

A special edition of the *Drug War Monitor* series of WOLA's "Drugs, Democracy and Human Rights" project, which examines the impact of drug trafficking and U.S. international drug control policies on human rights and democratization trends throughout Latin America and the Caribbean.



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Drugs and Democracy in Latin America: The Impact of U.S. Policy

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EXECUTIVE SUMMARY

This summary has been adapted by Coletta A. Youngers from *Drugs and Democracy in Latin America: The Impact of U.S. Policy*

The United States has been fighting the war on drugs for decades, across the nation and throughout the hemisphere. Police officers, prosecutors, doctors, social workers, soldiers, counselors and countless others have invested their energy and expertise—and have even risked their lives—to combat drug trafficking and drug abuse. Their efforts are impressive and appreciated.

Twenty-five years and 25 billion dollars later, however, we are no closer to solving the problem—that is, to reducing drug abuse and availability in the United States. In fact, we seem to be farther away than ever.

U.S. international drug control policy is designed to reduce or eliminate the supply of illicit drugs in this country. In theory, their scarcity would then drive up prices and consequently discourage demand. However, the price of cocaine and heroin are at or near all-time lows in spite of intensive efforts to eradicate crops and interdict drug shipments. Meanwhile, the Justice Department considers cocaine and heroin to be “readily available”; powder and crack cocaine use are apparently on the rise, and heroin use remains stable after surging during the 1990s.² Clearly, the supply-reduction model does not work.

In Latin America, the source of most of the cocaine and heroin on U.S. streets, the drug war has not only failed to curb production and trafficking, but has weakened democratic institutions. It also disproportionately targets the rural poor, who have few economic alternatives aside from growing illicit crops and who benefit the least from the drug trade.

Concerned by the collateral damage of the drug war, WOLA commissioned an in-depth investigation into the impact of drug control policies on human rights and democracy



We are not saying that fighting drugs is impossible and that we should just give up. On the contrary—we are saying that we can do better. We must go beyond the mentality of fear shared by U.S. policymakers and the public at large that has made any challenges to current drug policy taboo.

in Latin America, giving particular attention to how counterdrug policies have affected the region's militaries, police forces, and judicial and legal systems. The book includes detailed studies on U.S. military and police drug control assistance programs, and case studies from Bolivia, Colombia, Ecuador, Mexico, Peru, and the Caribbean, all major cultivation, production, or transit zones.

We found that in one nation after another, U.S. drug control policies are undermining human rights and democracy and causing enormous damage to some of the most vulnerable populations in the hemisphere. The United States' insistence on zero tolerance for drug crops has led to massive forced eradication of coca and opium poppy crops, often the principal source of income for impoverished farmers. With few alternatives available, these families are ratcheted down into deeper poverty when their most important cash crop is destroyed. The region's militaries, which have not been held accountable for widespread human rights abuses and authoritarian dictatorships in the 1970s and 1980s, have been brought back into domestic law enforcement because the local police forces are either incapable or too corrupt to deal with the threat from drug trafficking and its associated violence.

As the focus of U.S. drug strategies shift, so does drug production and trafficking, bringing the scourge of the drug trade to new parts of the hemisphere. Most decisions on national drug policies in Latin America are made under heavy U.S. pressure for stronger measures. This one-size-fits-all approach to drug strategy prevents countries from responding to local concerns and stifles creative approaches.

Our study pointed to two major conclusions: first, the supply-reduction model simply does not work; and second, this model has sparked conflict, fueled human rights violations, and undermined democracy in countries where drugs are produced and trafficked. These lessons should guide a new international drug control policy—one

that gets at the roots of the drug problem by channeling more resources to treatment and education in the United States and to economic development in Latin America while continuing to go after the transnational criminal organizations that engage in larger-scale trafficking of drugs, arms, and migrants, and then help foment corruption and economic distortions through money-laundering schemes and the strategic use of their assets.

We are not questioning the commitment or the integrity of those who work tirelessly, against daunting odds, to keep drugs off America's streets. We are not saying that fighting drugs is impossible and that we should just give up. On the contrary—we are saying that we can do better. More effective and humane approaches to the enormous problems of drug trafficking and illicit drug use do exist. But achieving success will require an honest assessment of whether or not we are moving closer to our goals—and if not, what we need to be doing differently. We must go beyond the mentality of fear shared by U.S. policymakers and the public at large that has made any challenges to current drug policy taboo.

No perfect solutions exist. It is unlikely that illicit drug use can be eliminated in the foreseeable future, or that transnational crimes like drug trafficking can be completely stamped out. But if we can open up a debate, evaluate the problems and the range of possible strategies to confront them, and then implement the policies either proven or showing the most promise to be effective, we can meet our fundamental goal of reducing drug abuse in the United States. Along the way, we will ensure that in Latin America, U.S. drug control policies do not continue to violate human rights and civil liberties, spark social upheaval, and undermine democracy.

What follows are WOLA's main concerns, arguments, and policy recommendations. We hope that they provide new perspectives to our readers for thinking constructively and creatively about how to confront the extremely complex issue of

international drug trafficking, and in a way that is more effective at home and least harmful abroad.

The U.S. “War on Drugs”

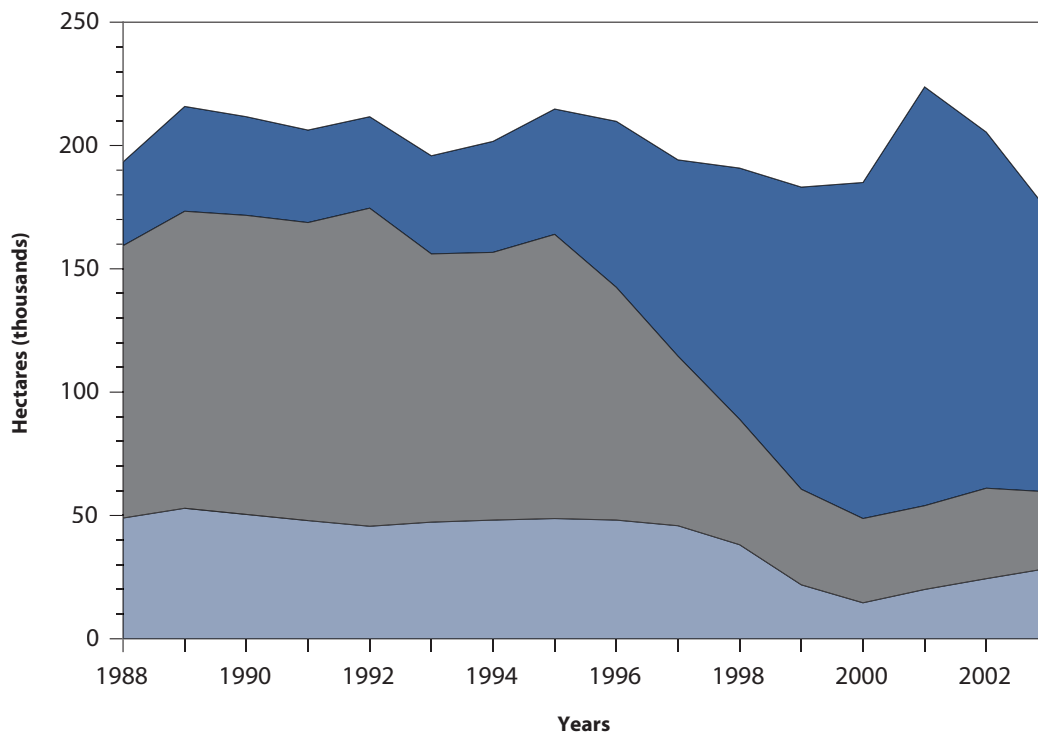
The mid-1980s explosion of crack cocaine and its related violence in the United States set in motion many of the U.S. drug control policies still in effect today. In 1986, President Ronald Reagan first declared illicit drugs to be a national security threat. Three years later, President George H. W. Bush launched the Andean Initiative as part of his strategy for an intensified drug war. The centerpiece of the Andean Initiative was to empower Latin American military and police forces to carry out counterdrug initiatives, and significant U.S. training and support was provided to those forces willing to participate. At the same time, the Pentagon was designated by the U.S. Congress as

the “single lead agency” for the detection and monitoring of illicit drug shipments into the United States. Because of the role given to Latin American and U.S. military forces, the term “militarization” became widely used to describe U.S. efforts.

U.S. drug control policies are carried out through coordination between the United States and Latin American and Caribbean governments, often with input from the relevant bodies of the United Nations and the Organization of American States (OAS). Sometimes the programs are collaborative in nature. More often, however, the U.S. government uses its economic and diplomatic leverage to ensure cooperation, making use in particular of the annual “certification” process, which denies U.S. aid and trade benefits to countries not viewed as doing their part to combat illicit drugs. Because of their dependence on economic aid and desire for trade agreements, many countries

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Coca Cultivation in the Andes, 1988–2003



Source: U.S. State Department, *International Narcotics Control Strategy Report 2003*, “Policy and Program Developments,” table, pp. 22–23.

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The drug trade itself, and the violence it generates, has had a devastating impact throughout the region. Drug trafficking breeds criminality, exacerbates criminal and political violence, and fuels armed groups. It greatly increases problems of citizen security, public order and ultimately law enforcement. Across the region, drug trafficking-related corruption has further weakened national and local governments, judiciaries and police forces. Cocaine production damages the environment, and its profits distort local economies. Illicit drug use, once considered a problem of developed countries, is now rampant across the region. Violent crime associated with the drug trade escalates accordingly. The social fabric, particularly in poor urban areas where both drug use and drug-related violence tend to be highest, is torn apart.

Those advocating the supply-side approach to drug control argue that the problems related to illegal drug production and consumption would be even worse without the international counterdrug programs presently in place. If these programs were abandoned, they say, the situation would deteriorate and illicit drugs would be even more readily available—even a marginal impact resulting from these efforts is better than none. What is missing from this line of reasoning, however, is a frank assessment of the collateral damage caused by this approach, and whether such damage outweighs any as yet unproven positive impact of current programs.

Similarly, government officials point to the hectares of coca eradicated, the number of cocaine labs destroyed, how many arrests were made, or the amount of illicit drugs seized, as indicators of successful policy implementation. Such “body count” statistics may indeed make for good public relations and convey a sense of action, increasing the likelihood of continued resources at a time when many agencies face budget cuts. But they shed no light on whether the tactics used actually translate

into progress toward achieving basic policy goals of reduced drug use in the United States. The standards commonly used for measuring the effectiveness of international drug policy are, quite simply, off the mark;³ winning the “drug war” is as elusive today as it was when the effort was first launched.

Fundamental Flaws in the Supply-side Approach

U.S. officials routinely assert that international counterdrug programs are successful. Short-term tactical successes are indeed evident—coca crops are eradicated, traffickers are arrested, and shipments are intercepted. Nonetheless, total coca production has remained remarkably steady and there is no evidence demonstrating a significant reduction in the supply of illicit drugs on U.S. city streets. To the contrary—the stability of illicit drugs’ price and purity levels points to their continued accessibility.

The drug trade is more like a balloon than a battlefield—when one part of a balloon is squeezed, its contents are displaced to another. Similarly, when coca production is suppressed in one area, it quickly pops up somewhere else, disregarding national borders. Arrested drug lords are quickly replaced by others who move up the ranks; dismantled cartels are replaced by smaller, leaner operations that are harder to detect and deter. When drug-trafficking routes are disrupted by intensive interdiction campaigns, they are simply shifted elsewhere.

Andean coca cultivation, as depicted by the State Department’s own annual estimates, is remarkable for its stability at around 200,000 hectares per year (see chart on page 3). While the share of crops raised in each coca-producing country has fluctuated, the total land area under cultivation each year has not varied dramatically.⁴ Moreover, according to U.S. government statistics, the average yield of coca leaves per hectare has risen over time, so that even apparent declines in cultivated land area may not translate into less coca available for processing into cocaine.⁵

In announcing the U.S. government figures for 2003 coca production, U.S. officials all but declared victory. A sharp drop in Andean region coca cultivation, from 223,700 hectares in 2001 to 173,450 hectares in 2003, was attributed to a significant reduction of Colombia's coca crop and a smaller reduction in Peru.⁶ While U.S. officials took the drop as a sign of success, the reduction represents only a 5 percent decrease, if measured from 1999 instead of the 2001 high point.⁷ Evidence is already mounting of a shift in coca production within Colombia to new areas, as farmers flee massive fumigation campaigns, and coca production in Bolivia is again on the rise.

A similar phenomenon happens with arrests of traffickers. Removing one set of international drug dealers has often simply cleared the way for rivals and new entrants to the drug trade, rather than reducing the size of the drug market. Smashing the large Mexican and Colombian cartels led to the formation of groups that are smaller and harder to detect. Larger and more frequent drug seizures, often offered as evidence of policy success, are in fact inherently ambiguous indicators. They may instead reflect increased drug production and trafficking, as traffickers seek to compensate for their anticipated losses.

The U.S. strategy focuses on wiping out drugs at their source or seizing them in transit. The objective of this approach is to decrease their availability in the United States, by causing drug prices to rise and thus discouraging some percentage of potential buyers. Official U.S. figures, however, show that cocaine's retail price dropped fairly steadily during the 1980s and early 1990s. The price never rebounded, even as purity rose and then stabilized. The same patterns hold true for heroin. These low and stable prices for cocaine and heroin that have prevailed over the last decade show that, despite U.S. efforts, the supply of drugs continues to be robust.

Serious evaluation of present policies and open-minded debate on drug control

alternatives are sorely needed if we hope to make any progress. A more effective and more humane policy should be based on the recognition that, while controlling illicit drug abuse is a legitimate and important goal, drugs will be produced as long as there is demand for them. The goal should therefore be to reduce both demand and the damage that illicit drugs cause to individuals and society. Policymakers should seek to minimize the negative consequences at home and abroad of both illicit drug production and use and the strategies designed to curtail them.

The U.S. Drug War's Collateral Damage

The case studies collected by WOLA allowed for the identification of issues and phenomena that occur in strikingly similar ways in most, if not all, of the countries studied. The following summarizes the primary conclusions drawn from our research in eight main areas, and presents recommendations for alternative policy options.

The role of the military

The increasing reliance on military forces to play a lead role in combating the illicit drug trade set off alarm bells for civilian leaders across the region. The experience of military coups, and perhaps most disturbingly, of massive human rights violations committed in the name of combating internal "subversion," was all too recent. In providing the resources, training and doctrinal justification for militaries to play a significant role in domestic counterdrug operations, the U.S. government was viewed as legitimating Latin American security forces in yet another internal security role, now directed at new enemies. And it did so even though sufficient mechanisms for civilian control, transparency and accountability were—and remain—sorely lacking.

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environment the drug war became the vehicle for maintaining and in some cases expanding both the Pentagon's presence and its military-to-military relations with Latin American and Caribbean counterparts. Of particular concern, these programs legally circumvent traditional congressional oversight and monitoring requirements, as well as the State Department's role in determining the nature and content of foreign aid and overseeing its delivery.

Military forces do have a role to play in detecting and monitoring the flow of illicit drugs. Their involvement in border, aerial and maritime interdiction efforts fits clearly into the military's traditional mission. Provided that these programs are carried out under the direction of civilian leaders, with appropriate oversight, transparency, and human rights safeguards, they do not hinder democratic development. However, through its drug policy, the United States has promoted the insertion of Latin American military forces into domestic law enforcement and internal security operations.

In every country studied that receives significant U.S. counterdrug assistance, U.S. support was instrumental in bringing the military into a domestic law enforcement role and has created a confusion of roles and conflicts between military and police forces. A related problem is U.S. military training of foreign police forces. Such training goes directly against efforts across the region during the 1980s and 1990s to bring police forces under civilian control. Moreover, funding for this training is largely provided by the U.S. Defense Department budget and hence circumvents both oversight and human rights safeguards. Training of local police forces by U.S. Special Forces is of particular concern.

The "confidential" nature of counterdrug programs can further exacerbate problems of lack of civilian oversight and impunity within military forces, thereby contributing to the proliferation of corruption when military personnel are brought into more direct contact with the drug trade.

Policy Recommendations

- ▶ The U.S. government, through its counterdrug policy as well as its interaction with regional militaries, should promote the adoption of and adherence to the principle of *Posse Comitatus* which, as written in U.S. law, forbids the military from assuming internal police roles and tasks.
- ▶ All authority for foreign military training and assistance should be returned to the State Department, which should have sole responsibility for overseeing such programs in order to ensure that they fit within overarching U.S. foreign policy objectives and come under established oversight procedures.
- ▶ No branch of the U.S. government, including the Defense Department, should provide assistance, training or any other support to military forces for domestic drug enforcement efforts.
- ▶ The U.S. military should not train local police forces. Training of local police by U.S. Special Forces is particularly problematic and should be suspended immediately.

The role of the police

Confronting criminal networks, whether of drug traffickers, money launderers, smugglers, or others, is primarily a law enforcement task—and that task is formidable in Latin America and the Caribbean today. As citizen security concerns grow, both local communities and governments look to the police—and sometimes military forces—to impose tough law and order measures. In this context, it is easy to understand why governments resort to harsh and repressive law enforcement measures. However, experience with such practices to date indicates that the short-term successes sometimes obtained are rarely sustainable.

Simply shifting drug control resources from military to police forces will not provide an immediate answer, as police forces across the region remain abusive and corrupt

and have also at times taken on disturbing paramilitary characteristics. Ultimately, police forces—as well as judiciaries—must be fundamentally reformed for the rule of law to take root. Lessons learned in recent post-conflict situations for developing democratic policing include the importance of effective oversight, accountability and transparency, respect for human rights, the “demilitarization” of both the command structures and roles of police forces, and responsiveness to the communities they serve. However, all too often, in the face of crime and violence, long-term developmental reform issues necessary for reducing corruption and strengthening effective policing take a back seat to short-term, hard-line policing tactics.

For example, in an effort to circumvent corruption, the U.S. government often creates specialized investigative units that primarily carry out investigations into drug-trafficking networks. Participating officers are vetted, and intensive training is given to a specific group which can then be isolated from the rest of the force to prevent sensitive information from leaking out. These units by their very nature are secretive, and rarely held accountable. While specialized units have had some tactical successes, experience also shows that these units cannot be immunized against corruption and are frequently disbanded and replaced with yet other units.

Some ongoing law enforcement efforts are paying off and deserve continued or increased support. The Justice Department’s International Criminal Investigative Training Assistance Program (ICITAP), for example, promotes police reform and efforts to build sound policing skills and investigative capacity within local forces. The Bureau of Alcohol, Tobacco and Firearms is tasked with helping to reduce the flow of small arms in the region; stemming the flow of weapons could bring concrete benefits to local communities and law enforcement officials. The U.S. government also provides important assistance to local authorities in their efforts to stop precursor chemicals (needed to produce cocaine)

from entering drug-producing countries or being diverted from licit to illicit use, and in developing and enforcing regulations and procedures for banks and other financial institutions in order to prevent drug trafficking-related money laundering.

Policy Recommendations

- ▶ U.S. police assistance should be oriented toward police reform efforts, with special attention paid to issues of transparency, effective oversight and accountability, and respect for human rights.
- ▶ Civilian police forces should not receive U.S. military training.
- ▶ Rather than create specialized units per se, the U.S. government should continue to provide specialized training and skills, including the carrying out of sound criminal investigations, to units that are accountable to local, civilian authorities.
- ▶ More U.S. resources should be dedicated to significantly reducing the illegal arms trade in Latin America and to stemming the flow of precursor chemicals.

Human rights violations

In order to further its drug control policy, the U.S. government has forged alliances with military and police forces with questionable and even deplorable human rights records. Though sometimes the human rights problem is recognized, training and assistance is usually provided to recipient governments and security forces even before they have shown clear signs of political will to alter past patterns of abuse. Moreover, successive U.S. administrations have, at different times, downplayed or misrepresented human rights situations in order to obtain congressional support for counterdrug assistance. In some cases, the U.S. government is still supporting forces with a history of human rights violations and impunity. In others, U.S. policy directly results in human rights abuses.

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Successive U.S. administrations have, at different times, downplayed or misrepresented human rights situations in order to obtain congressional support for counterdrug assistance. In some cases, the U.S. government is still supporting forces with a history of human rights violations and impunity. It is morally wrong and ultimately counterproductive to provide U.S. assistance to any military or police force that operates outside the boundaries of the rule of law.

Justice sector reform efforts are essential in order both to guarantee respect for civil liberties and due process, and to ensure that those who are guilty of serious crimes are effectively prosecuted.

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Concern about the impact of U.S. security assistance on human rights led members of Congress to place strict human rights conditions on the provision of U.S. counterdrug and other forms of security assistance. The Leahy amendment, named after Vermont's Senator Patrick Leahy, stipulates that no U.S. security assistance can be provided to foreign military or police units implicated in human rights violations unless effective measures are being taken to bring the case to justice. First passed in 1997, the Leahy amendment has also been included in subsequent foreign aid appropriations legislation, and defense appropriations legislation now has a version of it as well. This legislation has been helpful in raising the profile of human rights issues with U.S. embassies and the U.S. military, and in some cases this has resulted in significantly closer scrutiny of the human rights record of recipient forces.

Yet the amendment itself has only been invoked in a handful of cases, and its application is uneven. In some countries, U.S. embassies have failed to put into place even minimal procedures for vetting units for individuals implicated in human rights violations. In the case of Bolivia, sufficient documentation exists in numerous cases that would justify the implementation of the Leahy amendment, yet this has not occurred. Nor do embassy officials object publicly when Bolivian military and police officials linked to atrocities are promoted. In Mexico, human rights monitors claim that the embassy database that keeps track of human rights violations is seriously incomplete.

Policy Recommendations

- ▶ Counterdrug activities carried out by the U.S. and other regional governments should be guided by the human rights standards established in the jurisprudence of the inter-American system.

- ▶ The Leahy amendment should be vigorously applied. The U.S. government should not provide any form of assistance to security forces that violate human rights and fail to bring alleged human rights violators to justice.
- ▶ The vetting procedures that need to be put in place to effectively implement the Leahy amendment should be thorough and serious. In addition, after-training tracking could be incorporated to monitor whether or not those who receive training go on to commit human rights abuses or become involved in acts of corruption.
- ▶ The Leahy amendment remains an unfunded mandate; sufficient resources should be earmarked to encourage its effective implementation.

Restrictions on civil liberties

U.S. drug policy has also promoted the adoption of harsh antidrug laws that are at odds with basic international norms and standards of due process and undermine already tenuous civil liberties. In almost every country studied, such laws have been approved, often creating either courts or procedures that greatly limit due process guarantees, such as the presumption of innocence, the right to an adequate defense, and the requirement that the punishment be commensurate with the gravity of the crime. Such legislation is often modeled directly on U.S. laws; other times it goes even further as local officials seek to please Washington with harsh measures.

In some countries, U.S.-backed legislation was adopted in which the burden of proof for conviction of drug offenders was so low that local human rights lawyers complained that their defendants were forced to prove their innocence. Antidrug legislation, including mandatory minimum sentencing laws, and the use of numerical quotas for arrests, have filled the prisons of countries across the region with low-level offenders, or even innocent people, who have little access to adequate legal defense. In some

countries, only a small percentage of those arrested are actually convicted, while in others conviction rates are astoundingly high. Pervasive corruption and weak judiciaries mean that major drug traffickers are rarely sanctioned. And if they are, they often benefit from far more acceptable prison conditions, as they have the resources to purchase a range of amenities.

USAID provides economic and technical support to local judiciaries. However, U.S. justice sector support has sometimes included programs that work at cross-purposes. Justice sector reform efforts are essential in order both to guarantee respect for civil liberties and due process, and to ensure that those who are guilty of serious crimes are effectively prosecuted. USAID, the World Bank, and the Inter-American Development Bank all support rule of law programs that assist local reform efforts, seek to increase access of the poor to the justice sector, and provide training and professional development. Past experience has shown that the political will for reform on the part of recipient governments is crucial, as is the role of civil society organizations in both maintaining momentum for reform and providing valuable input into the process.

Policy Recommendations

- ▶ U.S. and Latin American drug laws should be brought into compliance with international standards of due process and respect for human rights. U.S. counterdrug assistance should respect due process standards and reinforce the rule of law in criminal cases.
- ▶ Mandatory minimums should be eliminated and sentences adopted that correspond to the gravity of the crime committed. Major drug traffickers should face extended sentences; those at the lowest end of the drug-trafficking chain should indeed be sanctioned, but on a different scale.
- ▶ More U.S. attention and assistance needs to be given to promoting

justice sector reform and institutional strengthening across the region, with particular attention to civil liberties and due process issues.

Fostering political instability

It is in the interest of the United States to have stable, democratic governments in its hemisphere. Yet U.S. international drug control policies can have a profoundly destabilizing effect, economically as well as politically. Even when significant social conflict and political instability is generated by the implementation of drug policy, more often than not U.S. policymakers fail to adjust the policy to the realities—and consequences—on the ground. Particularly in the convulsive Andean region, U.S. drug policy may in fact be destabilizing democracies that are already quite fragile.

All too often, the use of “narcoterrorist” rhetoric in coca-producing countries identifies small coca farmers as military threats and suggests that they are somehow related to global terrorist networks. It also paints them as criminals, rather than valid interlocutors, so that any efforts to seek dialogue and common ground are cast as illegitimate. This in turn marginalizes significant sectors of the population and creates a situation in which conflict and violence are almost inevitable. The political consequences of ignoring significant sectors of society could be explosive.

In the wake of September 11, both the drug war and the Latin American region have lost political ground in Washington. The attention of policymakers has shifted to the terrorism threat and to other parts of the world, while Latin America and the Caribbean have moved to the bottom of the U.S. foreign policy agenda. In response, officials in charge of U.S. policy toward the region have sought attention and resources by lumping a broad range of issues together in the counterterrorism—and narcoterrorist—basket. Many U.S. officials and policymakers now talk about all

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illicit transborder activities as potential terrorist threats, including drug production and trafficking, illegal migration, arms trafficking and money laundering.

It is certainly possible that illicit transborder activities could be used to support terrorism, but Latin America is not the Middle East. Defining all of these problems as terrorist threats is unhelpful and potentially destabilizing. Taking the fervor over antiterrorism a step further is the U.S. Southern Command, which has now taken to calling drugs a "weapon of mass destruction."⁸ This rhetoric promotes continuation of a failed approach and the notion that the United States, through its drug policy toward Latin America, must protect itself at any cost against this evil product emanating from the region.

Policy Recommendations

- ▶ The U.S. government should show greater flexibility with regard to the counterdrug policies proposed or adopted by governments in the region, taking into account the socioeconomic and political situation on the ground. Deepening democracy and stability should be prioritized over short-term counterdrug gains.
- ▶ The present challenge for U.S. policymakers is to stop seeing the region through the counterterrorism lens, which distorts the view of real problems and threats in the region; use of the "narcoterrorist" rhetoric that has come to dominate present U.S. drug control policy should cease.
- ▶ Small farmers who produce crops for illicit drug production should not be stigmatized as criminal "narcofarmers" but rather be treated as valid interlocutors.

Undermining national governments' decisionmaking

U.S. drug control policy is undermining democratic developments in the region in other ways as well. Through its diplomatic and economic leverage, the United States

has all too often dictated the counterdrug policies adopted by countries across the hemisphere, often over the objections of important sectors of both governments and civil society, and at times draining scarce resources from other national priorities. In every country studied that receives significant U.S. counterdrug assistance, drug policies and programs are negotiated by U.S. officials directly with a small group of local political elites, in addition to local military and police forces. There is little role for legislative oversight, public debate or engagement with civil society actors.

Some countries, particularly in the Andean region, choose to cooperate with U.S. counterdrug policies to avoid economic, trade or other sanctions. Sometimes, constitutionally mandated legislative approval processes are purposefully avoided. Antidrug laws modeled on those in the U.S. are often presented to legislatures for rubberstamp approval. Of all of the Latin American and Caribbean countries studied, not one had evidence of serious legislative oversight of counterdrug policy.

One of the most powerful sticks used by Washington is the certification process, described above. Recent legislative changes have made the process somewhat less offensive. Fundamentally, however, these changes have failed to alter the approach of having an annual scorecard, on which the largest consumer of illicit drugs in the world grades the progress of other countries in seeking to limit its supply. U.S. trade benefits to the Andean region are also now directly linked to achieving coca eradication and other counterdrug goals, as explicitly stated in the Andean Trade Preference and Drug Enforcement Act.

Concern with the animosity generated by the U.S. certification process led the OAS to develop its own Multilateral Evaluation Mechanism (MEM), which many countries see as a more palatable alternative. It is a transparent process—information provided by countries for the MEM evaluation is public and easily obtained.⁹ While the MEM process also has

its pitfalls, it does provide a multilateral approach to a multilateral issue. The OAS Inter-American Drug Abuse Control Commission (CICAD) also provides a multilateral forum for discussing and debating drug control that could serve as a space for developing sound policies.

For a multilateral approach to succeed, Latin American and Caribbean leaders need to seek unity on common concerns and alternative approaches. Within the United Nations, an informal coalition of like-minded countries has emerged seeking to open up debate within the UN system.¹⁰ A Latin American coalition of countries willing to debate alternative policies would find echo with these countries at the level of the UN and could contribute significantly to the development of a more humane and effective approach in the region.

Policy Recommendations

- ▶ The annual certification process should be eliminated; more carrot and less stick is needed in U.S. drug policy.
- ▶ U.S. trade agreements should be delinked from explicit counterdrug objectives, in particular coca and poppy eradication targets.
- ▶ U.S. drug policy should, ultimately, be a multilateral effort coordinated through the UN and the OAS and in close collaboration with other donor countries, particularly the European Union.
- ▶ The formation of an informal coalition of like-minded countries in Latin America and the Caribbean would provide an important forum for debating drug policy alternatives.

Transparency and accountability

Issues of transparency and accountability are not only relevant in the countries receiving U.S. assistance—lack of transparency and effective oversight pervades U.S. assistance and training programs as well. A myriad of government agencies and programs

are involved in illicit drug control efforts, which makes determining expenditures and monitoring programs difficult. Information on military and police programs is particularly hard to obtain.

Inadequate reporting on U.S. military and police assistance and training programs impedes both the transparency of U.S. efforts and accountability when they fail to meet their desired objectives or generate negative consequences. Both congressional monitoring and the ability of civil society organizations to evaluate U.S.-backed programs are essential to ensuring the efficient and effective use of resources. They are also necessary to ensure that U.S. funding furthers U.S. policy objectives and that such assistance is not used in a way that is detrimental to the promotion of human rights, the rule of law and democratic principles.

U.S. legislative oversight of certain drug control programs is a problem and is particularly ineffective with regard to Defense Department and Drug Enforcement Administration (DEA) programs. Apart from mandating the Foreign Military Training Report, which provides annual data on U.S. military training of foreign troops, public hearings that seriously evaluate the effectiveness of Pentagon counterdrug efforts are needed. Likewise, while DEA officials are often called to testify on drug-trafficking trends and the like, meaningful evaluation of the success or failure of their efforts in a given country should be undertaken. Monitoring U.S. police assistance programs and the content of those programs is particularly difficult. No systematic reporting requirements exist, and agencies such as the DEA often refuse to provide even the most basic information.

If the ability of civil society groups to monitor U.S. drug policy is difficult in the United States, it is next to impossible in Latin America and the Caribbean. Very little information is made available by either regional governments or U.S. embassies to local civil society actors on the nuts and bolts of U.S. assistance or local operations.

Both congressional monitoring and the ability of civil society organizations to evaluate U.S.-backed programs are essential to ensuring the efficient and effective use of resources in the furtherance of U.S. policy objectives without detriment to the promotion of human rights, the rule of law, and democratic principles.

Increasingly, international donors are explicitly recognizing that simultaneous forced eradication and alternative development efforts are incompatible. The repressive nature of the former greatly limits, or hinders altogether, the cooperation needed for the latter.

Policy Recommendations

- ▶ The U.S. Congress should ensure that the administration provides comprehensive and detailed reporting on U.S. military and police assistance and training programs. The Foreign Military Training Report requirement should be maintained in the law. In addition, Congress should require a single, comprehensive annual report on all police assistance, including information on courses, units trained and trainees, compiling information from all U.S. agencies involved in police training.
- ▶ Regular, public congressional hearings should be held to evaluate Pentagon and DEA antidrug efforts, with testimony by independent experts.
- ▶ The U.S. Congress could also undertake a serious study of the stated objectives of U.S. drug control agencies, listed each year in the White House's National Drug Control Strategy Report, and examine what has actually been achieved over the last decade.
- ▶ Greater efforts should be undertaken in the region by U.S. embassies to reach out to local NGOs and other civil society organizations in order to provide more information and seek more input into the drug-policy making process.

Crop eradication and alternative development programs

This book presents powerful evidence that forced coca eradication efforts are futile in the long run. In every case studied, short-term gains have been quickly reversed. Crop eradication efforts have stimulated production in new areas, creating even greater challenges for the long term, as coca production spreads. Production has also shifted due to changes in the drug-trafficking industry. Yet the costs of the policy are high—forced eradication efforts, and in particular aerial fumigation, often have dire consequences, generating social unrest, instability and violence.

Poverty, poor conditions for sustainable agricultural production, and the growing of crops for illicit drugs go hand-in-hand. Promoting integrated economic development in these areas is not impossible; however, the term “crop substitution” is used less and less frequently. As simply replacing coca with another crop or product is usually not economically viable, donors increasingly talk of sustainable, and equitable, development that will slowly reduce farmers' dependence on coca cultivation by creating the conditions for improved agriculture, employment and income generation more broadly. They also recognize the importance of local participation, building on farmers' existing knowledge. This leads to projects that are more appropriate for local conditions and ensuring local “buy-in.”

Increasingly, international donors are explicitly recognizing that simultaneous forced eradication and alternative development efforts are incompatible. The repressive nature of the former greatly limits, or hinders altogether, the cooperation needed for the latter. One UN document notes: “In areas where alternative development programs have not created viable alternative income opportunities, the application of forced eradication might endanger the success of alternative development programs.”¹¹

The German government's foreign aid agency, GTZ, points out that when poverty is the root cause of production, repressive eradication measures are inappropriate and counterproductive. Based on its extensive experience working in coca-growing regions of the Andes, GTZ concludes that even though substituting the safety net that coca production provides may take time, that approach—without the threat of eradication—“is the only manner to achieve a sustainable reduction in drug crop cultivation.”¹² When dealing with small-scale coca producers, eradication targets can be agreed upon and met only when other sources of income are put in place. Development experts also point out that

repressive measures against coca producers raise prices on the market, which in turn stimulates new cultivation.¹³

Incorporating these “lessons learned” implies a fundamental shift in U.S. policy. It means developing a new and more equitable relationship with families involved in coca and poppy production, accepting them as legitimate partners in development efforts, and removing the threat of forced eradication. It also means investing more resources in economic development, particularly in rural sectors, and recognizing the need for local governments to have greater economic decisionmaking ability. Finally, strengthening democratic institutions at the local level is essential to ensuring the sustainability of development efforts in poor rural areas.

Two significant steps should be taken to reduce the harm caused by present drug control policies. First, cultivation of coca for traditional uses should not result in criminal sanctions. Second, coca and poppy production by small producers should be decriminalized; small growers should be considered “economic victims” with few viable options for survival, rather than criminals.¹⁴ This approach takes as its starting point the principle that all individuals have a right to a life with dignity and hence should not be deprived of their only income source. Innovative discussion is beginning among some European government officials and drug policy analysts as to how this approach—what some call a “pro-poor drug control policy”¹⁵—could be implemented in practice.

Policy Recommendations

- ▶ The U.S. government should adopt a “pro-poor” drug control policy, integrating the lessons learned by GTZ, UNDP, and other international donors in its approach to development assistance.
- ▶ Aerial and other forms of forced eradication should be eliminated, as should coca and poppy eradication targets. Forced eradication more broadly

should be replaced with voluntary crop reduction efforts carried out in accordance with the local population and only when viable alternatives for income generation exist. The provision of development aid to growers should be completely independent from eradication goals.

- ▶ Coca and poppy production by small, subsistence-level producers should be decriminalized.
- ▶ U.S. economic support and technical assistance for economic development, particularly in rural areas, should be increased significantly across Latin America and the Caribbean.

Toward an Alternative Policy

A constructive middle ground lies between the drug “hawks”—those advocating no-tolerance, supply-side strategies—and the drug “legalizers.” The United States needs to be both tough and smart about drugs—but this will require new approaches.

Out of all the links in the chain of drug production and trafficking that could be targeted, drug crops like coca leaves or opium poppy provide the smallest return for the effort. Farmers receive only a tiny fraction of the retail prices of illicit drugs on U.S. streets, making only enough money to survive. Growing alternative crops produces even less income, so as long as there is demand for drugs, there will be production of drug crops.

Forced eradication is an endless and counterproductive game. Small producers without alternative livelihoods will simply replant. If subjected to repeat eradication, they plant in new areas, taking drug production and all of its corresponding problems along with them. And, if temporarily successful in driving up the price of the coca leaf, more people start planting to share in the economic gain.

The United States must fight the illicit drug trade, but there are more effective ways to do this than attempting to wipe out drug

A constructive middle ground lies between the drug “hawks”—those advocating no-tolerance, supply-side strategies—and the drug “legalizers.” The United States needs to be both tough and smart about drugs—but this will require new approaches.

What would have the greatest impact on drug production and trafficking, however, would be to reduce demand. Study after study shows that as long as we consume drugs, someone will produce them, whether overseas or within the United States.

crops. Interdiction of drugs closer to their final destination is less costly to us, and more costly to traffickers. We need to step up U.S. efforts to follow the money, since that is the most dangerous and corrupting part of the drug trade. We should continue to find new ways to track and disrupt money laundering while we capture and prosecute the big-fish traffickers who are making huge profits, rather than the small fry whose incarceration has no effect on trafficking.

To discourage the cultivation of drug crops, it would also be more effective for the United States to support long-term integrated rural development. We are now paying the price of decades of social marginalization, economic abandonment and state neglect of the rural sector. We can work with host nations to develop strategies to incorporate rural areas into the country's life and economy.

In addition, we must strengthen the civilian institutions that will combat drug trafficking now and in the future. Police forces need support, including training, resources, and reform, if they are to confront criminal activity; using military forces in their stead weakens and distorts the roles of both. Judicial reform and strengthening must go hand-in-hand with police reform—functioning police and judicial systems are needed to combat drug trafficking. The United States must learn to have patience and invest for the long haul in institutional reform.

The U.S. should not encourage military forces, in the name of expediency, to take on policing roles. And in nations where the military has assumed policing functions because the police are either too corrupt or incapable of confronting drug crimes, the U.S. must support the police reform needed to allow the police to reassume their appropriate role.

What would have the greatest impact on drug production and trafficking, however, would be to reduce demand. Study after study shows that as long as we consume drugs, someone will produce them, whether overseas or within the United States. We need to reorient our priorities to focus intensely on prevention and treatment in the United States.

Finally, we need new indicators for success. Tons seized and acres eradicated only tell us that we are doing something, not that we are having an impact on drug consumption in the United States. We need indicators that are linked to what we are actually trying to achieve—reduced drug consumption.

Being honest about the numbers and refocusing U.S. counterdrug efforts in the ways described above has a far greater potential for reducing drug consumption in the United States while mitigating the damage caused by the drug war in Latin America. We can be both tough and smart on drugs.

Drugs and Democracy in Latin America: The Impact of U.S. Policy

Coletta A. Youngers and Eileen Rosin, editors



"Reports on the U.S. international war on drugs usually reflect either the narrow rigor of the Government Accounting Office or the shrill cries of left-wing outrage. This book manages a rigorous and interesting analysis of how U.S. programs work, together with a principled statement of why this should be of concern to the American public."

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WOLA's "Drugs, Democracy and Human Rights" project

WOLA's "Drugs, Democracy and Human Rights" project examines the impact of the drug trade and U.S. international drug control policy on human rights and the consolidation of democracy throughout Latin America and the Caribbean. Looking at both production and transit, researchers from Argentina, Bolivia, Colombia, Ecuador, Mexico, Peru, Puerto Rico and Central America have documented and analyzed a number of themes, including:

- ▶ whether security forces receiving U.S. funding and/or training for drug control activities are committing human rights abuses, and if so, how the perpetrators are called to account;
- ▶ whether the judiciary is effectively pursuing such cases, or if they are handled by military courts;
- ▶ the definition of the military's mandate, the relationship between military and police forces, and whether drug control funding is empowering the military to expand into activities normally reserved for the police;
- ▶ the functioning of civilian institutions, including mechanisms for oversight of drug control activities through legislation and congressional committees;
- ▶ in addition, U.S. authors have laid out the involvement and functioning of U.S. military and law enforcement in international drug control in Latin America.

Please see our website for access to country or thematic briefs and timely "special updates" at www.wola.org.

Endnotes

¹ Coletta A. Youngers and Eileen Rosin, *Drugs and Democracy in Latin America: The Impact of U.S. Policy* (Boulder, London: Lynne Rienner Publishers, 2005).

² U.S. Justice Department, *National Drug Intelligence Center, National Drug Threat Assessment 2004* (Johnstown, PA: NDIC, April 2004); and John Walsh, *Drug War Monitor*, "Are We There Yet?" Washington Office on Latin America, November 2004.

³ Ibid. Walsh.

⁴ It is worth noting that the surveillance methods for estimating illicit crop production do not necessarily produce accurate statistics, and disputes often arise as to crop production levels. In general, while drug policy statistics may be useful for comparative purposes, they should be viewed with some skepticism. Please see Youngers and Rosin, *Drugs and Democracy*, Appendix 1, for a fuller explanation; and Walsh.

⁵ INCSR 2001, "South America." In addition, U.S. authorities are investigating rumors of a new strain of coca in Colombia that is faster-growing, taller, leafier, and more resistant to herbicides. Dan Molinski for the Associated Press in *El Heraldo Barranquilla*, "Funcionarios de EU investigan 'super coca,'" 1 September 2004, Bogota.

⁶ Center for International Policy, *The State Department's data on drug crop cultivation*, memo, 22 March 2004, p. 3.

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⁹ See the OAS website at www.oas.org and choose the topic "Drugs." The MEM is accessible from there.

¹⁰ For additional information on the UN drug control system see Martin Jelsma and Pien Metaal, *Drug War Monitor*, "Cracks in the Vienna Consensus: The UN Drug Control Debate," WOLA, January 2004.

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¹⁴ Martin Jelsma, "Revising and Integrating Drug Policies at the National and International Level: How Can Drug Reform Be Achieved?" paper presented at the Wilton Park Conference on Drug Policies and their Impact, 27 March 2002. Available on Transnational Institute (TNI) website under Drug Policy Papers.

¹⁵ *Drugs and Poverty*, p. 26.

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