Mixed Migration Centre

The new 'public enemy number one'

Comparing and contrasting the war on drugs and the emerging war on migrant smugglers

Summary of main report

MMC Research Report, February 2019

Front cover photo credit (upper image):
JB Russell / Panos. El Chapare, BOLIVIA (1996)

UMOPAR (anti-narcotics police) on an aerial patrol. El Chapare, in Bolivia's central lowlands, is the country's principal coca producing region and at the heart of the war on drugs.

Front cover photo credit (lower image):
Carlos Spottorno / Panos. Between Sicily and Libya, Mediterranean Sea (2017)

In a final act, after rescuing its occupants, Spanish marines set fire to the flimsy craft that was carrying the migrants across the Mediterranean Sea. It is not clear if destruction of vessels has any impact on the migrant smuggling trade.

Acknowledgements

Researched and written by: Christopher Horwood

Additional research and editing: Anthony Morland

Coordination: Christopher Horwood

Reviewed by: Roberto Forin and Bram Frouws

Layout and design: Simon Pegler

Suggested citation: Horwood, C. (2019) The new 'public enemy number one'- comparing and contrasting the war on drugs and the emerging war on migrant smugglers. Summary of main report. Mixed Migration Centre. Available at: http://www.mixedmigration.org/

The Mixed Migration Centre (MMC) is a global network consisting of six regional hubs (Asia, East Africa, Europe, Middle East, North Africa & West Africa) and a central unit in Geneva. The MMC is a leading source for independent and high-quality data, research, analysis and expertise on mixed migration. The MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based protection responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. The MMC's overarching focus is on human rights and protection for all people on the move.

The MMC is part of, and governed by the Danish Refugee Council (DRC). While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector. The position of the MMC does not necessarily reflect the position of DRC.

For more information on MMC visit our website: www.mixedmigration.org

About this summary report

The introduction, section 1 (setting the scene) and the conclusion are identical to the main report. Sections 2 and 3 are adjusted, much shortened versions of the main report. The main report also includes a section 4 that is not included in this summary report, presenting an up-to-date and extended overview of contemporary policies and processes directly relevant to the war on drugs and especially concerning efforts to prevent migrant smuggling. In particular, the section focuses on the European Union's responses to migrant smuggling including the EU-Turkey 'deal', the Mediterranean responses, the Khartoum Process and other initiatives including recent 'externalisation' or outsourcing policies, the Bali Process in Asia, the UN Security Council recent actions, Australian 'exceptionalism', the efforts of the United States and a final section on the recently adopted Global Compact for Safe, Orderly and Regular Migration. It also includes a brief discussion on regularisation and 'legalising' of irregular movement.

The bibliography only lists the sources used in this summary report; a full bibliography is included in the main report. For the full report, visit: www.mixedmigration.org

Mixed Migration Centre

Photo credit: Teun Voeten / Panos.
Mexico City, MEXICO (2009)

A mural depicts the war on drugs in a museum at the headquarters of the Mexican Army. The museum is not open to the public but instead acts as an educational tool for the army and its soldiers. In the last decade the drugs war in Mexico has been stepped up as drug-related deaths and the power of drug traffickers and cartels has intensified.

Contents

Introduction

Just as the world's governments have, for some decades, waged war on international drug trafficking, there are increasing signals that global authorities have embarked on a major offensive against the growing phenomenon of migrant smuggling in addition to their existing fight against human trafficking.[1]

One of the most unambiguous of these signals came in April 2015, when Dimitris Avramopoulos, the European Union's top official for migration,[2] told a news conference: "we will take action now. Europe is declaring war on [migrant] smugglers. Europe is united in this effort. We will do this together with our partners outside Europe. We will work together because smuggling is not a European problem — it is a global one."[3]

Largely because of its clandestine nature, there is insufficient data available to gauge the global extent of migrant smuggling. Still, existing research offers some hints: according to one recent estimate, some 2.5 million migrants across the world used smugglers in 2016, generating an economic return of at least $5.5 billion dollars.[4] 'Since the migration crisis in 2015 the migrant smuggling business has established itself as a large, lucrative and sophisticated criminal market.'[5]

This report, like others before it, argues that the main motivation behind the new offensive against migrant smugglers is not only the much-vaunted concern for the safety and protection of migrants and refugees[6] (Avramopoulos prefaced his declaration with the words 'one more life lost [at sea] is one too many') but also the fact that migrant smugglers are the main vector and means for irregular migration. Rightly or wrongly, irregular migration is portrayed, even if disingenuously, by governments and many electorates as undesirable from a socio-political, security and economic perspective, and as a potential cause of future social unrest and political disruption.

As evidenced by numerous recent elections – such as the US congressional midterms, the Italian general election and Hungarian parliamentary polls in 2018, and the UK Brexit referendum in 2016 – migration is top of the political agenda in many countries of the global North, especially OECD countries, as well as in several countries in Asia and Latin America and in South Africa.

There are those who seek to apply the experience of the war on drugs to the emerging war on migrant smugglers to warn that such a confrontation carries high costs, low chances of success and would likely lead to an escalation of violence against the migrants themselves.[7] Such arguments suggest we should learn from the war on drugs' failures, and design different policy and criminal justice responses to irregular migration and human smugglers so as not to repeat past and ongoing failures.

This discussion paper examines this hypothesis; that the war on drugs is analogous to the war on migrant smuggling and that the lessons derived from the war on drugs are applicable to current policy makers around migration. Using a compare-and-contrast analysis it looks at the intrinsic aspects of the commodities themselves (substances vs migrants), the dynamics and modalities of the respective illicit economies, the lessons learnt from the war on drugs, the policy environment and implications of using alternative approaches, namely 'legalising' drugs and/or new approaches, inter alia, towards decriminalizing irregular migration.

1 Migrant smuggling and human trafficking, despite being legally distinct activities are often conflated and linked in policy. A key criterion of smuggling, for example, is a migrant's consent, at least at the outset of his/her journey. For a succinct summary of the distinctions see: *US Department of State (2017) Human Trafficking & Migrant Smuggling: Understanding the Difference*. https://www.state.gov/j/tip/rls/fs/2017/272005.htm See also: *Human Rights Watch (2015) Smuggling and Trafficking Human Beings -Questions and Answers*. https://www.hrw.org/news/2015/07/07/smuggling-and-trafficking-human-beings

2 Avramopoulos is the European commissioner for migration, home affairs and citizenship.

3 Quoted in: Donaldson, M. & Surana, K. (2015) *EU plan to target Libyan smugglers too little, too late, experts say*. Al Jazeera America http://america.aljazeera.com/articles/2015/5/3/eu-plan-to-target-libyan-smugglers-too-little-too-late.html

4 UNODC (2018a) *Global Study on Smuggling of Migrants 2018*. https://www.unodc.org/documents/data-and-analysis/glosom/GLO-SOM_2018_web_small.pdf

5 Europol (2018) *Two years of EMSC – Activity report Jan. 2017-Jan. 2018*. https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017 .

6 For ease of reading and to avoid repetition, throughout this paper the term migrants refers to people on the move in mixed flows, including refugees, asylum seekers and other migrants (often economic) who characterize the modern phenomenon of mixed migration.

7 Tinti, P. & Reitano, T. (2016) *Migrant, Refugee, Smuggler, Saviour*. Hurst Publishers (London)

Section 1: Setting the scene

The war on drugs: a brief history

Following the criminalisation of certain psychoactive substances, predominantly consumed for non-medical use, an escalating global combat against drugs has been fought on both the demand and the supply fronts. While the criminalization began just over a century ago, what has been widely billed as the 'war on drugs' – a war implicitly declared in 1971 when president Richard Nixon described drug abuse in the United States as 'public enemy number one'[1] – has been raging (behind the scenes for most people, but for the less fortunate very much in their midst) for at least five decades.

The production, transfer, trade, possession, distribution and use of approximately 450 named substances[2] is prohibited and subject to long-standing national and international legislation.[3] Hundreds of law enforcement agencies with tens of thousands of staff globally spend large amounts of resources costing billions of dollars annually to intercept and interdict drugs, their producers, trafficking networks and users. Numerous dedicated security and police units are permanently engaged in levels of militarised operations against drug traffickers, not dissimilar to civil conflict. Where foreign forces and finance combine with national efforts to fight traffickers the operations resemble an international asymmetrical battlefront, employing the full armoury of latest modern weaponry (on land, air and sea), and producing high numbers of casualties among both civilian populations and heavily-armed 'combatants' serving in the 'armies' of various drug lords.

Political complexity

In some places, such as Afghanistan, and, until FARC rebels entered into a peace process in late 2016, Colombia, anti-government insurgency and ideologically-based terrorism combines with trafficking, adding a politicised complexity to law enforcement operations. Meanwhile, the highly lucrative economy around the trade has led to entrenched corruption, frustrating effective action to curtail the growing black economy.

As one recent history of this 'war on drugs' notes, the first landmark legislation against specific narcotic substances was introduced in the US just as World War One began. While that conflict lasted just four years, the war on drugs is still raging to this day. It is a war with scant evidence of success as the world's illicit drugs trade and consumer appetite and demand continues to increase in scale and scope.[4]

> *"Both the range of drugs and drug markets are expanding and diversifying as never before (...) We are facing a potential supply-driven expansion of drug markets, with production of opium and manufacture of cocaine at the highest levels ever recorded."*[5]

Booming business

According to data published in 2013 by the United Nations Office on Drugs and Crime (UNODC) and the EU's law-enforcement agency, Europol, the annual global drugs trade is worth around $435 billion a year, with the annual cocaine trade worth $84 billion alone.[6] In 2017, a report by Global Finance Integrity, a US-based nonprofit research organisation, estimated the value of the global trafficking market of cannabis (excluding synthetic cannabinoids), cocaine, opiates and amphetamine-type stimulants at between $426 billion and $652 billion.[7] Recent national estimates indicate that consumption of banned substances, be it by only occasional or more regular users, has risen; in many countries access to recreational illicit substances is now ubiquitous. In Europe the 2016 drugs market was reported to be 'resilient' and conservatively estimated to be worth €24.3 billion in 2013, with new stimulants, cannabis and heroine

1 At the same news conference Nixon announced major funding for 'a new all-out offensive' See video at: https://www.youtube.com/watch?v=y8TGLLQID9M
2 UNODC (2017) *World Drugs Report 2017*. https://www.unodc.org/wdr2017/index.html
3 Consolidating two earlier UN conventions adopted in 1961 and 1971, the UN Convention Against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances of 1988 came into force in 1990. Some 190 countries are party to this key international instrument.
4 Hari, J. (2015) *Chasing the Scream: The First and Last Days of the War on Drugs*. Bloomsbury (London & New York)
5 UNODC (2018b) *World Drugs Report 2018 - Drug demand and supply*. https://www.unodc.org/wdr2018/en/drug-demand-and-supply.html
6 Ellyatt, H. (2015) *Global drugs trade 'as strong as ever' as fight fails*. CNBC. https://www.cnbc.com/id/100957882
7 May, C. (2017) *Transnational Crime and the Developing World - Global Financial Integrity*. https://www.gfintegrity.org/report/transnational-crime-and-the-developing-world/. This report stressed that the covert nature of illicit drugs operations and transactions greater hamper accurate calculations of the sector's worth.

'trending upward'.[8] More recent data from emerging global economies such as Brazil,[9] China,[10] Argentina,[11] and India,[12] and developing countries in Africa[13] and Asia,[14] suggest illegal drugs have never been used by so many people or been so available, while the United States remains the highest illicit drug-using nation.

In 2009, decrying the failure to restrict the illicit production, trade and use of drugs in the previous decade, United Nations Member States adopted the *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*.[15] This declaration established 2019 as a target date for states to eliminate or reduce significantly and measurably the 'drugs problem'. In 2018, the International Drug Policy Consortium (IDPC) produced a 'Shadow Report' showing that far from eliminating or significantly reducing the problem, the scale of drug cultivation, production, trafficking and use has increased exponentially over the past decade, and the negative impacts on human rights have been severe.[16]

The resilience – and indeed predicted growth[17] – of the global market exists despite the vast number of people across the world who are prosecuted and jailed for drug offences (production, trafficking, possession, sale, use etc.) and despite the billions of dollars spent each year in efforts to enforce anti-drug legislation.

Global impact

It has been argued that "the war on drugs amounts to a transfer of the economic, political, social and environmental costs of prohibition from rich consumer countries to poorer producer and transit countries in return for a few dollars in aid."[18] The impact of the drug trade on global and national economies, civil security, democracy and sustainable global development is well-documented in cautionary and increasingly alarming analysis.[19]

> *"Drug trafficking has a destabilizing effect on all countries involved, regardless of whether they are a source, processing, transit, and/or market country. The burden placed by violence, public health threats, and economic distortions threatens the ability of developing countries to devote meaningful resources to domestic resource mobilization."*[20]

The most egregious examples of continual socio-political disruption and violence, in Mexico, Columbia, Central American states and, since 2016, the Philippines, grab news headlines but elsewhere the presence of narco-profits steadily erodes state and social institutions through corruption and money laundering and the reinforcement of non-democratic, non-state forces. Evidently the war on drugs has failed – and is still failing – to curtail supply or demand or the violence associated with the trade (for more details, see Section 4), even if the numbers of those incarcerated and the quantity of drugs intercepted and destroyed rises annually – which may be considered by some to be sufficient success. These have been the conclusions of numerous public announcements and studies since the 1980s, despite national authorities

8 European Monitoring Centre for Drugs and Drug Addiction (2016) *European Drug Report 2016: Trends and Developments*. http://www.emcdda.europa.eu/system/files/publications/2637/TDAT16001ENN.pdf
9 Miraglia, P. (2016) *Drugs and Drug Trafficking in Brazil: Trends and Policies*. Foreign Policy at Brookings - Center for 21st Century Security and Intelligence Latin America Initiative. https://www.brookings.edu/wp-content/uploads/2016/07/Miraglia-Brazil-final.pdf
10 Zhang, S. & Chin, K. (2016) *A People's War: China's Struggle to Contain its Illicit Drug Problem*. Foreign Policy at Brookings - Center for 21st Century Security and Intelligence Latin America Initiative. https://www.brookings.edu/wp-content/uploads/2016/07/A-Peoples-War-final.pdf
11 Daugherty, A. (2015) *Argentina Feeling Impact of Domestic Drug Abuse*. InSight Crime. http://www.insightcrime.org/news-briefs/argentina-feeling-impact-of-domestic-drug-abuse
12 Mallapur, C. (2015) *India's Soaring Drug Problem: 455% Rise in Seizures* IndiaSpend. http://www.indiaspend.com/cover-story/indias-soaring-drug-problem-455-rise-in-seizures-26787
13 Ndinda, L. (2013) *Illegal drug use on the rise in Africa*. DW. https://www.dw.com/en/illegal-drug-use-on-the-rise-in-africa/a-16614023
14 Balasegaram, M. (2016) *Some Asian countries are dropping punitive approaches in favor of a health-centered approach*. The Diplomat. http://thediplomat.com/2016/05/asias-war-on-drugs/
15 UNODC (2009) *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*. https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_52/Political-Declaration2009_V0984963_E.pdf
16 IDPC (2018) *Taking Stock: A Decade Of Drug Policy*. A Civil Society Shadow Report. http://fileserver.idpc.net/library/Shadow_Report_FINAL_ENGLISH.pdf
17 Travis, A. (2012) *Global illicit drug users to rise 25% by 2050, says UN*. The Guardian. https://www.theguardian.com/society/2012/jun/26/global-drug-users-rise-un
18 Gathara, P. (2017) *Ridiculous Sums of Money: Why the War of Drugs Has Failed*. The Elephant. https://www.theelephant.info/features/2017/04/06/ridiculous-sums-of-money-why-the-war-on-drugs-has-failed/
19 LSE Ideas (eds) (2014) *Ending the Drug Wars: Report of the LSE Expert Group on the Economics of Drug Policy*. http://www.lse.ac.uk/ideas/Assets/Documents/reports/LSE-IDEAS-Ending-the-Drug-Wars.pdf
20 May, C. op. cit.

(and their electorates) doggedly adhering to policies that manifestly do not achieve their desired objectives.[21]

The damning IDPC report of late 2018 was prepared in advance of the international community's next Ministerial Segment at the Commission on Narcotic Drugs in March 2019 where they will decide upon a common strategy for the next ten years. However, as the foreword of the IDCP report asks, "But how can we plan the future without a serious and far-ranging assessment of the past's errors and successes?"[22]

The war on migrant smuggling: early days

The global war against migrant smuggling is not easily distinguished from efforts to combat human trafficking because of the pervasive, but often erroneous practice of conflating two activities which have, under international normative law, been separately defined since 2002 in landmark instruments known as the Palermo Protocols.[23]

While efforts to prevent both migrant smuggling and human trafficking predate these protocols, they have been intensified over last two decades, and especially the last two or three years, with a greater and more concerted emphasis on criminalisation and criminal justice interventions.

Heightened focus

While human trafficking continues to be a practice of great concern, with some reports suggesting the resultant 'human slavery' is more globally prevalent than ever,[24] migrant smuggling is gaining more attention and attracting specific legislation[25], policy[26] and operational focus in so far that it is linked to the increased and contentious irregular international movement of economic migrants, asylum seekers and refugees.

> *"Every year, thousands of migrants and refugees, desperately seeking to escape violence, conflict and dire economic straits, die on perilous journeys by land, sea or air, often at the hands of criminal smugglers. Concerted, comprehensive action to counter this crime and protect people is needed.*[27]"

In the current context, where human displacement is at its highest recorded level,[28] and with indicators suggesting that present trends are only likely to intensify in an increasingly globalised, connected and networked world, some have described this as the 'Age of Migration.'[29] At the same time, with significant demographic growth and regional demographic and displacement imbalance, the space for legal/regular migration and asylum appears to be shrinking, causing those who feel compelled to move to turn to human smugglers to achieve their objectives. The rise in migrant smuggling is therefore intrinsically associated with multiple drivers[30] but in particular it is a response to sustained and growing demand for mobility in a context of restrictive policies designed to prevent or limit mobility.

While the global development of anti-human trafficking legislation and interdiction efforts has been increasing steadily since the Palermo Protocols of 2002, the focus on combatting migrant smuggling is relatively new and is, arguably, more controversial[31] due to its close association with national and regional migration and refugee politics.[32] The electorates and policy makers of many states are expressing a diminishing appetite for

21 Inter alia and one of the earliest: Reuter, P., Crawford, G. & Cave, J. (1986) *Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction*. Rand Corporation. https://www.rand.org/content/dam/rand/pubs/reports/2007/R3594.pdf. This prescient US Defense Department-funded report found that the use of the armed forces to interdict drugs coming into the United States would have little or no effect on cocaine traffic and might raise the profits of cocaine cartels and manufacturers.

22 IDPC (2018) op.cit.

23 The Protocol against the Smuggling of Migrants by Land, Sea and Air (which supplements the United Nations Convention against Transnational Organized Crime) defines migrant smuggling as "...the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national."

24 The Global Slavery Index estimates there are 45.8 million people enslaved in the world today. https://www.globalslaveryindex.org/

25 A few recent examples include: Pakistan in 2018 (https://www.unodc.org/pakistan/en/trafficking-in-persons-and-smuggling-of-migrants-laws-2018.html); Egypt in 2016 (https://www.iom.int/news/egypt-passes-new-anti-human-smuggling-law) and Niger in 2015 (https://www.reuters.com/article/us-europe-migrants-niger/niger-passes-law-to-tackle-migrant-smuggling-first-in-west-africa-idUSKBN-0NX1M020150512).

26 For instance: European Commission (2015) *EU Action Plan against migrant smuggling (2015-2020)*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf

27 UNODC (2018a) op. cit.

28 UNHCR's annual Global Trends report says an unprecedented 68.5 million people had been uprooted from their homes by conflict and persecution at the end of 2017. The previous year also marked a record high. https://www.unhcr.org/5b27be547.pdf

29 Castles, S., de Haas, H. and Miller, M. (2014) *The Age of Migration: International Population Movements in the Modern World (5th ed.)* Palgrave Macmillan Ltd. (London)

30 For an in-depth analysis, see the Drivers revisited chapter of: Horwood, C., Forin, R. & Frouws, B. (Eds.). (2018). *Mixed Migration Review 2018*. Highlights. Interviews. Essays. Data. Mixed Migration Centre. http://www.mixedmigration.org/resource/mixed-migration-review-2018/

31 See, for example: Olakpe, O. (2015) *The Compatibility of the Protocol against the Smuggling of Migrants by Air, Land and Sea with International Human Rights Law*. Paper presented at the 16th Annual Student Human Rights Conference Migration and Human Rights: Perception v Reality March 7, 2015. https://www.nottingham.ac.uk/hrlc/documents/student-conference-2015/oreva-olakpe-smuggling-protocol-compatibility.pdf

32 Albahari, M. (2015) *Fatal Distractions: Mediterranean Migrations and the War on migrant smuggling*. CritCom. http://councilforeuropean-studies.org/critcom/fatal-distractions-mediterranean-migrations-and-the-war-on-human-smuggling/

migrants and refugees irrespective of factual realities around labour demand (in destination countries) or manageable numbers in the flows (as a proportion of destination countries population).

Convenient scapegoats?

Various commentators have identified these and other factors as the central reasons why lawmakers and politicians, in their efforts to identify a target for their disapproval, are now focusing on human smugglers.[33] The number of severe human rights violations and fatalities affecting irregular migrants and refugees while under the aegis of smugglers adds to the general opprobrium and the developing narrative that casts the smugglers as widely responsible for deaths and violations and who must therefore be punished and put out of business.

The following table summarises the last part of Section 1 (setting the scene) of the full report. It offers a comparison between drug trafficking and migrant smuggling on a number of key characteristics, before the next section offers more in-depth comparison between the two phenomena.

33 See, for example: Kyritsis, P. (2016) . Medium/The Establishment. https://medium.com/the-establishment/smugglers-arent-the-real-problem-in-the-refugee-crisis-54a39e2d7e9e; Watkins, K. (2015) The EU's phoney war on people smugglers is costing the lives of desperate migrants. The Independent. https://www.independent.co.uk/voices/the-eu-s-phoney-war-on-people-smugglers-is-costing-the-lives-of-desperate-migrants-10476649.html

Summary of key characteristics

Characteristics	Illicit drugs	Migrant smuggling
Essential identity	Illicit drugs are in general high value commodities, small in size and low in weight with almost limitless storage and concealment potential.	Humans as commodities - once smugglers and others have control of them, are relatively large and heavy with problematic storage and concealment characteristics.
Rights, value, agency and vulnerability	Drugs are inanimate, inert, non-perishable, have no agency and have no intrinsic value. They require no sustenance and nor are they vulnerable to abuse. Furthermore, drugs have no rights that can be violated, and therefore cannot be killed or exploited.	Smuggled migrants/refugees are animate, vocal with independent volition and agency, and therefore require significant maintenance/control throughout their passage from origin to destination. Maintenance deficits or negligence result in harm – through thirst, starvation, illness, exposure to the elements, injury by accident or direct violence – which apart from the direct impact on migrants/refugees can affect smugglers' income, as their human cargo may be abandoned, desert them, or die in transit.
Commercial value in transit	In terms of their weight and volume, illicit drugs are highly lucrative with huge economies of scale. Extra additional value of drugs cannot be extracted during their journey except in terms of their value rising as they move along the supply chain – as such the value is fixed and predictable to those controlling them.	Smuggled migrants/refugees are commonly exploited during their journey to yield value beyond the initial agreed fees – they may be robbed and/or sexually abused for opportunistic gratification or put to work as labourers/ sex workers. They may be detained or kidnapped for ransom and/or repeatedly sold to and between traffickers with their value escalating after each transition.
Point of demand	For illicit drugs the trade is driven by demand at the point of destination – normally urban centres nationally and mainly overseas markets.	Customer demand for smugglers lies principally at points of departure, rather than destination. This remains true if even if demand tends to grow in response to changing circumstances in destination countries, such as an increase in job opportunities, or tighter restrictions on regular migration. Moreover, such changes have minimal impact on demand from the many who travel to seek asylum, rather than for economic reasons.
Legality	As commodities, illicit drugs, are with few exceptions universally illegal to produce, possess, sell and transport.	To be a migrant or refugee is not illegal and it remains controversial to describe a human as 'illegal'. However, from governments' perspective, terms relating to illegality are applied to migrants when they have broken laws, i.e. by entering/overstaying territory without permission (irregularly) or without correct documentation. Concerning refugees, according to refugee law, the manner in which they enter a country is not supposed to be relevant to their status as asylum seekers.
Misdirection and propaganda as policy	There is evidence that the complexity of the drugs war serves various interests some of whom may benefit from other outcomes and/ or a continuation of anti-narcotic strategies. As such the war on drugs can be a misdirection by instigators and policy makers while additional or other objectives are served.	Many commentators suggest that the rhetoric and policy directly against human smugglers in recent years is a smokescreen to hide what are in fact policies directed against migrants and refugees.

Photo credit: Carlos Spottorno / Panos.
Mediterranean, nr Lampedusa, Italy (2014)

Officers on a Guardia Civil (Spanish police) airplane patrol the sea in search for migrants coming across the Mediterranean on boats. They're also looking out for migrant smugglers. They were operating under the umbrella of Frontex or the 'European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union'.

Section 2: Comparison of dynamics and modalities

The table below offers a summary of the text in the main report that compares the selected dynamics and modalities that characterise the two business models. In the main report many more detailed examples are provided to illustrate the points made.

Dynamics and modalities	Illicit drugs	Migrant smuggling
Black market characteristics [Black markets do not always operate as normal markets in relation to regular businesses models of supply and demand. Instead, they often exhibit characteristics of monopolies, including high barriers to entry, non-application of contract or criminal law, violation of human rights, and the generation, by limiting competition and restricting output, of huge profits. Another feature of black markets, is that consumers tend to be captives of the underground economy without legal or medical recourse.]	All listed black market characteristics have long been observed as hall marks of the drug trafficking dynamic.	Depending on migratory route, black market characteristics are now becoming increasingly observed in the migrant smuggling market, notwithstanding that with respect to entry, in some areas barriers to accessing the market (as smugglers) may be low as multiple small operators get involved.
Associations with violent crime	High. Enforcing their will, protecting their trade, territory and themselves, terrorizing their enemies and competitors, and suborning state officials (in the legislative, judiciary and executive) is often carried out with threats of extreme violence by drug trafficking organisations. Those involved are often heavily armed. While civilians unconnected to such organisations' activities sometimes fall foul of their brutality and in-fighting or get caught up in government counter-trafficking efforts, victims are for the most part members of competing drugs gangs.	Medium. Unlike drugs, violence associated with migrant smuggling almost exclusively targets the migrants/ refugees under the smuggler's care. The dominant perpetrators are the smugglers themselves followed by certain state officials. Violence against those smuggled is more intense along certain routes and in certain countries, Conflict between competing smugglers is very rare and when it happens the casualties are few. Smugglers are often lightly armed – more as a deterrent to competitors or law enforcement agents. Unlike drug trafficking, violent encounters between human smugglers and state officials extremely rare.

Dynamics and modalities	Illicit drugs	Migrant smuggling
Organisational characteristics	The prevailing view is that the industry is run by complex organizations with highly defined command-and-control structures. However, there is growing evidence that the previously held idea that drug cartels are monolithic monopolists may be challenged. Drug trafficking organizations have increased in number and have reportedly diversified in structure as part of a risk-minimising adaptation, partly in response to sustained law enforcement implementation. Evidence suggests also that criminal groups involved in drug trafficking may be involved in other criminal activities.	Individuals, loose networks and opportunistic. To date, the evidence suggests that hardened criminal enterprises do not own and have not deeply or pervasively penetrated the migrant smuggling market. There are some exceptions to this. Generally, smuggling networks seem not to be involved in other forms of major transnational organized crime. In some parts of the world, however, smuggling networks have links with large violent criminal organizations that they have to pay for the 'right' to safe passage for migrants, in other cases, smugglers may hand over migrants to such groups for extortion of ransom, robbery or other exploitation.
Establishment and embedment [Even if in remote border areas of some countries migrant smuggling dominates the existing grindingly poor economy and enriches a few, its scale, reach, and violence cannot compare to that of the drugs industry, which in some places has supplanted elected governments, and rules over the lives of millions of people.]	Drug trafficking organisations have a relatively long history, often up to 2 generations or more. For numerous communities, often in remote or neglected or less accessible locations (mountains and jungles or ghettos and favelas), the drug business is often the only economic opportunity and is deeply embedded and established in society. In many places, the scale of the profits and the level of money laundering and reinvestment in legitimate businesses has led to the illicit drugs economy being so deeply interwoven with the legal economy that separating the two is virtually impossible.	Except in some specific exceptions, the migrant smuggling phenomenon is relatively recent. While it influences the societies and economies where it is specifically active, it does not have a long history and cannot be said to have infested or enmeshed itself in national economies. As distinct from human trafficking, which has its own separate history, the business of taking people across borders is relatively recent and typically thrives when border restrictions increase, as they have since the 1990s.
Public perceptions	International, regional and national condemnation of the pervasive impact of the illicit drugs industry has been voiced for decades. Numerous studies have been conducted on the detrimental impacts, conventions and conferences held and action plans drawn up. Critically, some of those directly affected are frequently active in trying to resist drugs in their midst, often facing violent reprisals. In short, the drugs production and trafficking business, while embedded in many societies, is considered by most to be a social curse, a moral failing with deeply corrosive characteristics affecting all aspects of society.	Generally, the activities of smugglers are not stigmatised by local or national communities; often the opposite is true. Smuggled migrants provide welcome income to smugglers and many local communities, not to mention the numerous state officials who may profit directly or indirectly from the continued flows of smuggled people. In many contexts smugglers operate where national institutions are already weak and/or corrupt and where smuggling is not seen as a main instigator of social degradation, and indeed is often viewed as the exact opposite. Additionally, many governments make scant efforts to restrict transit movement and are opposed to push-backs, or do not cooperate with return of detained irregular migrants or failed asylum seekers. Most destination countries – and several international organisations – in their desire to end irregular migration have recently started to demonise migrant smuggling as a major social curse.

Dynamics and modalities	Illicit drugs	Migrant smuggling
Legal censure	Every country in the world has criminal laws prohibiting the production, trafficking, possession and use of a wide range of psychoactive substances. (notwithstanding examples of liberalisation discussed in main report in some detail). Evidence of these laws' impact is amply provided by statistics of the huge number of people arrested and sentenced for drug-related offences, and the vast amount of resources used to interdict and restrict drug trafficking. Internationally, trafficking of illicit substances is addressed under the 1988 *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, one of three major drug control treaties currently in force. It provides additional legal mechanisms for enforcing the *1961 Single Convention on Narcotic Drugs* and the *1971 Convention on Psychotropic Substances*.	Generally, national legislation against migrant smuggling is weak and often conflated with other crimes, particularly human trafficking. Alternatively, where there is discrete legislation, its enforcement and interpretation may be compromised by a sense that smuggling is a victimless crime (unlike trafficking) and therefore not to be punished very severely, if at all. In many countries these issues are compounded by rampant corruption, weak institutions and low political will. The main international instrument dealing with migrant smuggling is the *Protocol against the Smuggling of Migrants by Land, Sea and Air*, which entered into force on 28 January 2004 and is attached to the *UN Convention against Transnational Organized Crime*, adopted by General Assembly resolution 55/25 of 15 November 2000. The protocol related to migrant smuggling is not an exhaustive stand-alone legal framework; rather, it is part of a 'dense web of rights, obligations and responsibilities drawn not just from the Protocol and Convention but also from the law of the sea, human rights law, and refugee law.'
Limits to interdiction [A reality concerning drug interdiction is that the level of successful interdiction would need to be far higher to work as an effective deterrent. The same is true for migrant smuggling. In both activities the profit margins are super-charged so the level of disruption (leading to loss of earnings) would need to rise many-fold, before the activities become non-viable economically. Those arguing against the war on drugs and the war on migrant smugglers have suggested that a vicious circle is created in both business models by the very illegality of the activities, which gives traders such high profits and an incentive to stay in business.]	Interdiction of drug trafficking shows specific characteristics; production and transportation frequently occur in remote locations such as jungles and using small aircraft that may be difficult to detect, or innovative fast or submerged vessels using technology that may be more advanced than those combatting crime have access to. As discussed, the capacity to conceal large quantities of drugs and suborn widespread collusion is a huge enabler for drugs traffickers. However, since they deal with inanimate cargo, anti-drugs units can conduct armed interventions with less fear of collateral harm, even if civilians, particularly in urban settings, sometimes get caught up in such operations.	Interdicting migrant smugglers is problematic. Those most interested in interdiction and the arrest of smugglers (destination countries) normally have jurisdiction issues unless the smugglers operate in their territory. In cases where smugglers travel with migrants they look and dress in a similar manner to their clients, may be of the same nationality and so any force or violence used to apprehend a suspected smuggler runs the risk of harming those being smuggled. Smugglers also often use remote routes in hostile locations along highly permeable borders that may stretch for hundreds or thousands of kilometres and which are therefore impossible to effectively police. Corruption and collusion by certain state officials is also a major hinderance. Some argue against robust interdiction of migrant smugglers on the grounds that it not only results in higher costs for already poor and vulnerable people, but also that, as movement is forced further underground, it is potentially more dangerous for those on the move.

Dynamics and modalities	Illicit drugs	Migrant smuggling
Impunity [Notwithstanding legal and social censure and the number of arrests for drug-related crimes and (to a far lesser extent) migrant smuggling, both activities operate in a highly permissive context characterized by a generalized de facto impunity. Clearly there is no de jure impunity, especially with respect to drugs, but the ground realities are quite different. This is true for migrant smuggling as much as for drugs trafficking, where in many contexts the local authorities know quite well who the perpetrators are and how and where they operate.]	Concerning drugs cartels and their 'soldiers' they normally operate with respect born of fear and with immunity obtained by guns and violence as well as their manipulation and control of the law enforcement apparatus. They commit crimes against state officials, civilians and rival gang members, often with eye witnesses present.	Generally high impunity. Smugglers are also often well-known and easily identified within their own local communities and live without challenge or disapproval. Often on the contrary, they are admired for their wealth and respected for facilitating movement – as service providers. Indeed, this paper would argue that in most cases migrant smugglers are also well known to state officials, law enforcement or border authorities, who in many cases share in the smugglers profits. In this there is a growing similarity with the drug trafficking industry where the collusion and corruption of state officials – from top to bottom – is an undisputed and long-established characteristic of the trade.

Photo credit: Yannis Kontos / Polaris / Panos.
Nangarhar province, AFGHANISTAN (2002)

Poppy farmer Mangal Khan works in his field in the Samarkhail district of Jalalabad. During the 1990s, opium, and by extension, heroin, became the chief source of income for Afghanistan, growing more than 70 percent of the world's supply. In 2000, the ruling Taliban banned poppy growth and production fell to almost nothing. Since the US-led war against the Taliban, however, farmers quickly replanted the opium-bearing flowers and in recent years record harvests have been reported. According to reports from the United Nations Office on Drugs and Crime (UNODC), despite repeated interdiction and eradication campaigns opium poppy cultivation in Afghanistan reached a record-high in 2017/18, leading to unprecedented levels of heroin on the world market.

Section 3: Lessons learnt

Section 3 here presents the findings of a detailed section in the main report where selected aspects of the wars against illicit drugs and migrant smuggling are examined and compared and lessons learnt are drawn.

3.1: Concerning the use of prohibition as a deterrent

- The demand and supply of illicit drugs is evidently not reduced by prohibitive laws. But prohibitive laws keep prices high, making the trade more attractive to criminals and less easy for them to give it up. Despite more and more substances coming under legal control and although prisons are crowded with drug-offenders, the demand for recreational drugs increases in volume and geographic spread.

- So far, migrant smuggling legislation is having little or no impact on the flows of irregular migrants being organised and guided by smugglers. It is not clear how many people are in prison for migrant smuggling offences globally[1] but the number is negligible compared with those jailed for drug offences. Neither is it clear whether laws have any deterrent effect on migrant smuggling. In many countries legal frameworks and implementation are weak and even where this is not the case punishments are often light, frequently only involving fines.[2]

- As with drug trafficking, as long as migrant smuggling profits are high (and pushed higher by restrictions and legal censure) the illegality of smuggling will deter few. As demand for smugglers (i.e. the compulsion or aspiration to migrate irregularly in the absence of adequate legal means) grows, the sector will likely flourish, irrespective of any new tough criminal laws or harsh sentencing policies for those convicted.

3.2: Concerning the use of interdiction as a deterrent

- For decades, large amounts of sophisticated, highly trained and lethal resources have been used to interdict the drugs trade. Despite many operational 'successes', interdiction fails to stop the global rise in drug production, trafficking and consumption. On the contrary, the drug business is spreading yet wider as demand and availability increases in every region.

- What is the lesson here? Certainly that interdiction has limited overall effect and, considering the enormous bill (not just financial, but also social and in terms of human deaths associated with interdiction and degradation of civil order) the need to find alternative strategies to end or restrict the drugs trade is urgent. Numerous expert studies confirm this conclusion and some alternative approaches are discussed in the main report.

- Advocates of current policies may argue that what is needed is more, not less, drug interdiction but past results offer little support for this position. Concerning migrant smuggling however, it is too early to say, and the lesson may be that where there are large profits to be made, criminals will adapt and resist interdiction before giving up their activities.

- The experience from the war on drugs suggests that even if increased resources and force are used to stop migrant smugglers, the results may be limited. However, this conclusion could be challenged by some existing and cited examples in the main report where countries have effectively stopped irregular migration and migrant smuggling into their territory, despite the fact that what appears to have actually happened is that they have displaced the business to other routes and other destinations. So perhaps the lesson here is that interdiction and prevention of migrant smuggling, if the chosen policy direction, may not follow drugs' failed trajectory and has a chance of being successful nationally, if coordinated internationally. However, the question remains at what price this would come, particularly for migrants and refugees.

3.3: Concerning the use of force as a deterrent

- Despite violence being used extensively against drug traffickers, the evidence suggests the only clear result is that the use of weapons has escalated and that some of those involved in the illicit drug trade, as well as law enforcement officers and all too often civilians, die as a result. There is no evidence that the use of lethal force against the trade has reduced its

1 UNODC's Case law database (op. cit.) summarizes hundreds of judicial proceedings in 43 countries across the world, but it is not exhaustive nor fully up to date.
2 Ibid.

prevalence. For some years studies (cited in main report) have shown that stricter law enforcement, including militarised enforcement, has led to an escalation of violence.

- Clearly, the use of violence against human smugglers is problematic both ethically and legally as long as smugglers are often co-located with their migrant clients. Violence between law enforcement and smugglers is not a characteristic of the migrant smuggling industry, even if coercion and violent rights violation of migrants by smugglers is common. It seems unlikely and undesirable that law enforcement against migrant smuggling will escalate the use of violence to interdict. While there is ample evidence of violence (and abuse) against migrants themselves, this has little to do with the interdiction of smugglers.

- As the use of violence has not visibly reduced the illicit drugs trade, it would be hard to make an argument to support the use of violence to prevent or reduce migrant smuggling.

3.4: Are the 'wars' reducing demand?

- The inelasticity of drug demand to price has meant that profits from the illicit trade increase with demand, and any additional costs incurred are passed on to consumers with impunity.

- Global demand for illicit drugs is the highest it has ever been and despite the resources expended in interdiction and disruption, the demand is spreading wider geographically and deeper into developing countries. Meanwhile new demand patterns are emerging as new synthetic drugs and use of the dark web for purchases rises.

- It is impossible to say what global demand would be if recent decades of prohibition and disruption had not occurred, but it is safe to assume that one lesson learnt is that current and past policies to reduce demand have not been successful.

- The scale of current migrant smuggling activities is probably relatively low in comparison to anticipated future demand, as indicated by aspirational studies and consideration of future drivers (as elaborated in the main report).

- Globally, prohibition and interdiction of migrant smuggling is still weak, incoherent and unclear. There is little evidence of specific efforts to reduce demand for migrant smugglers, that are distinct from purported efforts to reduce demand for migration (by addressing 'root causes'). As with efforts to reduce demand of drugs the efforts relating to smuggler demand are negligible.[3]

- Just as prohibition of certain drugs has spawned a vast and violent underground economy, as legal options to move as a refugee or economic migrant shrink, the underground economy of migrant smuggling grows, and is likely to grow further.

3 However, it should be noted that addressing the root causes of demand for mobility and the subsequent use of migrant smugglers inevitably raises issues of international inequality, globalisation and poor governance etc. which, arguably, many multilateral and bilateral socio-political initiatives have sought to ameliorate for decades.

Photo credit: Lianne Milton / Panos.
Medellin, Colombia (2015)

Members of the Colombian army patrol in Comuna 8. The patrol was set up by the communications department to demonstrate public security in the city. Although they frequently patrol unannounced in neighbourhoods and usually target specific drug traffickers based on intelligence information, this patrol concentrated on frisking young men and raiding party spots for small amounts of marijuana.
Medellin was voted the most innovative city in the world in 2012 by the Wall Street Journal and CitiBank for its 'social urbanism' approach to transforming itself from being one of the most violent cities in the world by investing in the poorer communities. Despite all the improvements, Medellin's residents continue to be displaced from their homes by inner city drug gangs and a half century of war, the world's longest lasting current conflict.

Media characterisation: cartoons

Ben Sargent

As with the war on drugs, the effort to combat migrant smugglers and the issue of migration and asylum has become highly politicised and polemical. Satirical cartoonists have captured some of the mood and dilemmas of the debates in numerous press illustrations - a small selection of which are presented here.

[Credit: Appreciation to the artists and for use of these non-commercial reproductions for this study]

caglecartoons.com

Clay Butler

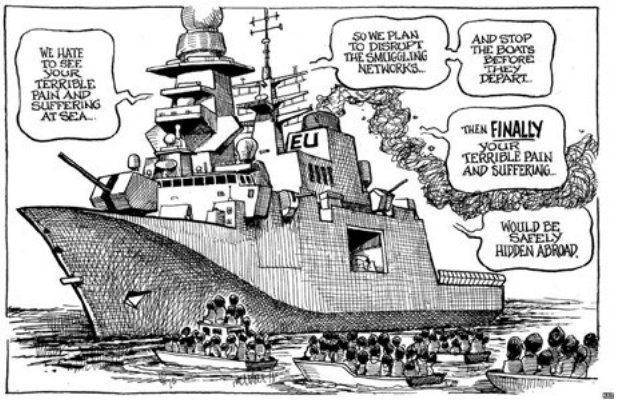
Paresh Nath

Tim Kelly

Dave Granlund

M Wuerker

Paresh Nath



Kal

Arend Van Dam

Kevin Siers, Charlotte Observer

Cam

Paresh Nath

Paresh Nath

Chappatte

Conclusion

One of the key differences between the business of trafficking illegal drugs and that of smuggling migrants is that the commodity is inanimate in the former and human in the latter.

Some might take issue with the fact that the two activities are discussed together on the ground that such a comparison risks emphasizing the criminal aspect of migrant smuggling and thereby fuels a securitization narrative that contributes to a restrictive environment for those on the move: migrants and refugees who often feel they have no choice but to use smugglers and who are rarely, if ever, given a voice in the formulation of policies ostensibly designed to protect them.

Indeed, Objective 9 of the Global Compact on Migration (GCM) stresses that while Member States should commit to 'intensify joint efforts to prevent and counter smuggling of migrants by strengthening capacities and international cooperation to prevent, investigate, prosecute and penalize the smuggling of migrants in order to end the impunity of smuggling networks', they also 'commit to ensure that migrants shall not become liable to criminal prosecution for the fact of having been the object of smuggling', and that they have access to protection and assistance. As with victims of trafficking the GCM emphasises concern for victims of 'smuggling under aggravated circumstances'. [1]

Of course, people who wish to use prohibited substance could equally argue they are forced to engage with drug traffickers to obtain what they want and that in their ideal world they could obtain drugs legally. However, the emphasis on the criminal aspects of human smugglers by governments globally is already apparent and the frequent and cynical politicization of this aspect is well noted as governments use it to take on another battle –namely curbing irregular migration. "At the core of it, it's all about fighting illegal migration," German Chancellor Angela Merkel told a news conference in August 2017 following another EU & Africa meeting on how to 'tackle illegal human trafficking [sic] and support nations struggling to contain the flow of people across the desert and Mediterranean Sea'.[2]

The core aim of this paper is to see if the experience of fighting drug trafficking for so many decades offers insights for policy makers, governments and others before the fight to curtail migrant smuggling is stepped up. Its aim is to contribute to the intellectual and policy debate by offering an analysis of issues often discussed in the same breath but to date has not been subject to a dedicated analytical cross comparison.

As illustrated in this report we find that on some issues there are pertinent comparisons to be made between the two 'wars' and on others there are not.

The war on migrant smuggling inherently pits authorities and states against people on the move –many of which are desperate to flee conflict or persecution and who are therefore protected under international law. The very act of combatting migrant smuggling in situations where the smuggler him or herself is invisible or absent (overcrowded and abandoned boats on the Mediterranean or in Pacific Ocean) will prevent economic migrants, asylum seekers and registered refugees from reaching their destination and often cause them to be stranded in dangerous and precarious situations where their rights are not protected. The irony is self-evident when governments indignantly justify going to war against human smugglers because of violations and deaths at the hands of smugglers. The collateral damage of the war on human smugglers therefore is the migrants themselves and their communities, even though to be a smuggled migrant is in itself not a crime.

The war on drugs pits authorities against criminals –often heavily armed and violent –with many opportunities for confrontation while DTOs produce, transport and sell illicit goods. It may seem that this war has few 'non-combatant' casualties, but, in fact, as this paper shows the war on drugs has a host of negative results. Results that impact millions of citizens who have no connection to the drugs business at all as well as those rural producers and community of cultivators who may or may not be operating under coercion of drugs cartels.

We find too, that while the war on drugs is extensive, entrenched and generally follows a monolithic global consensus (even if the operations are multi-pronged), the 'war' on migrant smuggling is partial, weakly implemented and globally lacks any coherences or consensus –often chaotic and contradictory. The unifying but often unstated consensus of those engaged or gearing up to engage in wars against smugglers is their desire to restrict mixed migration flows.

As such the war on smuggling could be described as a *displacement activity* or a *trompe l'oeil* which the war on

1 Global Compact for Migration (2018) *Global Compact for Safe, Orderly and Regular Migration – Final Draft*. https://www.un.org/pga/72/wp-content/uploads/sites/51/2018/07/migration.pdf

2 Reuters (2017) *Europeans, Africans agree renewed push to tackle migrant crisis*. http://news.trust.org/item/20170828124010-v1rpm/

drugs has never been, although even here some echoes can be seen where the demonization and targeting of drug user communities may also be an effort to discredit perceived anti-establishment groups.

Additionally, because the war against migrant smuggling is just beginning, we can expect it to be elaborated with new strategies and tactics in the coming years and irregular migration is likely to increase as the 'unfinished business of globalization' and in response to pressing global inequalities[3]. This is already occurring rapidly in Europe in particular and the story is far from over but it may also mean that comparing the war against migrant smuggling with drugs is at present too asymmetrical for lessons to be drawn.

One conclusion could be that the comparison between the impacts of the two wars are not always meaningful as they are out of step. They may become more out of step if current trends to end irregular migration become more explicit and comprehensive with a focus more on methods and systems to prevent access than an explicit 'war' on human smugglers.

However, even here there are clear parallels in so far that the global war on drug trafficking is also to prevent access to illicit substances in absolute terms. It is not only about punishing those enabling access to drugs. Preventing drug traffickers from profiteering, like the efforts to stop human smugglers from profiteering, is high on drug enforcement and rule of law agenda, but arguably secondary to the desire to prevent access. Just as certain nations want to end the flow of illicit drugs into their countries, countries want to prevent the flow of people entering territories in an unregulated and irregular manner. While legalisation of drugs or regularisation of irregular migration ends the issue of ***illegality*** (and promoted by some protagonists), it does not address the fact that both illicit drugs themselves and uninvited irregular flows are still unwanted by governments, and arguably, most electorates – irrespective of actual labour demands in destination countries.

Those who have observed that the war on drugs continues to fail, as it has for decades, insist that the current debate on drug policy should not be based on simplistic solutions derived from preconceived ideological positions. Instead, policy must be based on research and analysis that takes into account all the available evidence about the effectiveness, efficiency and costs of alternative drug policies.[4] We can expect calls for this kind of evidence-based policy analysis around migrant smuggling and migration policy in the near future. Indeed, reports and interviews with leading academics and policy experts already exist and are cited in this report and elsewhere.[5] Some could conclude that sufficient evidence exists to show that the war on migrant smuggling already runs the risk of following the anti-drugs efforts as resulting in overall failure. Why wait years for further evidence to confirm such a conclusion and instead abandon the war or seek alternatives at an early stage? Others could point to the recent reduction in irregular arrivals in Europe, Australia and elsewhere to suggest that policies to reduce irregular mobility and therefore smuggler activity can be effective.

Nevertheless, while legal, judiciary and executive force against drug trafficking continues to fail to end the trade, the same combined forces have not yet been deployed in a coherent and inter-regional manner against migrant smuggling. Where counter narcotic strategies have failed, those fighting migrant smuggling could theoretically succeed but there are to date no examples of success (in terms of disrupting/supressing the migrant smuggling economy), except some few individual cases which also come with what many find is a heavy or unacceptable ethical price tag and further right abuses.

Drug policy, like any other public policy, must be and is being increasingly 'judged by its results, and not by its intentions, and although in theory prohibition sounds like a reasonable choice, the available evidence is clear in pointing out the very high costs and ineffectiveness of many of the policies that have been implemented so far under the so-called war on drugs'.[6] Again, the same will be required of migration policy and anti-migrant smuggling strategies as its effectiveness is assessed.

Nevertheless, millions of people with determination and sufficient resources (human and financial) assisted by a few thousand facilitators (smugglers) combine to present a formidable 'enemy' to those who would wage war on migrant smuggling. Arguably, those engaged in drug trafficking are far fewer in number than smugglers combined with those smuggled, but have, to date, defied the most forceful efforts globally and appear to continue their robust and flourishing trade.

When the costs are considered, the vast resources counted, the efforts evaluated and the impact judged, then the last few decades have shown that the war on drugs – in the way that it has been fought –has failed,

3 Horwood, C & Reitano,T. (2016) *A Perfect Storm? Forces shaping modern migration & displacement*. RMMS/DRC. http://www.mixedmigration.org/wp-content/uploads/2018/05/022_a-perfect-storm.pdf

4 For a recent iteration of these views see: International Drug Policy Consortium - IDPC (2018) *Taking Stock: A Decade Of Drug Policy. A Civil Society Shadow Report*. http://fileserver.idpc.net/library/Shadow_Report_FINAL_ENGLISH.pdf

5 Horwood, C., Forin, R. & Frouws, B. (Eds.). (2018). *Mixed Migration Review 2018. Highlights. Interviews. Essays. Data*. Mixed Migration Centre. http://www.mixedmigration.org/resource/mixed-migration-review-2018/

6 Felbab-Brown, V. (2014) *Improving Supply-Side Policies: Smarter Eradication, Interdiction and Alternative Livelihoods – and the Possibility of Licensing*. LSE Expert Group on the Economics of Drug Policy. https://www.brookings.edu/research/improving-supply-side-policies-smarter-eradication-interdiction-and-alternative-livelihoods-and-the-possibility-of-licensing/

and most commentators agree success is unachievable. Not only has it failed in curtailing illicit drug production, trafficking and use on a vast scale but the associated negative effects of the failure and the war itself are considerable.

If nothing else, the story of the war on drugs offers if not direct sobering and salutary lessons to the current architects and designers of current and future wars against human smugglers and their human cargo, then cautionary warnings, that we would do well to understand and act upon.

Photo credit: David Rose / Panos.
Calais, France (2015)

Riot police in the so-called 'Jungle' migrant's camp which was subsequently cleared of people and destroyed by the French authorities. Smugglers not only assisted most of those in mixed migration to come to Europe using irregular pathways but were also, reportedly, residing in detention centres and spontaneous gatherings of refugees and migrants across Europe such as the Jungle. Again, this illustrates the difficulties facing authorities seeking to identify and disrupt the smuggling business.

Photo credit: Carlos Spottorno / Panos.
Tovarnik, Croatia (Date unspecified)

Two crying children standing beside a group of riot police in the middle of turmoil at the train station as thousands of refugees and migrants wait to get on a train or a bus. This image and the one below it show how the efforts to combat smugglers are entwined with efforts to control and prevent irregular movement of mixed migration. Unlike proactive efforts to stop drug trafficking, those related to stopping smugglers are primarily reactive and most commonly result in security forces interfacing with those on the move and not smugglers.

Bibliography

Albahari, M. (2015) *Fatal Distractions: Mediterranean Migrations and the War on migrant smuggling*. CritCom. http://councilforeuropeanstudies.org/critcom/fatal-distractions-mediterranean-migrations-and-the-war-on-human-smuggling/

Balasegaram, M. (2016) *Some Asian countries are dropping punitive approaches in favor of a health-centered approach*. The Diplomat. http://thediplomat.com/2016/05/asias-war-on-drugs/

Castles, S., de Haas, H. and Miller, M. (2014) *The Age of Migration: International Population Movements in the Modern World* (5th ed.) Palgrave Macmillan Ltd. (London)

Daugherty, A. (2015) *Argentina Feeling Impact of Domestic Drug Abuse*. InSight Crime. http://www.insightcrime.org/news-briefs/argentina-feeling-impact-of-domestic-drug-abuse

Donaldson, M. & Surana, K. (2015) *EU plan to target Libyan smugglers too little, too late, experts say.* Al Jazeera America http://america.aljazeera.com/articles/2015/5/3/eu-plan-to-target-libyan-smugglers-too-little-too-late.html

Ellyatt, H. (2015) *Global drugs trade 'as strong as ever' as fight fails.* CNBC. https://www.cnbc.com/id/100957882

European Commission (2015) *EU Action Plan against migrant smuggling (2015-2020). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf

European Monitoring Centre for Drugs and Drug Addiction (2016) *European Drug Report 2016: Trends and Developments* http://www.emcdda.europa.eu/system/files/publications/2637/TDAT16001ENN.pdf

Europol (2018) Two years of EMSC – Activity report Jan. 2017-Jan. 2018. https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017

Felbab-Brown, V. (2014) *Improving Supply-Side Policies: Smarter Eradication, Interdiction and Alternative Livelihoods – and the Possibility of Licensing.* LSE Expert Group on the Economics of Drug Policy. https://www.brookings.edu/research/improving-supply-side-policies-smarter-eradication-interdiction-and-alternative-livelihoods-and-the-possibility-of-licensing/

Gathara, P. (2017) *Ridiculous Sums of Money: Why the War of Drugs Has Failed*. The Elephant. https://www.theelephant.info/features/2017/04/06/ridiculous-sums-of-money-why-the-war-on-drugs-has-failed/

Global Compact for Migration (2018) *Global Compact for Safe, Orderly and Regular Migration – Final Draft*. https://www.un.org/pga/72/wp-content/uploads/sites/51/2018/07/migration.pdf

Hari, J. (2015) *Chasing the Scream: The First and Last Days of the War on Drugs*. Bloomsbury (London & New York)

Horwood, C & Reitano,T. (2016) *A Perfect Storm? Forces shaping modern migration & displacement*. RMMS/DRC. http://www.mixedmigration.org/wp-content/uploads/2018/05/022_a-perfect-storm.pdf

Horwood, C., Forin, R. & Frouws, B. (Eds.). (2018). *Mixed Migration Review 2018. Highlights. Interviews. Essays. Data.* Mixed Migration Centre. http://www.mixedmigration.org/resource/mixed-migration-review-2018/

Human Rights Watch (2015) *Smuggling and Trafficking Human Beings -Questions and Answers*. https://www.hrw.org/news/2015/07/07/smuggling-and-trafficking-human-beings

International Drug Policy Consortium - IDPC (2018) Taking Stock: A Decade Of Drug Policy. A Civil Society Shadow Report. http://fileserver.idpc.net/library/Shadow_Report_FINAL_ENGLISH.pdf

Kyritsis, P. (2016) *Smugglers aren't the real problem in the refugee crisis*. Medium/The Establishment. https://medium.com/the-establishment/smugglers-arent-the-real-problem-in-the-refugee-crisis-54a39e2d7e9e;

LSE Ideas (eds) (2014) *Ending the Drug Wars: Report of the LSE Expert Group on the Economics of Drug Policy.* http://www.lse.ac.uk/ideas/Assets/Documents/reports/LSE-IDEAS-Ending-the-Drug-Wars.pdf

Mallapur, C. (2015) *India's Soaring Drug Problem: 455% Rise in Seizures*. IndiaSpend. http://www.indiaspend.com/cover-story/indias-soaring-drug-problem-455-rise-in-seizures-26787

May, C. (2017) *Transnational Crime and the Developing World - Global Financial Integrity.* https://www.gfintegrity.org/report/transnational-crime-and-the-developing-world/.

Miraglia, P. (2016) *Drugs and Drug Trafficking in Brazil: Trends and Policies*. Foreign Policy at Brookings - Center for 21st Century Security and Intelligence Latin America Initiative. https://www.brookings.edu/wp-content/uploads/2016/07/Miraglia-Brazil-final.pdf

Ndinda, L. (2013) *Illegal drug use on the rise in Africa*. DW. https://www.dw.com/en/illegal-drug-use-on-the-rise-in-africa/a-16614023

Olakpe, O. (2015) *The Compatibility of the Protocol against the Smuggling of Migrants by Air, Land and Sea with International Human Rights Law*. Paper presented at the 16th Annual Student Human Rights Conference Migration and Human Rights: Perception v Reality March 7, 2015. https://www.nottingham.ac.uk/hrlc/documents/student-conference-2015/oreva-olakpe-smuggling-protocol-compatibility.pdf

Reuter, P., Crawford, G. & Cave, J. (1986) *Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction*. Rand Corporation. https://www.rand.org/content/dam/rand/pubs/reports/2007/R3594.pdf

Reuter, P., Crawford, G. & Cave, J. *op. cit.* This study noted that seven prior studies in the previous nine years, including one by the Center for Naval Research and the Office of Technology Assessment, had come to similar conclusions.

Reuters (2017) *Europeans, Africans agree renewed push to tackle migrant crisis*. http://news.trust.org/item/20170828124010-v1rpm/

Tinti, P. & Reitano, T. (2016) *Migrant, Refugee, Smuggler, Saviour*. Hurst Publishers (London)

Travis, A. (2012) *Global illicit drug users to rise 25% by 2050, says UN*. The Guardian. https://www.theguardian.com/society/2012/jun/26/global-drug-users-rise-un

UNODC (2009) *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*. https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_52/Political-Declaration2009_V0984963_E.pdf

UNODC (2017) *World Drugs Report 2017*. https://www.unodc.org/wdr2017/index.html

UNODC (2018a) *Global Study on Smuggling of Migrants 2018*. https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf

UNODC (2018b) *World Drugs Report 2018 - Drug demand and supply*. https://www.unodc.org/wdr2018/en/drug-demand-and-supply.html

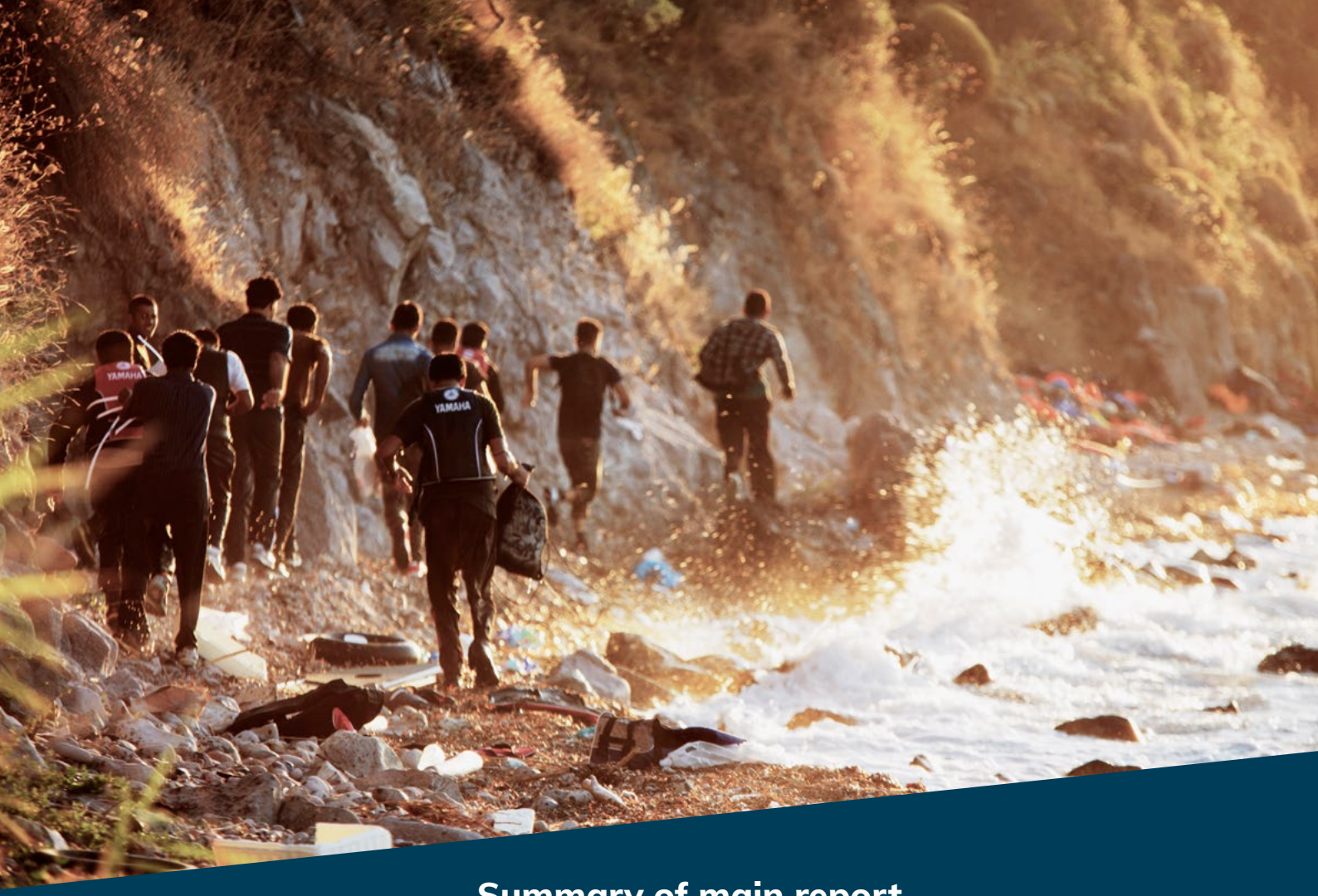
US Department of State (2017) *Human Trafficking & Migrant Smuggling: Understanding the Difference*. https://www.state.gov/j/tip/rls/fs/2017/272M005.htm

Watkins, K. (2015) *The EU's phoney war on people smugglers is costing the lives of desperate migrants*. The Independent. https://www.independent.co.uk/voices/the-eu-s-phoney-war-on-people-smugglers-is-costing-the-lives-of-desperate-migrants-10476649.html

Zhang, S. & Chin, K. (2016) *A People's War: China's Struggle to Contain its Illicit Drug Problem*. Foreign Policy at Brookings - Center for 21st Century Security and Intelligence Latin America Initiative. https://www.brookings.edu/wp-content/uploads/2016/07/A-Peoples-War-final.pdf

Back cover photo credit: Espen Rasmussen / Panos. Lesbos (Lesvos), Greece (2015)

A group refugees and migrants make their way from a beach on the northern coast of Lesbos after crossing the Aegean Sea from Turkey. The summer of 2015 saw a huge increase in the number of migrants and refugees arriving in Greece. Its Aegean islands have become a major destination for people trying to get into the European Union but rarely if ever travel with the smugglers whom they pay to organise their journey - exemplifying the dilemma of interdiction efforts to disrupt and curtail the smugglers' business model.



Summary of main report

The Mixed Migration Centre (MMC) is a global network consisting of six regional hubs (Asia, East Africa, Europe, Middle East, North Africa & West Africa) and a central unit in Geneva. The MMC is a leading source for independent and high-quality data, research, analysis and expertise on mixed migration. The MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based protection responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. The MMC's overarching focus is on human rights and protection for all people on the move.

The MMC is part of, and governed by the Danish Refugee Council (DRC). While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector. The position of the MMC does not necessarily reflect the position of DRC.

For more information visit:
mixedmigration.org

Mixed Migration Centre