expensive. Not only would the government have to purchase opium stocks and subsidize production as discussed earlier, it would also need sufficient police officers and government officials to actively monitor hundreds of thousands of farmers and vast tracts of geographically dispersed land.

We must also take into account Afghanistan's relatively low level of development, lack of infrastructure, and general inability to meet the strict requirements the INCB sets forth for licit producers. Afghanistan, furthermore, does not have the technical knowledge or capital to employ more advanced opium cultivation methods, or to refine and produce its own medicines. It is unrealistic to expect Afghanistan to manufacture sophisticated medications with any of the hygienic and other required safeguards.

### **III. Historical Experience Argues Against Legalization**

India produces opium identical to that of an Afghan farmer and uses a licensing system to regulate cultivation, but suffers from significant diversion. The same problems would be greatly magnified in Afghanistan, as it is less developed, suffers from insurgent violence, and cultivates roughly 24 times more poppy than India.

While India does a commendable job of attempting to prevent diversion, somewhere between 20 to 30 percent of its annual crop is diverted to the black market, primarily to feed domestic consumption.<sup>[24]</sup> As a result of diversion and excessive stock piles, the Government of India has significantly decreased the number of licensed hectares by roughly two thirds (from 21,141 in 2003 to 6,976 in 2006), and the number of licensed farmers by one third (from 105,697 in 2003 to 72,478 in 2006).<sup>[25]</sup>

India's Central Bureau of Narcotics oversees the program and licenses farmers to cultivate poppy only under strict controls with extensive monitoring. It measures crop size with satellite imagery and the use of ground surveys. Crop estimates are then compared to actual yields to determine if the farmer has tendered his entire crop. Violators who grow too much poppy, fail to deliver their estimated yield, or are otherwise diverting into the black market have their crops destroyed and are subject to prosecution.

Even with advanced controls and relatively vigorous law enforcement, diversion remains a significant problem. Prices in India's illicit market range anywhere from four to ten times higher than the base government price, making diversion extremely profitable.<sup>[26]</sup> Policing tens of thousands of farmers on privately held land scattered throughout three of India's largest states also poses a considerable challenge to law enforcement. If India's experience is any indication, then we must view efforts to legalize opium in Afghanistan with great skepticism.

Pakistan also licensed the cultivation of opium poppy in the 1950s, but did so outside of the licit international market. Pakistan licensed farmers to cultivate and also registered addicts. Pakistan then, much like Afghanistan today, had little means to control or effectively monitor production. In the 1970s, the Golden Crescent of Pakistan, Afghanistan, and Iran emerged as a leading source

of heroin. In fact, Pakistan had the world's largest opium crop circa 1978. Faced with huge stockpiles of opium and unable to control its legal crop, the Government of Pakistan declared all opium production illegal in 1979. This eventually resulted in the elimination of cultivation in areas under the strict control of the government. By employing a mixture of economic development assistance to poppy growing regions and annual eradication efforts, Pakistan was considered poppy-free in 2000, although it suffers from residual cultivation today.

#### IV. Regulatory Impediments

While The Senlis Council claims that "International law poses no obstacles" to its proposals, there are serious impediments regarding the international framework which regulates licit production of narcotic raw material, like opium.<sup>[27]</sup> Afghanistan is a party to the UN Single Convention on Narcotics Drugs, as are most states. Afghanistan is, therefore, obligated to not produce opium unless it meets the criteria described in Article 24 of the Convention. Under Article 24, a country that wishes to produce opium must take into account prevailing world need, and shall not permit production if doing so may result in illicit traffic of opium. Afghanistan can not meet these conditions. Licit demand is fully met according to the INCB and the current illegal drug trade in Afghanistan demonstrates that legalization would result in illicit trafficking. While Afghanistan is permitted to export five metric tons without formal approval, this is an insignificant amount when compared to Afghanistan's total production. Allowing five metric tons would only expand cultivation by creating a permissive environment.

The Senlis Council recommends working around the Convention, or "thinking legally outside of the box" in their terminology, by either creating bilateral agreements or formally amending the Convention to allow for additional production.<sup>[28]</sup> As importing countries are obligated under the treaty to not purchase narcotic raw material from countries who fail to meet the requirements stipulated in Article 24, bilateral agreements are not feasible. The Senlis Council cites the U.S. Government's "80/20 rule" as an example of such a treaty.<sup>[29]</sup> However, the "80/20 rule" - an internal U.S. Government regulation which specifies that "traditional suppliers" Turkey and India must be the source of at least 80 percent of the United States' morphine-rich narcotic raw material imports and that the remaining 20 percent can come from non-traditional suppliers - was a response to UN Economic and Social Council resolutions urging member states to restrain the number of narcotic raw material producers by supporting traditional suppliers. The reliance on traditional suppliers is designed to prevent excess supplies and diversion. The U.S. regulation strictly adheres to the intent and spirit of the Convention, and was established based on traditional U.S. import amounts. The treaties envisioned by The Senlis Council would undercut this system and most likely not conform to the Convention.

Because Afghanistan does not meet the requirements of Article 24 and bilateral treaties are not feasible, the Convention would have to be amended if Afghanistan is to participate in the licit international system. This is not easy nor is it possible in most cases. Any party may effectively veto any amendment to the Single Convention on Narcotic Drugs under Article 47 by objecting within 18 months of the amendment being offered. Other licit opium producing countries would be opposed to additional suppliers, especially Afghanistan which produces opium multiple times in excess of the entire licit market. Allowing farmers in Afghanistan to produce opium would come at the expense of poor farmers in India or Turkey; an outcome which the governments of these countries are almost certain to object to. Other countries that do not want to see diversion stemming from additional opium production would also object. For these reasons, both the INCB and the UN Commission on Narcotic Drugs<sup>[30]</sup> have urged governments to resist proposals to legalize opium in Afghanistan.<sup>[31]</sup> The Senlis Council recognizes the almost impossible task of formally amending the Convention, but dismisses it as a minor impediment.<sup>[32]</sup>

Furthermore, if the UN makes a concession to Afghanistan, what about other countries that have been fighting opium production - with various degrees of success - for the past several decades? Burma produces in its semi-autonomous areas for both indigenous use and for the international heroin trade. To lesser degrees, Colombia and Mexico remain noteworthy producers for the international heroin trade. Pakistan, Thailand, and Iran are historical producers and together with Guatemala have all had significant illicit opium poppy cultivation in the recent past. Many are still experiencing residual cultivation. Why not allow them to get back into the trade with a licit crop too? Make an exception to one and there will be pressure from other current and

past producers to make an exception for all. This is a recipe for a hugely contentious international debate and a breakdown of the carefully crafted international system. A licit trade out of line with legitimate demand would immediately lead to diversion on a massive scale, and a flourishing illicit market would result.

#### **4. Legalizing Opium would be Detrimental to Afghanistan's Security and Economic Development**

##### **I. Opium as a Security Policy**

"The idea that legalizing opium poppy cultivation would somehow enable the Government [of Afghanistan] to obtain control over the drug trade and exclude the involvement of criminal organizations is simplistic and does not take into account the complex situation of the country. On the contrary, implementation of such an idea would make drug control in Afghanistan more difficult."<sup>[33]</sup>

The Senlis Council believes legalizing opium would help bring peace and security to Afghanistan. First, by making opium production legal and offering amnesty to large traffickers, money launderers, and others with a vested interest, you could remove the criminal element from the trade.<sup>[34]</sup> Second, they argue that eradicating illegal crops and law enforcement are at odds with stability operations. According to The Senlis Council, eradication and law enforcement are depriving farmers of their livelihoods, and pushing them into the hands of anti-government forces. <sup>[35]</sup> A Senlis Council official was quoted as saying eradication will "ensure more Western soldiers get killed".<sup>[36]</sup> In fact, the opposite is true, legalization would cause more deaths.

As demonstrated in this report, the lack of demand for licit opium and Afghanistan's inability to monitor and control cultivation would only increase the number of Afghans participating in the illicit drug trade. It would also increase the level of violence by further expanding and entrenching opium as an illicit source of income for anti-government groups.

The Taliban and poppy cultivation geographically overlap in Southern Afghanistan and evidence of insurgent ties to the drug trade is mounting. Elements of the Taliban tax poppy cultivation and trafficking, as well as finance anti-government activities with drug proceeds. During last year's opium planting season, Taliban in Southern Afghanistan intimidated farmers to plant poppy by distributing threatening letters in the middle of the night. Elements of the Taliban promote poppy planting and the opium trade to demonstrate the limits of the central government's authority. Insurgents have also been known to employ drug traffickers to funnel fighters, money, and weapons in and out of Afghanistan.

Increasing Afghanistan's reliance on poppy cultivation by legalizing opium without the necessary control mechanisms would have the exact opposite effect of what the Senlis Council claims. Given the convergence of the drug trade and insurgent groups, it is even more important that we continue to vigorously attack the drug trade and eradicate illegal crops, not foster them. Otherwise, drugs will continue to finance violence against innocent people, international forces, and the Government of Afghanistan.

If Afghanistan is to have a democratic government based on a solid and equitable legal system, the government must demonstrate its ability to enforce the rule of law. Legalizing poppy cultivation would send the inconsistent message that only select criminals will be prosecuted while others will be tolerated.

Any violence which may arise due to counternarcotic efforts must be weighed against the violence done to the countless victims of narcotics trafficking and abuse. Not to mention the corruption and lawlessness the drug trade spawns.

Most countries with active drug trades have historically suffered from internecine violence. Violence against those conducting the eradication has occurred, usually led by both local farmers and insurgents. Violence can include stringing wire within fields or ground fire against aerial spray operations. Ground-based eradicators have been killed, especially in Colombia, and aerial

missions have been shot down. Last year, two individuals participating in the Government of Afghanistan's eradication campaign were killed (four wounded).

This pales in comparison, however, to the toll suffered by nations and the majority of law-abiding citizens when legal, economic, and social institutions are undermined by well-financed criminals and insurgents. Simply put, drug trafficking itself makes the police look weak and local governments look ineffective - eradication is one way of reinforcing the message that the government controls its territory and can protect its citizens.

Although the UN has not commissioned a special report or targeted research on eradication, there are many public statements by UN Office on Drugs and Crime Director Antonio Maria Costa and the UN General Assembly that supports a mixture of tactics as the right approach to curbing a drug problem. Such a complex social dynamic can not be effectively approached using carrots or sticks exclusively.

Director Costa has been publicly outspoken in his defense of eradication as one of the most important components of a counter-drug strategy in Afghanistan,

"We ran as usual in the fall a survey of farmers' intentions regarding the crops of this year. We visited over 1000 villages. We asked specific questions about whether eradication was a determining factor. The answer was no. There is a reason and our experts pondered extensively on what was going on, and the answer is that eradication has to be credible and therefore has to reach a threshold of credibility. Last year and the year before three to four percent, possibly five percent, of the land cultivated with opium was eradicated. This is equivalent of having a three to four percent chance of being caught robbing a bank! Would you rob a bank? ... many people would - it has to be credible - so we need a much bigger surface eradicated."[\[37\]](#)

## II. Opium as an Economic Development Policy

Promoting legalization and the opium trade is also a bad economic development policy. It will tie Afghanistan's future to one commodity. Legal or otherwise, this has proven disastrous in Latin America and other parts of the world. Countries that rely on one commodity - whether it is an agricultural crop or a natural resource - are dangerously vulnerable to fluctuations in the price of that commodity.

If Afghanistan is to continue to develop, it must diversify its agricultural and industrial sectors, not increase its reliance on opium poppy farming. Creating better paying jobs and a higher standard of living is the goal. The Senlis Council bizarrely promotes opium poppy as a means to boost Afghanistan's agricultural sector and as an "economic engine of rural Afghanistan".[\[38\]](#)

Opium production currently accounts for 31.6 percent of Afghanistan's total GDP (in 2006, Afghanistan's licit GDP was \$6.7 billion whereas illicit GDP was \$3.1 billion, for a total GDP of \$9.8 billion), not 60 percent of GDP as The Senlis Council claims.

The percentage is already too high and legalization is exactly the opposite of what is needed. Current efforts to provide alternative economic activities, such as high yield agricultural crops and small scale enterprises, would be significantly undermined as illegal drug production would become even easier.

## III. Conclusion

There is no simple solution, shortcut, or "silver bullet" which can address the burgeoning drug trade in Afghanistan. As has been demonstrated throughout this report, both practical and economic impediments not only argue against legalizing opium, but prove that it would be a dangerous course. What Afghanistan needs is continued economic development and a more robust campaign to eradicate opium poppy cultivation. Coupled with law enforcement, the interdiction of drugs, and the prosecution of traffickers and criminal networks, Afghanistan will be able to control the drug trade in time.

[1] The Senlis Council, Feasibility Study on Opium Licensing in Afghanistan for the Production of Morphine and Other Essential Medicines, September 2005, p. 59.

[2] Ibis, p. 25, 491, 511.

[3] Ibis, p. 560, 563.

[4] Ibis, p. 346, 663.

[5] Ibis, p. 370.

[6] The INCB is the independent and quasi-judicial monitoring body for the implementation of the United Nations international drug control conventions. It was established in 1968 in accordance with the Single Convention on Narcotic Drugs, 1961.

[7] Information provided by the U.S. Embassy New Dehli, India.

[8] UNODC, Afghanistan Opium Survey 2006: Executive Summary, October 2006, p. 1.

[9] The Senlis Council, Feasibility Study on Opium Licensing in Afghanistan for the Production of Morphine and Other Essential Medicines, September 2005, p. 560.

[10] Ibis, p. 546.

[11] Ibis, p. 563.

[12] Ibis, p. 491.

[13] UNODC, Afghanistan Opium Survey 2006: Executive Summary, October 2006, p. 1.

[14] U.S. Department of State, International Narcotics Control Strategy Report 2006 Volume 1, March 2006, p. 217.

[15] Ibis, October 2006, p. 1.

[16] The Senlis Council, Feasibility Study on Opium Licensing in Afghanistan for the Production of Morphine and Other Essential Medicines, September 2005, p. 57 - 58.

[17] Ibis, p. 97.

[18] INCB, Report of the International Narcotics Control Board for 2006, 2006, p. 11.

[19] INCB, Estimated World Requirements for 2006, 2006, p. 78.

[20] The Senlis Council employs the following formula to determine demand: (The estimated number of people suffering from cancer, HIV/AIDS, and other chronic pain according to the World Health Organization) x (The recommended dosage of morphine for these ailments) x (The recommended number of days for morphine treatment) = (World need).

[21] The Senlis Council, Feasibility Study on Opium Licensing in Afghanistan for the Production of Morphine and Other Essential Medicines, September 2005, p. 564.

[22] Ibis, p. 24.

[23] Ibis, p. 627.

[24] U.S. Department of State, International Narcotics Control Strategy Report 2006 Volume 1, March 2006, p. 217.

[25] Information provided by the U.S. Embassy New Dehli, India

[26] U.S. Department of State, International Narcotics Control Strategy Report 2006 Volume 1, March 2006, p. 217.

[27] The Senlis Council, Feasibility Study on Opium Licensing in Afghanistan for the Production of Morphine and Other Essential Medicines, September 2005, p. 695.

[28] Ibis, p. 381.

[29] Ibis, p. 703.

[30] The Commission on Narcotic Drugs (CND) is the central policy-making body within the United Nations system dealing with drug-related matters. It analyses the world drug situation and develops proposals to strengthen the international drug control system to combat the world drug problem.

[31] United Nations Commission on Narcotic Drugs, Report on the forty-ninth session (8 December 2005 and 13-17 March 2006), 2006, p. 16

[32] Ibis, p. 426 - 427.

[33] INCB, Report of the International Narcotics Control Board for 2005, March 1, 2005, p. 35.

[34] Ibis, p. 346, 663.

[35] The Senlis Council, Feasibility Study on Opium Licensing in Afghanistan for the Production of Morphine and Other Essential Medicines, September 2005, p. 370.

[36] Anne Applebaum, Ending an Opium War, The Washington Post, January 16, 2007.

[37] Interview with Antonio Maria Costa, Executive Director of UNODC, UN Office for the Coordination of Humanitarian Affairs - Integrated Regional Information Network, August 24, 2004.

[38] The Senlis Council, Feasibility Study on Opium Licensing in Afghanistan for the Production of Morphine and Other Essential Medicines, September 2005, p. 191.



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