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# Afghanistan in International Opium Control Policy<sup>1</sup>

*Afeganistão na política  
internacional de controle do ópio*

*Afganistán en la política  
internacional de control del opio*

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## Abstract

In this article, we propose to discuss the causes of the illegal opium market in Afghanistan from a complementary perspective to those currently present in the literature, by focusing on the international policy of the drug control system established by the UN. Using historical and qualitative analysis, we interpret the UN international conventions that permit the legal production of opium in the world in light of relevant historical events. We conclude that the international drug control regime, by responding to the political and economic interests of the main actors of the legal opioid market, has contributed to Afghanistan becoming the world's largest illegal producer of opium.

**Keywords:** Afghanistan, International Drug Control, Opium, International Security.

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## Resumo

Nesse artigo, propomos discutir as causas do mercado ilegal de ópio no Afeganistão por uma perspectiva complementar às atualmente existentes, centrando-se na política internacional do sistema de controle de drogas estabelecido pela ONU. Com uma análise histórica e qualitativa, interpretamos as convenções internacionais da ONU que organizaram a produção legal de ópio no mundo à luz de relevantes acontecimentos históricos. Concluimos que o controle internacional das drogas, ao responder a interesses políticos e econômicos dos principais atores do mercado legal de opioides, contribuiu para o Afeganistão tornar-se o maior produtor ilegal desta droga no mundo.

**Palavras-Chave:** Afeganistão, Controle Internacional das Drogas, Ópio, Segurança Internacional.

## Resumen

En este artículo, nos proponemos discutir las causas del mercado ilegal del opio en Afganistán desde una perspectiva complementaria a las existentes en la actualidad, centrándonos en la política internacional del sistema de control de drogas establecido por la ONU. Con un análisis histórico y cualitativo, interpretamos las convenciones internacionales de la ONU que organizaron la producción legal de opio en el mundo a la luz de relevantes hechos históricos. Concluimos que el control internacional de drogas, al responder a los intereses políticos y económicos de los principales actores del mercado legal de opioides, contribuyó a que Afganistán se convirtiera en el mayor productor ilegal de esta droga en el mundo.

**Palabras Clave:** Afganistán, Fiscalización Internacional de Drogas, Opio, Seguridad Internacional.

## Introduction

Afghanistan is the largest illegal producer of opium in the world, accounting for approximately 84% of opium production in the last five years. This illicit opium production is identified by the United Nations (UN) and the main international powers as a contemporary problem whose perverse effects on individuals and countries must be tackled (UNODC 2020).

The causes for the existence of this huge illicit production of opioids are varied, and the literature on the topic takes perspectives that vary with reference to the domestic dynamics of the country from which it originates. Briefly, there are





analyses that focus on the fragility of the Afghan State (Felbab-Brown 2013), the country's historical opium production culture (Mansfield 2016b; Bradford 2019), economic dynamics (Goodhand 2005), internal violence, involving politicians, “warlords” and criminal groups (Bove and Elia 2013), the global demand for heroin and similar drugs (Kreutzmann 2007) and the invasion of the country by the United States and North Atlantic Treaty Organization (NATO) after the terrorist attacks of September 11, 2001, in the context of the Bush administration's War on Terror (Swain and Corti 2009).

In this article, we propose to discuss the causes of the illegal opium market in Afghanistan from a perspective that complements those in the literature and is centered on the international policy of the drug control system established by the UN throughout the 20th century.

More specifically, our concern is to understand how the historical evolution of the international drug control system has relegated Afghanistan to the position of a global pariah as an illegal producer of opioids. This analysis is made in relation to the legal market for this drug, which currently involves more than a dozen countries. These countries are authorized by the UN Economic and Social Council (ECOSOC) and the International Narcotics Control Board (INCB) to grow and process the plant that is the source of opium, i.e., the opium poppy, to meet the demands of medical consumption of opium worldwide via pharmaceutical corporations. The question that guides our analysis is: what international dynamics excluded Afghanistan from the list of legal opium producer countries, thus encouraging the development of a huge illicit market?

Relevant factors in this analysis include the impact of international drug control mechanisms on the functioning of the global market for psychoactive substances and the imitation of these mechanisms by countries (Pereira 2021b). In keeping with the assessment made by Reiss (2014, 7), we assume that this formalized control results from and responds to the political and economic interests of the main public and private actors in the international system that, historically, have been involved in “the productive power of drugs—and drug control—to consolidate their political authority and secure their interests within an increasingly integrated global political economy. They sought to monopolize the licit.”

In this historical and qualitative analysis, we draw on the UN drug control conventions as sources since they established the operating norms and prohibitions for the legal production of opium worldwide. The main of these conventions are





the “Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and use of Opium” of 1953 and the “Single Convention on Narcotic Drugs” of 1961, as amended by the 1972 protocol. These conventions are interpreted in the light of a bibliography that makes the historical reconstruction of diplomatic (McAllister 2000) and other events, both internationally (Courtwright 2001) and within the Afghan State (Mansfield 2016b), that had an impact on the object of this research, namely, the omission of Afghanistan from the list of countries authorized to produce opium legally.

The article will be divided into four parts, in addition to this introduction. In the first part, we discuss early international opium control efforts and Afghanistan’s place in the debate on the subject. In the second part, we analyze the construction of the international drug control system’s current legal opium production licensing model and the exclusion of Afghanistan from the list of authorized countries. In the third part, we consider the private interests of the pharmaceutical industry in the regulation of opioids and the effects of this on the Afghan case, analyzing the debate on proposals to include Afghanistan in the list of legal opium producers. We conclude the article by analyzing how international drug control responds to political interests and the dynamics of the legal opioid market.

## **Beginnings of international opium control and the place of Afghanistan**

Opium, an agriculturally based drug derived from the opium poppy, was the of the international control in the early 20th century. Its medical, economic and political relevance had expanded in the previous century and had even led to armed conflict, the Opium Wars. The global expansion of the opium market was linked to the various technical and technological developments in medical and especially pharmaceutical science, the latter going on to become a major industry. Opium and its derivatives, used for a huge set of medical treatments related to pain control and anesthesia, assumed a prominent place in this context, remaining one of the main foci of the debate on international drug control throughout the 20th and 21st centuries (Courtwright 2001).

The first drug control convention, in which opium featured prominently, aimed at imposing a degree of organization on the expanding market for the





drug. Far from being a “war on drugs,” control was institutionalized through market regulations to ensure the adequate supply of medicines while limiting and delineating the legal limits of their circulation (Reiss 2014). The International Opium Convention of 1912 was the first of these, followed by several others over the following decades. This network of international norms provided the structure for a system for the international circulation of drugs and defined increasingly detailed procedures to determine which drugs should be placed under stricter control, with the main guideline being the restriction of their use for medical and scientific ends. These norms provided for the worldwide expansion of a legal market for opium and other drugs, operated by emerging pharmaceutical corporations (McAllister 2000).

### **From limitation to monopoly**

Afghanistan’s relationship with opium production goes back a long way. According to Bradford (2019), it predates European interest in the drug. Until the 1930s, Afghan poppy cultivation was not significant, being concentrated in a few southern provinces. The 1930s and 1940s brought profound changes to opium production both internationally and domestically in many countries. The Second World War (WWII), while causing a disruption of the conventional channels of global trade and production of narcotic drugs with anesthetic properties, such as opium, also saw a huge increase in the demand for narcotics for medical purposes. Despite its neutrality in the war, Afghanistan became a reliable source of raw opium for the group of Allied countries producing narcotic drugs, especially for the United States (Mansfield 2016a).

Prior to the war, the production and trade of Afghan opium had been carried out under the aegis of the government, by the state-owned *Shirkat-e Taryak* (“Opium Company”). However, the rapid expansion of production, encouraged by the boom in demand, was not accompanied by the formal licensing of new crops, causing the government to lose its monopoly and control of the opium industry (Bradford 2019). The emergence of several producers in various parts of the country led to the emergence of a decreasingly formalized and organized economy.

After WWII, the Afghan government sought to establish good relations with the United States. Investing in this relationship meant securing financial aid and access to the US narcotics market. The prevailing appraisal was that the





modernization of Afghanistan required its participation in global markets, with opium providing a gateway to do so. Establishing relationships with countries that had the infrastructure for the manufacture of medicines thus became essential (Bradford 2015). It was during this period that Afghanistan began to be pressed to accede to the drug control system that was under construction. To be part of the licit global opium trade, i.e., to be able to export raw materials and import narcotics, the country would have to ratify the main conventions in force at the time, namely the Hague Convention of 1912 and the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 1931 (Bradford 2015).

Before the end of World War II, the opium-producing countries (Afghanistan, China, Iran, Mexico, Turkey, the USSR, the United Kingdom — India and Burma — and Yugoslavia) engaged with the USA, within the scope of the League of Nations and the Advisory Committee on Traffic in Opium, in an attempt to find a means to limit poppy cultivation and opium production (UNODC 1953). The objective was to restrict production for use by the expanding field of Western formal medicine and restrict non-medical uses, even in regions where these might be traditional, without causing financial losses in producing countries or shortages of raw materials that might affect manufacturers.

The large increase in raw opium production during World War II, beyond the licit demand, led to the development of new and strict rules at the end of the war (UNODC 1953; Silva 2013). The emergence of the United States as a superpower and the expansion of its pharmaceutical industry played a decisive role in setting the movement towards regulation in motion (Pereira 2021b; Reiss 2014). As part of these efforts, the Commission on Narcotic Drugs (CND) was established in 1946 in the newly created UN ECOSOC. The CND was charged with managing the dynamics of international drug control, determining the medical and scientific requirements for the inclusion and/or removal of substances from the international control system, and a series of other relevant aspects that had an impact on the decision not to include Afghanistan on the list of traditional opium-producing countries.

As a way of responding to the need to deal with the growing opium production of the period, two competing proposals within the scope of the CND/ECOSOC were made between 1949 and 1951. The first of these, a draft provisional agreement, was prepared by an ad hoc committee composed of the main opium producers at the time: India, Iran, Turkey, the USSR, and Yugoslavia (ECOSOC 1948).





The proposal reaffirmed the call for limited opium production for medicinal and scientific purposes and established an international monopoly on opium production by a group of traditional poppy producers, namely Turkey, Iran, India, and Yugoslavia. The opium-importing countries initially agreed with the proposal (UNODC 1953; McAllister 2000; Collins 2015). However, disagreements regarding the price of opium as set by the monopoly-holding countries, the form to be taken by the trade inspection system and competition for poppy straw exports made a consensus vis-à-vis the proposal unfeasible (UNODC 1953). According to McAllister (2000), transnational pharmaceutical companies pressured governments to reject the idea of a monopoly, fearing that such an arrangement would result in higher prices.

The second proposal, a draft protocol to limit opium production inspired by the 1931 Convention, was presented to the CND by French diplomatic representatives. As it contained no provision for a formal monopoly, the French proposal was supported by countries with pharmaceutical industries, such as the USA, Switzerland, and Germany (Silva 2013). The proposal envisaged using market forces to determine the price of opium and allowing manufacturers to choose the supplier of their preference (Collins 2015). The market-driven logic of the proposal helped it gain the necessary political support to be approved. Signed in New York, the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium of 1953 established new mechanisms for the regulation of the worldwide opium market.

The protocol established a system of estimates and statistics to facilitate the control and monitoring of opium crops, harvests, consumption, exports, and stocks — adapting instruments from the 1925 and 1931 conventions. The protocol determined that only seven countries could grow poppy for export: Bulgaria, Greece, India, Iran, Yugoslavia, Turkey, and the USSR. If the quantity of opium exported to any one country were found to have exceeded the estimates reported by that country, further exports to it were suspended for one year. As for producing countries that were not on the list but that until 1959 had cultivated poppies for export, these could request a transitional measure upon ratification of the Protocol (UN 1953). This would enable them to continue exporting for medical purposes, as long as they declared the market(s) to which they were exporting (which could only be among the signatory countries). In addition, the protocol established that, within five years of its entry into force, the use of opium for quasi-medical purposes should be abolished.





Both Afghanistan and other countries considered traditional producers were not included in this group. The initial justification for this exclusion was the fact that these countries did not attend the document approval conference to demand that they be included. Nonetheless, this is an untenable justification, since Bulgaria and the USSR were not present and yet were included in the list of licensed countries, while Vietnam, present at the meeting, was excluded.

Afghanistan thus found itself in an increasingly problematic position vis-à-vis the opium trade. Internationally, it was not identified as a traditional producer of the drug and its domestic situation contributed to distrust in other countries regarding its ability to maintain adequate control of opium poppy production (Barfield 2010). Since the 1930s, Afghanistan has been trying to adapt to the new international era of drug control. As the demand for modern medicines increased and access to narcotics came under the control of international conventions, Afghanistan chose to participate in the system under construction. In 1934 it became a member of the League of Nations and ratified the Dangerous Drugs Act. In 1937, it also ratified the 1931 Convention. Nonetheless, its participation in the licit market became less and less viable because it had not ratified the 1912 Hague Convention and did not provide the statistics and estimates on its opium production required by the 1931 Convention (Bradford 2019).

Afghanistan continued to insist, in the years following the 1953 convention, to be that it be included in the group of traditional producing countries. However, political resistance among its neighbors and, later, among the international powers prevented the alteration of the status quo (Collins 2015; Bradford 2015; Thorogood 2018). In 1955, Iran banned opium within its territory due to its inability to exercise control over its production and increased consumption among the Iranian population. The USA supported Iran in this with financial incentives. The Iranian ban profoundly impacted the global and regional dynamics of opium: in addition to impelling an increase in global opium prices, it encouraged opium production outside of Iran, especially in neighboring Afghanistan.

Opium produced in Afghanistan began to meet the demands of illicit markets in Iran and Pakistan. Iran, Pakistan, and India (all signatories of the 1953 Protocol) worked together politically to prevent Afghanistan from entering the list of producers, fearing that this would worsen opium abuse in their countries. Other countries claimed that the international market was already established and that there was no room for new producers. In other words, in addition to concerns about the geopolitics of opium, there were economic concerns regarding sharing







of a portion of the licit international market (UN 1953). As noted by McAllister (2000), the 1953 Protocol did not offer many options to producer States that were not licensed: their only choices were to sell on the illicit market or fight for a share of the licit one. This situation persists today.

## **Afghanistan in the current international opium licensing model**

The ratification of the Opium Protocol in 1955 did not put an end to the debate on controlling and limiting opium production. In addition to efforts to simplify the drug control regulatory framework (six treaties and three protocols by the 1960s), how such control would be carried out in practice was still in dispute. While countries like the UK advocated moderately restrictive control, the US worked towards establishing highly restrictive control, limiting production to as few countries as possible. The domestic situation of each non-licensed producer was unique, which prevented these producers from organizing themselves around a common negotiating position. Turkey was opposed to limitation, but Iran and Afghanistan took a pro-US stance. India emerged as a moderate among these positions, particularly regarding control over synthetic opioids (Bradford 2015; Silva 2013; Collins 2015).

The opium control mechanisms laid down by the 1961 UN Single Convention on Narcotic Drugs, which superseded all previous drug conventions, were the result of a dispute between the interests of the various actors involved in the international opium economy during the preceding decade — although the US position had a decisive weight. The convention incorporated and updated the various international drug control parameters that had been created previously in a single document (Pereira 2017). It maintained the authorization of use for medical and scientific purposes, the obligation of signatory countries to report annual estimates of opium quantities needed, statistics on supply and demand, the import and export certification system, and the classification of substances in staggered lists according to the potential for abuse and medical applications of them. It excluded all traditional, religious, and recreational uses of the drug. The opium poppy, cannabis, and coca become the foci of control as envisaged by the convention (Pereira 2017).

The format of this control, which aimed to bring about a utopian future in which opium poppy, cannabis and coca production were eliminated worldwide,





imposed heavy costs on countries and communities supported by poppy cultivation. This strategy was based on the view of developed countries that restricting the production of raw materials would be the most efficient way to avoid non-legitimate uses of drugs, i.e., uses for purposes other than medicine or science (Bewley-Taylor and Jelsma 2012). Given the context in which the convention was drawn up, plant-based drug-producing countries did not have enough strength to assert their interests and were forced to accede to the logic of eradication, believing that they could thereby obtain political dividends and foreign financial resources.

In the case of opium-producing countries, the alternative, in the face of this structural limitation, was to take advantage of existing disagreements between developed countries to achieve the best possible outcome. Throughout the entire process, views of the production of raw material for drug manufacture were polarized between those who defended limiting the number of countries authorized to produce and export opium (à la the 1953 Protocol), and those who opposed them, considering such limitation a violation of the principle of sovereignty (Bradford 2015). In the case of opium, the convention reached an intermediate formulation that allowed for the approval of the text while retaining the exclusion of Afghanistan.

The final document of the 1961 Convention (UN 1961) allows any country to grow, produce and trade opium in a licit manner if it observes certain rules. To be able to carry out this production, the State must have a national control agency (Art. 25), the opium trade produced by the country must be a governmental monopoly (Art. 23) and (fundamental for the control of the international opium market), to avoid overproduction of the drug, any country that had not exported opium before signing the convention and that wished to do so had to request authorization from the INCB (for up to five tons) and an additional authorization from ECOSOC (for higher amounts) (Art. 24). The decision on whether or not to grant such authorization would be made according to the provisions of the convention and the estimates of global opium demand established by the INCB.

Although the proposal for a monopoly on production was abandoned when the 1961 text was ratified, countries that exported opium during the decade preceding the Single Convention were automatically allowed to continue exporting (Art. 24, para. 3). In respect of the privileges granted to countries considered traditional producers, the 80/20 Rule, drawn up by ECOSOC in 1979, deserves special mention. According to this rule, 80% of the opium imported by a country





should be produced by one of the traditional producers, i.e., India and Turkey, with the remaining 20% being imported from the other producer countries. The US, the world's largest licit opium importer, has incorporated this rule into its domestic legislation (Jelsma 2005; Felbab-Brown 2020).

The Commentary on the Single Convention on Narcotic Drugs, 1961 (1973) points out the imprecision employed in determining which countries were “traditional producers.” The 1961 Convention states that “[...] a Party that during ten years immediately before 1 January 1961 exported opium which such country produced may continue to export opium which it produces” (UN 1973, 294, authors' emphasis). Countries falling into this classification are considered traditional producers. According to the INCB, only India and Turkey (current traditional producers) would be qualified to export, as the term ‘during’ refers to countries that produced opium during the decade 1951-1961. This is not the only possible interpretation, however. The term ‘during’ could also be understood as referring to any country that had produced opium at any point during the aforementioned decade. The authors of the Commentary claim that this was the original meaning of the convention. Such an interpretation would allow some 10 countries, including Afghanistan, Myanmar, and Pakistan, to be framed as traditional producers and therefore allowed to produce opium lawfully. This is not what has happened, however.

### **Traditional producers and the licit market: what about Afghanistan?**

Opium-producing countries that were not incorporated by the traditional producers' rule of the 1961 Convention had two alternatives: to continue growing opium poppies and trading opium, becoming illegal producers, or claiming a share in the licit opioid market by requesting authorization from the INCB and ECOSOC. While, according to the Single Convention, entry into the legal opium market was an option, the difficulties in gaining admission faced by countries like Afghanistan suggested that the world's licensed opium producers had already been decided on a decade before the 1961 convention and that access to the market would not be easily shared.

Raw opium produced in Afghanistan until the 1950s, although expensive, was highly regarded by many American pharmaceutical companies, given its high concentration of morphine. However, there was a perception that the government had no control over the production and export process, which





generated discomfort and concern about the growth of the illicit market inside and outside the country. As it tried to respond to international demands for greater control, Afghanistan imposed different types of bans on opium production in 1945, 1956 (Opium Act), and 1958 (in Badakhshan province). While the 1945 and 1956 bans were intended to help the government gain control over the opium industry and ban consumption for non-medical purposes, the 1958 ban ended up by banning opium production altogether (Bradford 2015). By doing this, the government hoped to obtain recognition as a responsible country and incorporation into any treaty that defines the countries authorized to produce opium for the global market, such as the 1953 Protocol.

As part of the strategy to be added to the group of countries producing opium for the licit market, Afghanistan opted for a prohibitionist posture, thus drawing closer to the US and moving away from the Afghan reality. In the Afghan government's assessment, the costs of prohibitionist policies were lower, in financial terms, than the benefits derived from the US-sanctioned share of international trade. In the wake of this move, the Afghan government was advised by the US to wait for ratification of its candidacy by the CND/ECOSOC before resuming production. In the meantime, however, many producers began to seek buyers for their opium on the international market, signaling that the ban had not been effective (indeed, several pharmaceutical companies in the US and France claimed to have received samples of Afghan opium at the time). The increase in the flow of Afghan opium to illicit markets in neighboring countries — notably Iran — made incorporation into the licensed system unfeasible.

Afghanistan's absence from the 1953 Opium Protocol and the bans implemented thereby were decisive for its subsequent exclusion from the list of countries considered traditional producers. The bans of 1956 and 1958, which interrupted the production of opium at two moments in the decade that preceded the elaboration of the Single Convention, prevented Afghanistan from being able to be considered a traditional producer, according to the interpretation of the INCB. From 1960 onwards, the internal situation in Afghanistan began to deteriorate, politically and economically. During the 1960s and 1970s, social reforms were intensely disputed between the Soviet-oriented socialist movement and the radical Islamic movement, a reflection of dissatisfaction with the liberal policies that had been implemented since the 1950s (Marsden and Samman 2000). With the seizure of power by the People's Democratic Party of Afghanistan (PDPA) in the Saur Revolution of 1978, the Democratic Republic of Afghanistan was





proclaimed, Cold War neutrality was abandoned and modernizing, revolutionary reforms were undertaken, mainly in rural areas (Barfield 2010; Visentini 2013). The suppression of the opposition, the internal disputes of the PDPA, and the unpopularity of the reforms led the USSR to invade in 1979.

With the Soviet invasion, the previously diffuse insurgency began to organize itself around a jihad against the invaders. During the 1980s, Afghanistan was gripped by the conflict between USSR-backed government forces and mujahideen, supported by the US and Pakistan. It was precisely in this period that the opium industry gained scale in the global illicit market. According to Cornell (2007), opium production, which before the invasion amounted to less than 200 tons, reached 1,000 tons. The incentives for the opium industry to prosper were diverse. Added to the violence of the armed conflict were the opium bans in Iran and Pakistan. Given the suspension of economic activities as a result of the war, poppy cultivation became a viable alternative for the survival of the rural population. Another relevant factor in the process of transforming the Afghan opium industry into a global illicit industry was the CIA's covert operations in the country. The US provided the necessary protection for groups involved in opium production and trafficking to expand their markets. Such complicity on the part of the American agency allowed the resistance to raise funds to maintain the conflict and thus increase the costs for the communists (Mercille 2013).

Although Soviet troops withdrew from Afghanistan in 1989, the socialist regime held out until 1992, when the main Islamic organizations took over the provinces of Herat, Kabul, and Kandahar. Between 1992 and 1996, Afghanistan was the scene of a civil war between different groups that sought to control the country. Again, amid chaos and violence, the opium industry grew: in 1994 it is estimated to have produced over 3,400 tons (Cornell 2007; UNODC 2005). The Taliban came to power in September 1996, ending the civil war. Aided by Pakistan, Saudi Arabia, the United Arab Emirates, and, indirectly, by the US, the regime adopted a strongly anti-Western stance. Until the 2000s, Afghan opium production continued to expand. In 1998, the country became the largest illegal opium producer in the world, and in 1999 it is estimated that over 4,500 tons of opium were produced there (Cornell 2007; UNODC 2005). In the year 2000, however, the Taliban imposed the biggest and most effective ban on opium to date: in 2001 the UN Office on Drugs and Crime recorded production of a mere 185 tons (UNODC 2005). For Mansfield (2016a), this was the last Afghan effort to obtain recognition of its political regime in the international community. The





US invasion of Afghanistan in September 2001 quickly allowed opium production to return to pre-ban levels. In 2002, production is estimated to have reached 3,400 tons (Cornell 2007; UNODC 2005).

## **Future prospects for opium regulation in Afghanistan**

The process of transforming Afghanistan into the world's largest illegal opium producer is the result of domestic and international events. If the birth of this illegal market is a consequence of the creation of international drug control mechanisms, as described in the previous sections, the relevance of this illegal production to the social, political, and economic dynamics of Afghanistan is the result of more than four decades of violence and conflict. Not only because of the incentives provided by war to increase drug production but also because of the maintenance of the structural conditions that have allowed illicit economies to flourish.

The Bonn Agreement, signed in December 2001 after NATO forces drove the Taliban into Pakistan, created a façade of Western-style liberal democracy and guaranteed adherence to the interests of the intervening powers while establishing a provisional authority under the leadership of Hamid Karzai, who was responsible for leading the drafting of a constitution and organizing presidential and parliamentary elections in subsequent years (Nasser 2021). At the same time, Security Sector Reform (SSR) was initiated, to enable Afghan forces to maintain order and defeat any new Taliban insurgencies (Ayub, Kouvo, and Wareham 2009).

However, the promise of a “new” Afghanistan failed. The reasons are varied, but the fact that the occupation process by US forces did not consider the Afghan reality played an important role. Furthermore, US rule was based on an ethnic *divide et impera* approach characterized by support for certain local factions, such as the Alliance of North. According to Goodhand and Mansfield (2010), the Bonn Agreement was an elite pact that only benefited the political forces that were on the “right side” in the War on Terror. The use of local forces in the fight against the Taliban provided opportunities for many factional warlords to impose demands on the government ministries that were under construction. Added to this scenario of fragility, in 2006 the Taliban returned to Afghanistan and resumed the armed struggle. The occupying forces blamed the recrudescence of





the Taliban actions for the growth of opium production and trafficking since the control over the illicit drug market provided the means to finance its insurgency.

The non-regulation of Afghan opium had made a booming market available to non-State groups, thus creating and strengthening criminal actors. Furthermore, the occupation forces were not concerned with addressing the structural vulnerabilities that initially allowed the opium economy to flourish. There was no consistent effort at economic reconstruction. The structuring of a productive base that would allow for long-term sustainable development was not even tested. The post-intervention process of “rebuilding” Afghanistan was largely financed by international aid flows and the service sector, driven by the invasion itself. The agricultural sector remained the most important economic activity in the country. Among the crops cultivated in Afghanistan, the one with the highest value is the opium poppy, corresponding to about 8-11 % of GDP and directly employing more than 190,000 individuals, whose involvement in opium production supplied 44 % of their incomes (UNODC 2019; Sopko 2020).

Despite data that reveal the significance of opium for the Afghan population, the occupation forces and the government they supported remained committed to the eradication of poppy plantations and criminally penalizing individuals involved in poppy cultivation. The objective was to smother the source of the funds that allowed the Taliban to remain in the conflict. Therefore, the fight against drugs was one of the pillars of the Security Sector Reform. With the help of the United Kingdom, the Counter Narcotics Directorate (CND) was established in the country. This body assumed responsibility for designing and implementing anti-narcotic policies for Afghanistan — closely monitored by the International Security Assistance Force established by the UN Security Council (Mansfield 2020). Despite these actions, Afghan opium production steadily increased (Coyne, Hall, and Burns 2016). After the fall of the Taliban government in 2001, poppy plantations spread to virtually every province in the country, which returned to being the world’s largest opium producer, accounting in 2005 for 90% of all illicit opium produced and more than 92 % of heroin consumed worldwide (UNODC 2006). This led to a debate on alternative means for dealing with the issue.

The data presented annually by the UN reports since the beginning of the occupation demonstrate the inefficiency of the anti-opium policies in place. Eradication efforts constituted an important obstacle to the Karzai government (2001 to 2014) gaining legitimacy among the Afghan population. Obviously, the various social groups involved with the opium market tended to support forces





that did not destroy their source of income, regardless of who they were (i.e., the Taliban, warlords, or others) (Goodhand and Mansfield 2010; Felbab-Brown 2010). In this context, debates on the issue paid special attention to proposals to integrate Afghanistan into the legal opium market.

Currently, half of the world's opium production is legally regulated by domestic and international laws. Twenty-one countries are authorized to produce opium, both for export and domestic use. Spain, Turkey, Australia, France, and Hungary are the main opium exporters (INCB 2021). The others, such as China and the United Kingdom, grow opium poppies to meet their domestic demand. There are profound differences between the various types of production in various exporting countries, which impacts their profits, productivity, and how they participate in the legal international market. India and Turkey cultivate poppies in a traditional way, with intensive labor, which implies high production costs reflected in the final price. By contrast, Australia and Spain cultivate poppies in a mechanized way and on a large scale, which allows for greater profits and, consequently, greater investments in research and technology. The competitiveness of opium-producing countries for export is directly related to how poppy alkaloids are cultivated, harvested, and extracted (Mansfield 2001; Byrd and Mansfield 2014; Transform... 2019).

In 2005, the Senlis Council (recently renamed “The International Council on Security and Development”), an international think tank, launched a campaign entitled “Poppies for Medicine,” followed by the document “Feasibility study on opium licensing in Afghanistan.” The Senlis Council proposed the creation of a system to regulate the cultivation of opium in Afghanistan to produce medicines, such as morphine and codeine. The proposal, widely discussed at the time, was supported by two case studies, India, and Turkey. This is because both states were able to transition from small-scale illegal opium producers to a legal license system in the 1970s, following the norms established by the 1961 Single Convention on Narcotics and authorization for opium production for research and medicinal use. The Senlis Council argued that this path had the potential to break the cycle of violence imposed by the illicit opium market in the country, providing a socio-economic alternative for the Afghan population that would also bring benefits to the State itself (Senlis Council 2005). Some have called this alternative “poppies for peace” and suggested that licensing opium production was a precondition for any consistent initiative for a sustainable socio-political reconstruction of Afghanistan (Ham 2007).







A series of critical analyses of the Senlis Council study and related analyses were published in the following years, claiming, for example, that it had overlooked important and problematic lessons from the Turkish and Indian cases (Windle 2011). There was also an assessment that the study did not consider the fragility of Afghan State institutions and their inability to supervise a legal opium market within the parameters established by the 1961 convention and the INCB (Grare 2008). Others claimed that the document overestimated the ability of the Afghan State to license opium to solve important socio-political problems in the country, in addition to not considering problems that would be generated by licensing itself, such as the ethnic and tribal tension resulting from the inevitable disproportionate participation of different groups in the legal market (Felbab-Brown 2007). Most commentators highlighted the complexity of Afghanistan's domestic variables, suggesting that these made any such proposal difficult, be it of a conjunctural or structural nature. It is worth noting that the Afghan state itself did not show any interest in following such a path. According to the Minister of Counter Narcotics at the time, Habibullah Qaderi, "Afghanistan rejects calls to legalize poppy cultivation in the country", given that without security "there is no guarantee that opium will not be smuggled out of the country to the illicit trade in narcotics" (OCHA 2005).

In addition to these social and institutional difficulties for the viability of an opium licensing enterprise, a criticism made by Greenfield, Paoli, Reuter (2009) is particularly important, given that it expresses the structural logic of the functioning of international drug controls and their impact on domestic drug controls of countries such as Afghanistan. Greenfield, Paoli, Reuter (2009) claim that licensing could not be put into practice because, among other things, there would be no space in the global market to absorb Afghan opium production. Basically, there would be no demand.

A 2017 report by The Lancet concluded that while the supply of opioid drugs is substantial, their global distribution is extremely uneven. Poor people in all parts of the world continue to live and die with virtually no pain relief. The situation is worse in low-income countries with precarious access to health care (Knaul et al. 2018). The INCB itself (2021) reinforces the "urgent need to increase levels of consumption of analgesic opioids" in countries where inadequate consumption is identified and calls for the involvement of governments, civil society, the pharmaceutical industry, and international community toward this objective.





According to Kunnumpurath et al. (2018), recent data show that the consumption of opioid drugs for pain relief is still very low in most regions. Some reasons for this include a lack of training and awareness among health professionals, in addition to fear of addiction. However, limited funds for the acquisition of these drugs are a decisive factor. In fact, it is the market logic that governs the international distribution of opioids, with the norms of international drug control having little effect on the market. This is clear from the lack of attention paid by the INCB to pharmaceutical corporations.

Such corporations have great autonomy and power in the functioning of the opioid market, being guided, like other corporations, by the goals of maximizing their profits and return on investments through the development of new and more advanced drugs. The drug market is not self-regulated, and products are not easily substituted at the consumer level. This means that large pharmaceutical corporations have great freedom in determining the price of a drug. It is interesting to note that the classification of certain analgesic drugs (morphine and codeine, for example) by the WHO as 'essential,' ensures a permanent global demand that is independent of price. Thus, given the lack of competitiveness in the market in general, the level of profit that pharmaceutical companies wish to obtain is a central factor in determining the price of a drug (Malerba and Orsenigo 2015). In this regard, as stated by Felbab-Brown (2020), India and Turkey, which are traditional opium producers and use less technological methods, were not excluded from the global market by Australian, New Zealand, and French corporations because of the ECOSOC 80/20 rule that is applied by the USA.

This is one of the main reasons that explain the shortage of opioid medicines in most countries and their wide availability in countries like the USA and Canada, where the amount available for the treatment of health conditions associated with pain is literally thousands of times greater than that estimated to be necessary (Knaul et al. 2018). For more than a decade, both countries have experienced an enormous expansion in opioid use by their populations and, consequently, high rates of overdose deaths. This situation is largely due to the legal market itself, driven by a series of actions by pharmaceutical corporations in conjunction with state health agencies since the 1990s (Pereira 2021a). But the illicit opioid market in the region has also increased considerably, following the trend of growth in the legal market.

In this context, Mexico has suffered the effects of the connection between the licit and illicit opioid markets, assuming the role of a key illegal poppy producer.





The social violence derived from the War on Drugs, which was already widespread in the country, has increased even more in recent years. On a smaller scale, Mexico expresses the same problematic logic as Afghanistan. And, just as in the past, there are proposals to regulate Mexican opium production (Transform... 2019). However, unlike in Afghanistan, Mexican government exponents seem to see such measures as possible and desirable (Gallegos 2016).

Almost fifteen years after the regulation proposal made by the Senlis Council to Afghanistan, “Transform Drug Policy,” an organization dedicated to the international debate on drug policy has resumed this debate but concerning Mexico. Transform Drug Policy’s proposals suggest the need to rethink the international drug control system, considering the particularities of each case and the notion of “shared responsibility” for the transnational drug market, involving the US and other countries. According to Transform Drug Policy (2019), a proposal to transition from the illegal to the legal opium market demands a broad program of social development. In other words, it must be linked to a socially sustainable project and must not be seen as the solution to the illegal consumption of opioids in the region. Even so, it could lead to a decrease in violence linked to the opium illegal market in the country.

Criticisms of this proposal restate the previous ones that had already been made vis-à-vis Afghanistan in the early 2000s. According to Felbab-Brown (2020), licensing opium production requires solving problems related to law enforcement in its broadest sense, strengthening the justice system and reducing impunity and corruption. Only after that would it be possible to contemplate consistent regulation. I.e., it would not be feasible to think about regulation without first solving impunity in the context of prohibition.

## Conclusion

The ban on Afghan opium has been a topic of international policy discussion since its inception, as have recent debates about possible regulations that could include the country in the legal market. Historically, the different international control initiatives for opium have reflected the interests of the main States and their pharmaceutical corporations. This is clear in the proposals of the 1953 Protocol and the institutional architecture of the 1961 Convention. In both cases, the USA played a decisive role. The definitions established by the US helped determine the dynamics of the current illegal market.





The structure of the opium market favored countries with medical and pharmaceutical industries and discriminated against those engaged in traditional opium production. In other words, the international opium policy was based on the logic of the market and not on a logic of development or reduction of illegality, which would have required a means of the inclusion of such countries as Afghanistan, responsible as they are for the largest share of the illegal market.

Criticisms of regulation of the Afghan opium market (and more recently the Mexican one) restate the same arguments — primarily citing the weakness of the Afghan state — that were used in the past to justify the structure of the current market. Analysis suggests that any new proposal for the regulation of opium must first emerge from the actors responsible for the structure of the current opium market and be guided by an interest in reducing illegal dynamics and the violence associated with them.

In addition to making countries responsible for policing their production, such a proposal would require a rearrangement of the global economic earnings from opium as well as differentiated international support that could guarantee that legal production would not be held hostage by the invisible hand of the market. The production and circulation of psychoactive drugs cannot be defined by the interests of economic agents, given their characteristics. The huge illegal market for Afghan opium illustrates this point. So too does the massive consumption of opioids in North America that has harmed thousands of people in recent decades. The contradictions in global opium production and consumption suggest the need to reflect on international drug control from a new perspective. Afghanistan's place in the global opium market is now, as in the past, a major issue in international drug control policy.

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