

# 5.1: Afghanistan's Counternarcotics Policy and Legal Framework

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## Summary

This chapter provides an overview of the counternarcotics policy and legal framework adopted by the Government of the Islamic Republic of Afghanistan. It also looks at the interconnection between narcotics, corruption, and insecurity in the country.

## Introduction

It is difficult to over-state the dangers of the 'opium economy' for our country and the region's future. It is the single greatest challenge to the long term security, development and effective governance of Afghanistan. It also represents a significant risk to the stability of the region and accounts for almost 90% of the global supply of opiates. The drug trade fuels corruption and it undermines the very rule of law that is key for bringing safety and security to our people, it jeopardizes the prospects for long-term economic growth, and it impoverishes thousands of farmers who become indebted to drug traffickers, money-lenders and criminals. The opium trade rewards those who plunged our country into decades of lawlessness, chaos and left us at the hands of terrorists. It soils our honor, forces us to dampen our national pride, and makes us look incompetent in the eyes of the world.

*-President Hamid Karzai, Islamic Republic of Afghanistan 2006<sup>1</sup>*

In an effort to counter the illicit drug trade, Afghanistan has signed international treaties on drugs, joined international and regional initiatives to combat drug trafficking, and adopted a National Drug Control Strategy as well as supporting national legislation. Volume 5, as a whole, looks at Afghanistan's counternarcotics efforts within the criminal justice sector, U.S. support to those efforts, international treaties and initiatives, as well as regional initiatives. This chapter focuses on Afghanistan's counternarcotics national policy and legal instruments. This chapter also provides an overview of the narcotics-corruption-security nexus in Afghanistan.

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<sup>1</sup> The Islamic Republic of Afghanistan, Ministry of Counter Narcotics, National Drug Control Strategy, An Updated Five-Year Strategy for Tackling the Illicit Drug Problem, Kabul, January 2006 (hereinafter 2006 NDCS), p. 4: <http://mcn.gov.af/Content/files/NDCS.pdf>. A new National Drug Control Strategy (NDCS) was adopted in October 2013, however, at the time of this writing an English copy was not available.

## Afghanistan's Policy and Legal Framework for Counternarcotics

All counternarcotic activities in Afghanistan are carried out in accordance with the Constitution, the National Drug Control Strategy (NDCS), and the Counter Narcotics Drug Law (CN Law). The Ministry of Counter Narcotics (MCN) is the lead ministry for all counternarcotics affairs, and is responsible for coordination and evaluation of the implementation of the counternarcotics law and the NDCS.<sup>2</sup>

### Constitution

Afghanistan's Constitution mandates observance of international treaties on drugs to which Afghanistan has joined and ranks the threat of opium cultivation, trafficking, and consumption on par with terrorist activities stating:<sup>3</sup>

#### Article 7

The state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights.

The state shall prevent all kinds of terrorist activities, cultivation and smuggling of narcotics, and production and use of intoxicants.

Afghanistan is a party to the three major United Nations (UN) drug control treaties - the 1961 Single Convention on Narcotic Drugs,<sup>4</sup> the 1971 Convention on Psychotropic Substances,<sup>5</sup> and the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances,<sup>6</sup> but is not a party to the 1972 Protocol amending the Single Convention on Narcotic Drugs.<sup>7</sup>

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<sup>2</sup> See The Islamic Republic of Afghanistan, Law on Campaign against Intoxicants, Drugs and their Control, Official Gazette No. 1025, 24 June 2010, English translation prepared by the Criminal Justice Task Force, (hereinafter CN Law), Art. 4; see also Government of the Islamic Republic of Afghanistan, Ministry of Counter Narcotics, About MCN: <http://mcn.gov.af/en/page/1835>.

<sup>3</sup> 2004 Constitution of Afghanistan (Translated by Sayed Shafi Rahel for the Secretariat of the Constitutional Commission)(hereinafter Constitution), Art. 7: [http://supremecourt.gov.af/Content/Media/Documents/constitution2004\\_english3012201016726844.pdf](http://supremecourt.gov.af/Content/Media/Documents/constitution2004_english3012201016726844.pdf). See Chapter 5.4 for an overview of the international drug treaties.

<sup>4</sup> See UN Treaty Collection, Chapter VI, No. 15, Single Convention on Narcotic Drugs, 1961: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VI-15&chapter=6&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-15&chapter=6&lang=en).

<sup>5</sup> See UN Treaty Collection, Chapter VI, No. 16, UN Convention on Psychotropic Substances, 1971: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VI-16&chapter=6&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-16&chapter=6&lang=en). Afghanistan's accession to the Convention on Psychotropic Substances was made with the reservation that submission to the International Court must be by agreement of both parties.

<sup>6</sup> See UN Treaty Collection, Chapter VI, No. 19, UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VI-19&chapter=6&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-19&chapter=6&lang=en).

<sup>7</sup> See UN Treaty Collection, Chapter VI, No. 17, Protocol amending the Single Convention on Narcotic Drugs, 1961: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VI-17&chapter=6&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VI-17&chapter=6&lang=en).

Afghanistan is also a party to the UN Convention against Transnational Organized Crime (UNTOC), but is not a party to the three supporting Protocols.<sup>8</sup> Afghanistan joined the International Convention on the Suppression of the Financing of Terrorism in 2003<sup>9</sup> and ratified the UN Convention Against Corruption on August 25, 2008.<sup>10</sup> The international treaties and Afghanistan's status are discussed more fully in Chapter 5.4: International Counternarcotics Treaties and Enforcement Bodies.

### **Afghanistan's National Drug Control Strategy**

Pursuant to the Afghanistan National Development Strategy Priority and Implementation Plan (ANDS PIP), the Afghan Government, with support from international and national partners, is required to “review, integrate, and implement a more effective, coherent, and pragmatic National Drug Control Strategy (NDCS) to address narcotics issues comprehensively and in a sustainable manner.”<sup>11</sup> Afghanistan initially adopted a NDCS in 2003, which was updated in 2006 for a five year term, and updated again in October 2013 to the current governing strategy. An English copy of the current NDCS was not available at the time of this writing. Previous strategies have stated the overall objective of the NDCS is for the Government of Afghanistan to “secure a sustainable decrease in cultivation, production, trafficking and consumption of illicit drugs with a view to complete and sustainable elimination.”<sup>12</sup>

Counternarcotic efforts are a cross-cutting theme under the ANDS PIP.<sup>13</sup> In that regard, counternarcotic initiatives are to be a part of all five government clusters.<sup>14</sup> All National Priority

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<sup>8</sup> See UN Treaty Collection, Chapter XVIII, No. 12, UN Convention against Transnational Organized Crime, 2000: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en); No. 12a, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en); No. 12b, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-b&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&lang=en); and No. 12c, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-c&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&lang=en).

<sup>9</sup> See UN Treaty Collection, Chapter XVIII, No. 11, International Convention for the Suppression of the Financing of Terrorism, 1999: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-11&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-11&chapter=18&lang=en).

<sup>10</sup> UNODC, UNCAC Signature and Ratification Status: <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>. The Islamic Republic of Afghanistan signed the UNCAC on 20 February 2004. It was passed by the *Wolosi Jirga* on 16 August 2007 and the *Moshrano Jirga* on 25 September 2007. It was endorsed by the President on 23 December 2007 and printed in the Official Gazette, No 936, on 15 January 2008. UNCAC was ratified by Afghanistan on 25 August 2008.

<sup>11</sup> See Afghanistan's National Development Strategy Prioritization & Implementation Plan Mid-2010 – Mid-2013 (hereinafter ANDS PIP), p. 9: <http://www.mfa.gov.af/ands-pip-english.pdf>. See Chapter 1.1: Afghanistan's Rule of Law Policy and Legal Framework Instruments for an overview of the ANDS and ANDS PIP.

<sup>12</sup> 2006 NDCS, *supra* note 1, p. 17.

<sup>13</sup> See ANDS PIP, *supra* note 11, p. 9.

Programs (NPPs) are to be in line with the national counternarcotic priorities set forth in the NDCS.<sup>15</sup> In June 2012, the Joint Coordination and Monitoring Board (JCMB) endorsed the Counter Narcotics Monitoring Mechanism for the NPPs.<sup>16</sup> “This Monitoring Mechanism will enable the Ministry of Counter Narcotics to be represented at the JCMB and Standing Committees meetings, or any other relevant Kabul Process meetings. The primary task of this mechanism is to map out counter narcotics related activities within existing NPPs; as well as activities within existing NPPs that have relevance on the counter narcotics outcomes. The work and the decisions of the Monitoring Mechanism are to be informed by existing counter-narcotics benchmarks, indicators and tangible outcomes and it will be guided by the key MCN strategies (namely Alternative Livelihoods, Drug Demand Reduction, Law Enforcement, Public Awareness, Institution Building, Regional and International Cooperation strategy, such as through the Counter-Narcotics Confidence Building Measure within the Istanbul Process), and the revised National Drug Control Strategy.”<sup>17</sup>

The MCN has developed five-year policy papers (2012-2016), referred to above as part of the “key MCN strategies,” on Anti-Drug Trafficking (law enforcement), Alternative Livelihoods, and Drug Demand Reduction.<sup>18</sup> The Anti-Drug Trafficking Policy identifies the following priority issues in order “to deal with the drug trade in Afghanistan.”<sup>19</sup>

- targeting high value drug traffickers and destroying their networks;
- seizing drug traffickers assets;
- revising the poppy eradication program;
- establishing a law enforcement gallantry trust fund;
- addressing the situation regarding drug trafficking prisoners;
- enhancing the capacity of counternarcotics law enforcement agencies;
- controlling the borders; and
- enhancing regional cooperation and coordination among counter narcotics institutions.

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<sup>14</sup> Ibid. See Chapter 1.1: Afghanistan’s Rule of Law Policy and Legal Framework Instruments for a discussion of the government clusters.

<sup>15</sup> Ibid. See Chapter 1.1: Afghanistan’s Rule of Law Policy and Legal Framework Instruments for an overview the National Priority Programs.

<sup>16</sup> See UNODC, The World Drug Day Commemoration in Afghanistan, June 2012:

<http://www.unodc.org/afghanistan/en/frontpage/2012/the-world-drug-day-commemoration-in-afghanistan.html>.

See also Chapter 1.2: Coordination Mechanisms for International Rule of Law Assistance for an overview of the Joint Coordination and Monitoring Board (JCMB) and its Standing Committee; see also The Kabul Process:

[www.thekabulprocess.gov.af/](http://www.thekabulprocess.gov.af/).

<sup>17</sup> UNODC, The World Drug Day Commemoration in Afghanistan, June 2012:

<http://www.unodc.org/afghanistan/en/frontpage/2012/the-world-drug-day-commemoration-in-afghanistan.html>.

See Chapter 5.5 for a description of the Istanbul Process.

<sup>18</sup> PDF links to the Ministry of Counter Narcotics policy papers are available on the MCN website, Policy and Strategy page: <http://mcn.gov.af/en/page/1836>. The PDF link on the MCN website for the Anti-Drug Trafficking Policy is labeled MCN Law Enforcement Policy.

<sup>19</sup> Islamic Republic of Afghanistan, Ministry of Counter Narcotics, Anti-Drug Trafficking Policy, Targeting High Value Drug Traffickers and their Networks, May 2012, p. 12: [http://mcn.gov.af/Content/files/LE\\_En.pdf](http://mcn.gov.af/Content/files/LE_En.pdf).

## Counter Narcotics Drug Law

The 2001 Bonn Agreement requested Afghanistan's Interim Authority to "cooperate with the international community in the fight against . . . drugs and organized crime."<sup>20</sup> In 2002, President Karzai issued three different decrees regarding counternarcotic efforts including a ban on cultivation, production, drug abuse, and trafficking of narcotic drugs; a decree for the enforcement of the ban; and a decree for the implementation of the eradication campaign.<sup>21</sup> In 2004, the National Council of *Ulema* issued a *fatwa* declaring poppy cultivation contrary to Islamic *shari'a* law.<sup>22</sup>

In 2002/3, a new counternarcotics law was developed by the Counter Narcotics Directorate (predecessor to the Ministry of Counter Narcotics) with assistance from the UN.<sup>23</sup> The law "was a major step forward compared to previous legislation, but almost upon its promulgation concerns were voiced that it did not address the 'working needs' of drug law enforcement officials. To provide a better basis for the prosecution of [counternarcotics] cases, the Government, assisted by the United States and the [United Nations Office on Drugs and Crime (UNODC)], began revising the country's counter narcotics legal framework."<sup>24</sup> A new law was passed in 2005; and updated again in 2010, which is the current governing Counter Narcotics Drug Law.<sup>25</sup>

The CN Law defines drug trafficking as:<sup>26</sup>

cultivation of seeds of drug producing plants or production, preparation, process, purchase, sell, keep, distribution, commissioning, import and export, transport, supply, demand, storage, and conceal of any substances or compounds, which includes one of the substances set forth in the annexed Table 1, 2, and 3 to this law, or activities relating to any chemical substance or precursor contained in the annexed Table 4 to this law, for the purpose of using them in illegal cultivation, production, and compounding of narcotic or psychotropic substances.

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<sup>20</sup> See Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Bonn Agreement), 5 December 2001:

<http://www.un.org/News/dh/latest/afghan/afghan-agree.htm>.

<sup>21</sup> See 2006 NDCS, *supra* note 1, Appendix B, p. 43. The three presidential decrees were issued on 17 January 2002, 4 September 2002, and 3 April 2002 respectively. Decree on the Prevention of Planting Poppy and Hashish Plants and Production, Import, Processing, Purchase and Sale, Export, Supply, Storage, Transfer, and Use of Narcotics, Official Gazette No. 802, 2002/06/18 (1381/03/28 A.P.).

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, p. 45. See 2003 Counter-Narcotics Law, Official Gazette No. 813, published 2003/11/04 (1382/08/13 A.P.)

<sup>24</sup> *Ibid.*

<sup>25</sup> CN Law, *supra* note 2. See Counter Narcotics Drug Law, Official Gazette No. 875 published 2006/02/04 (1384/11/15 A.H.), English translation prepared from the Official Dar by Dr. Abdul Jabbar Sabit, Legal Advisor to the Ministry of Interior, (Revised by the Afghanistan Rule of Law Project (AROLP) / USAID)(hereinafter 2005 CN Law): [http://afghantranslation.chechiconsulting.com/documents/laws/Counter-Narcotics\\_Law\\_2005--OG-875\\_ET\\_ET.pdf](http://afghantranslation.chechiconsulting.com/documents/laws/Counter-Narcotics_Law_2005--OG-875_ET_ET.pdf).

<sup>26</sup> CN Law, *supra* note 2, Art. 5(2).

Penalties for violating the CN Law include are imprisonment.<sup>27</sup> The CN Law is supplemented by the Penal Code,<sup>28</sup> the Anti-Money Laundering Law,<sup>29</sup> and the Law on the Campaign Against Financing Terrorism.<sup>30</sup>

Afghanistan does not have formal extradition or mutual legal assistance arrangements with the United States.<sup>31</sup> A draft extradition law has been in review by the National Assembly for an extended amount of time, but has not passed into law. The international community has expressed concerns regarding the draft law and has attempted to work with the Government of Afghanistan to develop a more meaningful extradition law, but to no avail.<sup>32</sup> Specifically, the draft extradition law contains three concerns: “(1) a requirement for third party consent for the extradition of third party nationals—e.g., Pakistan would have to consent to the extradition of one of its citizens from Afghanistan to the United States; (2) the law would not apply to women; and (3) the law sets up reciprocity in extradition.”<sup>33</sup> The CN Law provides that the Ministry of Foreign Affairs in consultation with the Ministry of Counter Narcotics, “initiate efforts to negotiate agreements with other countries and organizations regarding co-operation in detection, investigation, arrest, prosecution, trial and extradition of those suspected of drug smuggling in accordance with provisions of the law.” Interestingly, the previous CN Law specifically provided for extradition of suspects accused or convicted of drug trafficking in accordance with the provisions of the 1988 UN Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances or other international agreements signed with other countries.<sup>34</sup> The

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<sup>27</sup> See Ibid.

<sup>28</sup> See Ibid; see also Afghanistan Penal Code (1976), Official Gazette No. 347, published 1976/10/06 (1355/07/15 A.P.)(hereinafter Penal Code):

[http://afghantranslation.chechiconsulting.com/documents/laws/Penal\\_Code\\_1976\\_ET.pdf](http://afghantranslation.chechiconsulting.com/documents/laws/Penal_Code_1976_ET.pdf).

<sup>29</sup> Islamic Republic of Afghanistan – Anti-Money Laundering and Proceeds of Crime Law, Official Gazette No. 840, 1383/08/10 (2004), Translated by BearingPoint from approved Dari version /Banking Reform Team Afghanistan Economic Governance Project Financial Supervision Dept/Legal Section/DAB 04/11/2004 (hereinafter Anti-Money Laundering Law): [http://afghantranslation.chechiconsulting.com/documents/laws/Anti-Money\\_Laundering\\_Law\\_ET\\_ET.pdf](http://afghantranslation.chechiconsulting.com/documents/laws/Anti-Money_Laundering_Law_ET_ET.pdf);

<sup>30</sup> Law on the Campaign Against Financing Terrorism, Official Gazette No. 839, 2004/10/21 (1383/07/30 A.P.), Translated by BearingPoint/USAID from the approved Dari version, General Counsel Da Afghanistan Bank, Khan/Law/DAB/GC, 1/9/2005:

[http://afghantranslation.chechiconsulting.com/documents/laws/Law\\_on\\_Combatting\\_the\\_Financing\\_of\\_Terrorism\\_ET\\_ET.pdf](http://afghantranslation.chechiconsulting.com/documents/laws/Law_on_Combatting_the_Financing_of_Terrorism_ET_ET.pdf).

<sup>31</sup> U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL), 2013 International Narcotics Control Strategy Paper (INCSR), March 13, 2013, Afghanistan:

<http://www.state.gov/j/inl/rls/nrcrpt/2013/vol1/204048.htm>.

<sup>32</sup> See U.S. Department of Justice, Statement of Thomas M. Harrigan Assistant Administrator and Chief of Operations, Drug Enforcement Administration, Before the Senate Caucus on International Narcotics Control, United States Senate, “Counternarcotics Efforts in Afghanistan,” July 20, 2011 (hereinafter DEA Statement/US Senate Caucus on International Narcotics Control), p. 12: [http://www.justice.gov/dea/pr/speeches-testimony/2012-2009/110720\\_herrigan\\_hearing.PDF](http://www.justice.gov/dea/pr/speeches-testimony/2012-2009/110720_herrigan_hearing.PDF).

<sup>33</sup> U.S. Government Accountability Office, Report to Congressional Addressees, Afghanistan Drug Control, Strategy Evolving and Progress Reported, but Interim Performance Targets and Evaluation of Justice reform Efforts Needed, March 2012, p. 27: <http://www.gao.gov/new.items/d10291.pdf>.

<sup>34</sup> CN Law, *supra* note 2, Art. 12(3); see also 2005 CN Law, *supra* note 25, Art. 35(2).

U.S. Drug Enforcement Administration reports that “[a]lthough the United States has had a number of successes in obtaining the transfer of significant traffickers from Afghanistan, significant challenges will remain unless and until Afghanistan enacts a comprehensive and effective extradition law.”<sup>35</sup>

## Narcotics-Corruption-Security Nexus

Afghanistan’s counternarcotics efforts are interrelated with security and anti-corruption efforts.<sup>36</sup> Insecurity and corruption create a climate in which cultivation and trafficking of drugs succeeds.<sup>37</sup> “[T]he drug trade provides financial support to corrupt officials, criminal groups, and insurgents who in turn protect traffickers and perpetuate the chaotic environments that allow illicit trade to thrive.”<sup>38</sup> The narcotics-corruption-security nexus is depicted in Figure 2.

In 2009, the UNODC reported that drugs and bribes were the two largest income generators in Afghanistan.<sup>39</sup> The estimated value of the drug trade was US \$2.8 billion and US \$2.5 billion for bribes: together this amounted to about half the country’s (licit) GDP. In 2011, the opium economy was estimated at US \$2.4 billion.<sup>40</sup> Poppy cultivation in 2012 rose by 18 percent, although production was down 38 percent from the year before.<sup>41</sup> In 2013, the farm-gate value of opium production rose 31 percent (US \$950 million) in comparison to its 2012 level, representing 4 percent of the GDP.<sup>42</sup> In addition to opium production, Afghanistan has become the largest producer of hashish, a drug produced from the cannabis crop’s resin.<sup>43</sup>

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<sup>35</sup> DEA Statement/US Senate Caucus on International Narcotics Control, *supra* note 32, p. 12.

<sup>36</sup> A full overview of Afghanistan’s anti-corruption efforts can be found in Volume 4.

<sup>37</sup> Congressional Research Services Report for Congress RL32686, Afghanistan: Narcotics and U.S. Policy, by Christopher M. Blanchard, August 12, 2009 (hereinafter CRS Narcotics Report), p.2: <http://www.fas.org/sgp/crs/row/RL32686.pdf>.

<sup>38</sup> *Ibid.*

<sup>39</sup> UNODC, Corruption in Afghanistan: Bribery as Reported by the Victims, January 2010, p. 4: <http://www.unodc.org/documents/data-and-analysis/Afghanistan/Afghanistan-corruption-survey2010-Eng.pdf>. See Volume 4 for an overview of corruption in Afghanistan.

<sup>40</sup> See Civil-Military Fusion Center, Afghanistan in Transition, Opium Poppies & the Afghan Economy, May 2012, p.2: [https://www.cimicweb.org/cmo/afg/Documents/Economic/CFC\\_Afghanistan\\_Poppies-and-the-Afghan-Economy\\_May2012.pdf](https://www.cimicweb.org/cmo/afg/Documents/Economic/CFC_Afghanistan_Poppies-and-the-Afghan-Economy_May2012.pdf).

<sup>41</sup> UNODC, Afghanistan: Opium Survey, Summary Findings, November 2012, p. 4: [http://www.unodc.org/documents/crop-monitoring/Afghanistan/Summary\\_Findings\\_FINAL.pdf](http://www.unodc.org/documents/crop-monitoring/Afghanistan/Summary_Findings_FINAL.pdf). Production was done reportedly due to a combination of a disease of the opium poppy and adverse weather conditions. *Ibid.*

<sup>42</sup> UNODC, Afghanistan: Opium Survey, Summary Findings, November 2013 (hereinafter 2013 Opium Survey), p. 4 and 22: [http://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghan\\_report\\_Summary\\_Findings\\_2013.pdf](http://www.unodc.org/documents/crop-monitoring/Afghanistan/Afghan_report_Summary_Findings_2013.pdf).

<sup>43</sup> See *Ibid.*; see also UNODC, Afghanistan, Survey of Commercial Cannabis Cultivation and Production 2011, September 2012: [http://www.unodc.org/documents/crop-monitoring/Afghanistan/2011\\_Afghanistan\\_Cannabis\\_Survey\\_Report\\_w\\_cover\\_small.pdf](http://www.unodc.org/documents/crop-monitoring/Afghanistan/2011_Afghanistan_Cannabis_Survey_Report_w_cover_small.pdf).

“Systemic corruption at all levels of the Afghan government, fueled by the drug trade, remains a problem.”<sup>44</sup> Reports note that “many central, provincial, and district level government officials are believed to directly engage in and benefit from the drug trade. Corrupt practices range from facilitating drug activities to benefiting from drug trade revenue streams.”<sup>45</sup> In addition, interference with criminal cases remains an issue.<sup>46</sup>

Eighty-nine percent of the poppy cultivation in 2013 occurred in the most insecure provinces in the southern and western regions of the country dominated by anti-government elements and organized criminal networks.<sup>47</sup> “Across Afghanistan, insurgents, criminal organizations, and corrupt officials exploit narcotics as a reliable source of revenue and patronage, which has perpetuated the threat these groups pose to the country’s fragile internal security and the legitimacy of its democratic government. . . . The trafficking of Afghan drugs also appears to provide financial and logistical support to a range of extremist groups that continue to operate in and around Afghanistan, including resurgent Taliban fighters and some Al Qaeda operatives.”<sup>48</sup> The UNODC estimates that in 2009, the Afghan Taliban earned approximately US \$155 million from the opiate trade.<sup>49</sup>

As the U.S. and NATO troop levels decrease, the responsibility for security in key drug cultivation areas will be assumed by the Afghan National Security Forces. The Ministry of Counter Narcotics cautioned that, “unless the international community and Afghan government come up with effective measures to combat drug trade and provide alternative livelihood to the farmers, Afghanistan runs the risk of devolving into a (Narco-State) which will result in political and economical [sic] instability, financial funding for terrorist groups, and wide spread corruption.”<sup>50</sup>

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<sup>44</sup> U.S. Counternarcotics Strategy in Afghanistan, A Report by the United States Senate Caucus on International Narcotics Control, One Hundred Eleventh Congress, Second Session, July 2010, p. 3:

<http://drugcaucus.senate.gov/U%20S%20C%20Counternarcotics%20Strategy%20in%20Afghanistan-July%202010.pdf>.

<sup>45</sup> INCSR, *supra* note 31.

<sup>46</sup> *Ibid.*

<sup>47</sup> 2013 Opium Survey, *supra* note 42, p. 25.

<sup>48</sup> CRS Narcotics Report, *supra* note 37, Summary.

<sup>49</sup> UNODC, The Global Afghan Opium Trade: A Threat Assessment, 2011, p. 30:

[http://www.unodc.org/documents/data-and-analysis/Studies/Global\\_Afghan\\_Opium\\_Trade\\_2011-web.pdf](http://www.unodc.org/documents/data-and-analysis/Studies/Global_Afghan_Opium_Trade_2011-web.pdf).

<sup>50</sup> Anti-Drug Trafficking Policy, *supra* note 19, p. 12.



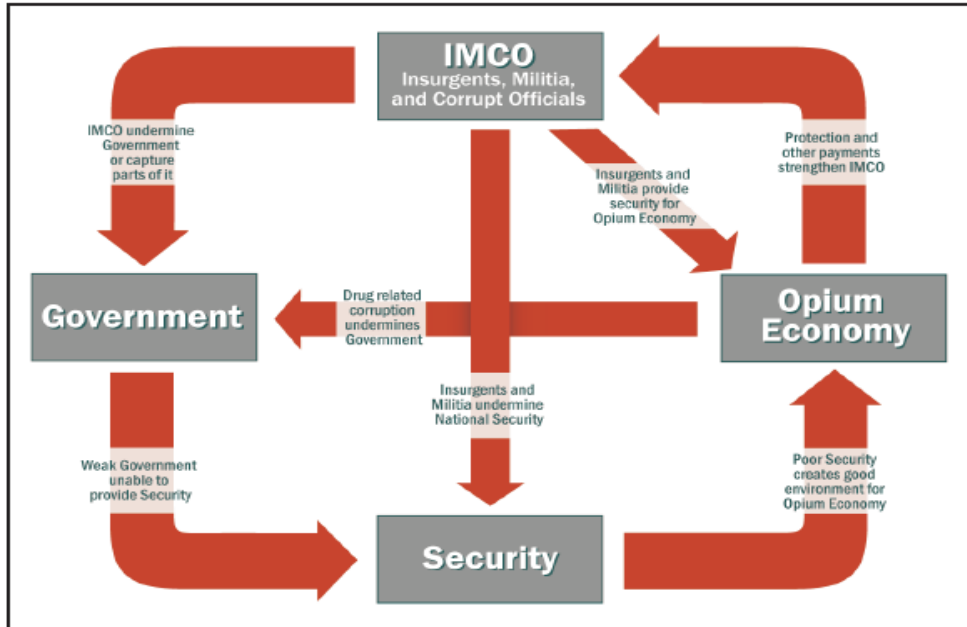


Figure 2- Narcotics-Corruption-Security Nexus in Afghanistan<sup>51</sup>

<sup>51</sup> CRS Narcotics Report, *supra* note 37, p. 12. Adapted and updated by CRS from World Bank, Afghanistan: State Building, Sustaining Growth, and Reducing Poverty, Country Economic Report No. 29551-AF September 9, 2004, p. 87.

## Resources

### Government of Afghanistan

- 2004 Constitution of Afghanistan (Translated by Sayed Shafi Rahel for the Secretariat of the Constitutional Commission):  
[http://supremecourt.gov.af/Content/Media/Documents/constitution2004\\_english3012201016726844.pdf](http://supremecourt.gov.af/Content/Media/Documents/constitution2004_english3012201016726844.pdf).
- Anti-Drug Trafficking Policy, Targeting High Value Drug Traffickers and their Networks, May 2012: [http://mcn.gov.af/Content/files/LE\\_En.pdf](http://mcn.gov.af/Content/files/LE_En.pdf).
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