



LINKING GOOD
SECURITY SECTOR
GOVERNANCE TO
SDG 16

DRUG POLICY, THE SECURITY SECTOR AND SUSTAINABLE DEVELOPMENT GOAL 16

About DCAF

DCAF – Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state and non-state security sector stakeholders.

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About this publication

This policy brief was developed as part of DCAF's project, 'Linking Good Security Sector Governance and SDG 16'. Sustainable Development Goal (SDG) 16 aims to develop peaceful and just societies by building strong institutions, and targets 16.6 and 16.7 focus on good governance and the accountability of public institutions. To achieve the ambitions of SDG 16, all states will need to redouble their efforts to ensure that their national security sectors are both effective and accountable and operate within a framework of democratic civilian oversight, rule of law, and respect for human rights. However, there is currently limited guidance on how security sector governance and reform (SSG/R) policies can contribute to achieving SDG 16, especially targets 16.6 and 16.7, which are crucial to stability, especially in fragile contexts. This project focuses on three different security sector oversight actors, addressing the role of parliaments, civil society, and independent oversight institutions in promoting SSG/R and SDG 16. Good practices and lessons learned are examined and discussed with the aim to provide SDG 16-specific guidance that supports states in implementing SSR in the context of the 2030 Agenda.

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Ministry of Foreign Affairs

1. INTRODUCTION

Ensuring that drug policy is coherent with the 2030 Agenda is essential to achieving the commitments made by UN member states to sustainable development. While it is evident that advancing security sector governance and reform (SSG/R) is necessary for states to achieve sustainable development goals,¹ greater attention is needed to understand the nexus between drug policy and development. Drug policy is often framed as a security issue because most controlled substances are criminalized under national and international justice regimes with the goal to end consumption for non-medical use. As a result, repressive drug policy has spillover effects on both the security and

justice sectors since these sectors are responsible for upholding and enforcing the rule of law.² The consequences of repressive policies frequently produce negative externalities, such as public distrust in institutions, that in turn harm progress on development, in particular SDG 16. This policy brief explores points of tension and harmony between drug policy and development and proposes a development-led set of recommendations to drug policy through security sector reform.

DRUG POLICY:

Drug policy refers to a policy or policies that guide the control and regulation of psychoactive substances, commonly referred to as drugs. Enforcement practices and drug policies vary from country to country. Domestic drug policy is often influenced by international drug control treaties currently in force.

All substances scheduled under the international drug control conventions³ for non-medical and non-scientific purposes are effectively banned, with prohibition being arbitrary and generally based on certain cultural and historical precedents.⁴ Consequently, morally charged perceptions about legal and illegal drugs often translate into repressive drug policies as countries are encouraged to

¹ Dursun-Ozkanca, O. 2021. *The Nexus Between Security Sector Governance/Reform and Sustainable Development Goal- 16: An Examination of Conceptual Linkages and Policy Recommendations*. London: Ubiquity Press. DOI: <https://doi.org/10.5334/bcm>. License: CC-BY-NC

² DCAF - Geneva Centre for Security Sector Governance. 2015. *The Justice Sector*. SSR Backgrounder Series (Geneva: DCAF). Available at: https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_6_The%20Justice%20Sector.pdf; DCAF - Geneva Centre for Security Sector Governance. 2015. *The Security Sector*. SSR Backgrounder Series (Geneva: DCAF). Available at: https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_3_The%20Security%20Sector.pdf

³ Five widely adopted international treaties instruct the control and regulation of the international drug policy regime. Notably: the Single Convention on Narcotic Drugs, 1961; the Convention on psychotropic substances, 1971; the UN Convention on the Law of the Sea (UNCLOS), 1982; the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988; the International Convention Against Doping in Sport, 2005.

⁴ Global Commission on Drug Policy. "Classification of psychoactive substances: When science was left behind." (2019). Available at: http://www.globalcommissionondrugs.org/wp-content/uploads/2019/06/2019Report_EN_web.pdf

criminalize the production, possession, and commercialization of prohibited substances.⁵ While drug policy is a cross-thematic issue, its consequences for the security sector are significant. In some cases, states may employ methods such as targeted policing, arbitrary detention, harsh prison sentences, extrajudicial killings, and even the death penalty to combat drug use and organized crime. This repressive approach has proved itself ineffective in reducing crime while creating unintended consequences to offenders and non-offenders alike.⁶ Alternative approaches to repressive drug policy offer a possibility to redefine the relationship between drug policy and the security sector.

The correlation of drugs, poverty, conflict, and organized crime embedded drugs as a dynamic issue influencing sustainable development goals dealing with the eradication of poverty, access to health, gender equality, peace and justice.⁷ The 2030 Agenda provides a framework for global action on multi-dimensional issues such as drug policy. Incorporating drug policy and development creates an opportunity to improve drug regulation while advancing sustainable development, as highlighted by the Special Session of the UN General Assembly on the World Drug Problem (2016).⁸ SDG 16 recognizes that weak and dysfunctional security and justice institutions perpetuate conflict, injustice, and human rights violations that affect all.⁹

SUSTAINABLE DEVELOPMENT GOAL 16:

Goal 16 promotes peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels. It highlights that strong institutions are those which are built on respect for human rights, effective rule of law, and good governance.

⁵ Some 250 substances are listed in the Schedules annexed to the United Nations Single Convention on Narcotic Drugs (New York, 1961), the Convention on Psychotropic Substances (Vienna, 1971) and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (introducing control on precursors) (Vienna, 1988). The purpose of this listing is to control and limit the use of these drugs according to a classification of their therapeutic value, risk of abuse and health dangers, and to minimize the diversion of precursor chemicals to illegal drug manufacturers.

⁶ Smit, Dirk Van Zyl. *Handbook of basic principles and promising practices on alternatives to imprisonment*. United Nations Publications, 2007. Available at: https://www.unodc.org/pdf/criminal_justice/Handbook_of_Basic_Principles_and_Promising_Practices_on_Alternatives_to_Impersonment.pdf

⁷ Sustainable Development Goal 1 seeks to end poverty in all its forms everywhere; Sustainable Development Goal 3 seeks to ensure healthy lives and promote well-being for all at all ages; Sustainable Development Goal 5 seeks to achieve gender equality and empower all women and girls; Sustainable Development Goal 16 seeks to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels

⁸ Available at: <https://www.unodc.org/ungass2016/index.html>

Mitigating the negative effects of repressive drug policies on security is necessary to achieve targets on peace and justice. Accordingly, by utilizing SDG 16's targets to advance progressive drug policy reform, states may encourage sustainable development practice.

2. BETWEEN TENSION & HARMONY

a) "UNINTENDED" CONSEQUENCES OF DRUG PROHIBITION

To evaluate and improve drug policy, it is important to understand the effects the current drug control regime has on society. Policies risk producing unintended consequences, which vary substantially from country to country depending on national drug legislation and its implementation. Unintended consequences affecting drug offenders include stigmatization, social exclusion, the negative effects of imprisonment, and reduced educational and labor market opportunities; non-participants¹⁰ suffer from limited access to controlled substances that are often used to produce essential medicines.¹¹ Further, unintended societal consequences may include mass incarceration and prison overcrowding,¹² factors linked to the emergence of organized crime and human trafficking.¹³ Repressive drug control policy is also likely to reduce public safety because of the violence and insecurity created by confrontations between law enforcement and drug offenders.¹⁴ Some drug-producing countries like Mexico and Colombia have experienced extreme violence and thousands of deaths by adopting this repressive (and increasingly militarized) approach. In addition, the implementation of repressive drug policy is likely to produce discrimination against marginalized groups, such as observed with the disproportionate targeting of certain populations by the implementation of 'stop & frisk' policies in the United States and Brazil's Anti-Drug Act (Lei de Drogas).¹⁵ As a result, repressive drug policy is harmful because these unintended

⁹ DCAF – Geneva Centre for Security Sector Governance. 2021. Sustainable Development Goal 16: The importance of good security sector governance for the achievement of the 2030 Agenda. SSR Backgrounder Series (Geneva: DCAF). Available at: https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_21_SustainableDevelopment_0.pdf

¹⁰ Non-participant refers to members of society that do not commit drug offenses and/or do not participate in the drug market.

¹¹ This reality further emphasizes the link between drug policy and SDG 3, on ensuring access to health for all. For more information see: Tinasti, Khalid, Julia Buxton, and Mary Chinery-Hesse. "Are Barriers to Sustainable Development Endogenous to Drug Control Policies?." In *Drug Policies and Development*, pp. 3-10. Brill Nijhoff, 2020.

¹² The impact of the incarceration of women for drug-related offenses should be especially noted, because of the poverty cycle that their imprisonment can create, especially when they are caregivers. For more information see: Uprimny, Rodrigo, Margarita Martínez, Of Dejusticia, Luis Felipe Cruz Olivera, Sergio Chaparro Hernández, and Nina Chaparro González. *Women, Drug Policies and Incarceration: A Guide for Policy Reform in Colombia*. DeJusticia, 2019. Available at: <https://www.oas.org/en/cim/docs/womendrugsincarceration-en.pdf>

¹³ Tinasti, Khalid, Julia Buxton, and Mary Chinery-Hesse. "Are Barriers to Sustainable Development Endogenous to Drug Control Policies?." In *Drug Policies and Development*, pp. 3-10. Brill Nijhoff, 2020.

¹⁴ *Ibid.*

¹⁵ Prison Policy Initiative. 2017. What "Stop-and-Frisk" Really Means: Discrimination & Use of Force. Available at: <https://www.prisonpolicy.org/reports/stopandfrisk.html>; Alexander, Michelle. "The

consequences create mistrust in government institutions, especially in the security and justice sectors. This has significant implications for the implementation of the 2030 Agenda, and in particular to the achievement of SDG 16 and its aim to create strong and inclusive institutions.

b) POINTS OF TENSION: HOW DOES REPRESSIVE DRUG POLICY HARM DEVELOPMENT IN THE CONTEXT OF SDG 16?

Harm produced by criminalization and a repressive approach to drug policy is often in direct conflict with SDG 16 targets. Nonetheless, these points of tension offer an opening to put development at the forefront of drug policy and security sector reform, making drug policies less repressive and mitigating unintended consequences of this approach.

- **(16.1) Reducing all forms of violence** – efforts to tackle drug trafficking and production through repressive policy and the militarization of law enforcement have produced human rights violations in many countries. For instance, since 2016, there have been an estimated 27,000 extra-judicial killings in the Philippines related to its “war on drugs”.¹⁶
- **(16.3) Equal access to justice** – the implementation of repressive drug policies has important reflections on the criminal justice system. In many countries, drug laws actively promote inequalities in the justice system. In Brazil, in 74% of drug trafficking convictions, magistrates rely solely on the police officers’ statements to imprison suspects.¹⁷ In addition, in 2018, 1424 inmates died in Brazil’s overcrowded prisons, many still awaiting trial, further burdening the justice sector.¹⁸ Indicator 16.3.2 is explicitly concerned with measuring unsentenced detainees as a proportion of overall prison population.
- **(16.4) Reducing illicit markets and arms flows** - the UN World Drug Report 2018 emphasized that the production of opium and cocaine are ‘at the highest levels ever recorded’¹⁹ highlighting that the inherently repressive and militarized approach of the ‘war on drugs’ has not been successful in reducing organized

new jim crow." *Ohio St. J. Crim. L.* 9 (2011): 7; Boiteux, Luciana. "Drugs and prisons: the repression of drugs and the increase of the Brazilian penitentiary population." *Systems overload-drug laws and prisons in Latin America. Amsterdam/Washington: Transnational Institute/Washington Office Latin America* (2011): 30-8.

¹⁶ International Drug Policy Consortium. "Taking stock: a decade of drug policy." (2018). Available at: https://apo.org.au/sites/default/files/resource-files/2018-10/apo-nid199556_1.pdf

¹⁷ Sergio Rodas. Consultor Jurídico. 74% das prisões por tráfico têm apenas policiais como testemunhas do caso. 2017. Available at: <https://www.conjur.com.br/2017-fev-17/74-prisoas-traffic- apenas-policiais-testemunhas>

¹⁸ Fernando Martinez. Consultor Jurídico. Brasil tem superlotação carcerária de 166% e 1,5 mil mortes em presídios. 2019. Available at: <https://www.conjur.com.br/2019-ago-22/brasil-lotacao-carceraria-166-15-mil-mortes-presidios>

¹⁹ UN World Drug Report 2018. Available at: https://www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_1_EXSUM.pdf

crime. According to the latest estimates, the global value of the illicit drug market could be between US\$300 and US\$600 billion a year.²⁰

- **(16.10) Protecting fundamental freedoms** – the UN Working Group on Arbitrary Detention found that people who use drugs are particularly at risk of arbitrary detention.²¹ Some states reportedly provide for automatic pretrial detention for persons arrested for drug use without examining the circumstances of each individual case, violating fundamental freedoms and contributing to prison overcrowding. In the context of the Americas, the Inter-American Commission on Human Rights has declared this practice to be incompatible with human rights.²²
- **(16.b) Promoting and enforcing non-discriminatory laws and policies** – poor, marginalized, and racialized communities are often targets of repressive drug policies in many countries. For example, in the United States, black people suffer much more than any other racial or ethnic group by the implementation of these policies.²³ A 2015 ACLU study of four cities in New Jersey found that black people were 2.6 to 9.6 times more likely to be arrested than white people for low-level offenses, although there's no evidence of significantly higher drug use or other criminal activity.²⁴

c) POINTS OF HARMONY – HOW CAN DRUG POLICY ASSIST SUSTAINABLE DEVELOPMENT?

By treating drug trafficking, production, and consumption as primarily a matter of law enforcement, stakeholders miss the opportunity to see drug policy from the perspective of a development issue. Approaches to reform drug policy and promote alternatives to a repressive approach have yielded good practices in different national and local contexts. A 2019 UNDP report highlights some of these alternative approaches that explore drug policy through a development.²⁵

²⁰ Christian Aid. "Peace, Illicit Drugs and the SDGs." *A Development Gap* (2019). Available at:

https://www.christianaid.org.uk/sites/default/files/2019-07/Peace%2C%20illicit%20drugs%20and%20the%20SDGs%20-%20a%20development%20gap_1.pdf

²¹ General Assembly. "Report of the Working Group on Arbitrary Detention." New York: United Nations (2015).. 111-119 Available at: <https://digitallibrary.un.org/record/484547?ln=en>

²² Submission of Centro de Estudios Legales y Sociales, Conectas Human Rights and Corporacion Humanas, p. 4, and Inter-American Commission on Human Rights, *Report on the Use of Pretrial Detention in the Americas* (2013).

²³ Floyd, L. J., Alexandre, P. K., Hedden, S. L., Lawson, A. L., Latimer, W. W., & Giles, N. (2010). Adolescent drug dealing and race/ethnicity: a population-based study of the differential impact of substance use on involvement in drug trade. *The American journal of drug and alcohol abuse*, 36(2), 87–91. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2871399/>

²⁴ American Civil Liberties Union of New Jersey. 2015. Selective Policing: Racially Disparate Enforcement of Low-Level Offenses in New Jersey. Available at: https://www.aclu-nj.org/files/7214/5070/6701/2015_12_21_aclunj_select_enf.pdf

²⁵ United Nations Development Programme. Development Dimensions of Drug Policy 2019. Available at: <https://www.undp.org/publications/development-dimensions-drug-policy>

- **Drug Crop Cultivation & Rural Development:** Alternatives to eradication and criminalization of illicit crops has potential to incentivize rural development, particularly for communities affected by or at risk of illicit cultivation of drug crops. In Bolivia, an innovative ‘coca yes, cocaine no’ policy²⁶ formalized a cooperative cultivation program initiated in 2004, which permits registered farmers in certain established areas to grow coca over a limited amount of land for the legal market (linked with targets 16.4 and 16.10). In 2008, Bolivia designed a community coca control program recognizing coca cultivation as a legitimate source of income that includes a database to monitor transport and sales and to identify diversion to the illicit market²⁷ (linked with target 16.4 and SDG 1 on ending poverty). The program has also played an important role in improving the livelihoods of women coca growers. In 2016, 48% of land titles in one region of Bolivia were held by women²⁸ (linked with SDG 5 on gender equality).
- **Decriminalization & Promoting Inclusion:** Despite promoting a prohibitionist regime in regard to illicit substances, international drug control conventions provide enough flexibility to allow countries to remove criminal penalties for drug possession for personal use. At least 26 national governments, three states in Australia and 21 jurisdictions in the United States have adopted this approach.²⁹ Efforts towards decriminalization and legalization often highlight that prohibiting personal use infringes on individuals’ fundamental rights, such as the right to health which highlights individuals’ entitlement to access essential medicines (linked to target 16.10 and SDG 3 on good health and well-being).

In many countries, people from historically marginalized communities have been disproportionately affected by police brutality, high rates of arrest, and incarceration for drug-related crimes, which has long-term effects on these communities. In Massachusetts, its marijuana legalization law attempts to promote equity and advance development for communities disproportionately affected by repressive drug policy.³⁰ The law requires its State Cannabis Commission to adopt policies and procedures to promote inclusion in the marijuana industry of people from communities harmed³¹ (linked with targets 16.3, 16.10, 16.b). In Colombia, legislation on the medicinal use of cannabis requires 10% of all raw material for production to be purchased from registered small-scale farmers.³²

²⁶ Plurinational State of Bolivia, Ley No. 906 de 2017 (Ley General de la Coca), art. 16(v).

²⁷ United Nations Development Programme. Development Dimensions of Drug Policy 2019. Available at: <https://www.undp.org/publications/development-dimensions-drug-policy>

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ United States, Massachusetts General Laws 94G, Regulation of the Use and Distribution of Marijuana not Medically Prescribed.

³¹ Massachusetts Cannabis Control Commission, ‘Guidance for Equity Provisions’. 2018. Available at: https://mass-cannabis-control.com/wp-content/uploads/2018/04/FINAL_Social-Provisions-Guidance-Short.pdf.

³² United Nations Development Programme. Development Dimensions of Drug Policy 2019. Available at: <https://www.undp.org/publications/development-dimensions-drug-policy>

- **Reducing Prison Sentences for Drug Related Offenses:** Reducing prison sentences for drug related offenses is essential to lessening prison overcrowding and arbitrary detention (linked with targets 16.3, 16.10, and 16.b). Countries such as Argentina, Colombia, Mexico, Paraguay and Venezuela, have enacted legislative or policy reforms to reduce incarceration and harmful consequences of incarceration on women, taking into account women’s age, socioeconomic status, responsibilities, and pregnancy³³ (linked with SDG 5 on gender equality).

Costa Rica has gone further and introduced reforms to reduce its female prison population. Legislation passed in 2017 permits the elimination of criminal records based on the nature of the offense, the length of the sentence, and if the person was in a ‘situation of vulnerability’ when the offence was committed. Originally it was proposed for women deprived of liberty, but it was later expanded to include men.³⁴ Moreover, a policy reform introduced in 2019 allows for sentence reductions for women in situations of vulnerability as a result of poverty, caretaking responsibilities, disability, or gender-based violence, where such vulnerability influenced the committing an offense.³⁵

3. RECOMMENDATIONS

- Use SDG 16 and its targets as a framework to reform the security sector and improve drug policy
- Mitigate harms associated with the unintended negative effects of prohibition through a development focused approach, abandoning the ‘War on Drugs’
- Recognize alternatives to eradication and criminalization of drug crop cultivation as an approach for rural development
- Decriminalize the personal use of drugs in accordance with individuals’ fundamental rights
- Promote equity and inclusion of historically marginalized communities who have been disproportionately affected by repressive drug policy
- Reduce prison sentences and promote alternatives to imprisonment for drug-related offences to alleviate prison overcrowding and prevent arbitrary detention
- Advance gender-based approaches to drug policy given women’s disproportionate imprisonment due to drug-related offences
- Follow the international guidelines on human rights and drug policy issued by the UN Office of the High Commissioner of Human Rights.³⁶

³³ See, for example: Mexico, Ley Nacional de Ejecución Penal (decreto) (published in 2016 and entered into force in all states in 2018); Argentina, Código Procesal Penal Federal, art. 330; Paraguay, Código Procesal Penal, art. 238; Paraguay, Código Penal, art. 43; Colombia, Código de Procedimiento Penal, art. 314; Venezuela, Código Orgánico Procesal Penal, art. 245.

³⁴ Washington Office on Latin America, International Drug Policy Consortium, De justiciar and Inter-American Commission of Women, *Innovative Approaches to Drug Policy and Incarceration: Eliminating Barriers to Re-entry: Criminal Record Reform in Costa Rica* (2017).

³⁵ United Nations Development Programme. Development Dimensions of Drug Policy 2019. Available at: <https://www.undp.org/publications/development-dimensions-drug-policy>

³⁶ Available at: https://humanrights-drugpolicy.org/site/assets/files/1640/hrdp_guidelines_2020_english.pdf

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