



## Political challenges posed by the failure of prohibition

### *Drugs in Colombia and the Andean-Amazonian region*

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After a slight dip in coca production in 2003 and 2004, the Andean region has returned to the historical average of 200,000 hectares of coca that has prevailed in the area over the past 16 years. This gives the Andean-Amazonian area a potential production level of 1,000 tons of cocaine a year heading for international markets (see Table 1).

**Table 1**  
**Hectares of coca in the Andean region**  
**1992 – 2005**  
**According to US State Department figures**

| Year | Bolivia | Peru    | Colombia | Total   |
|------|---------|---------|----------|---------|
| 1992 | 45,500  | 129,200 | 41,206   | 215,906 |
| 1993 | 47,200  | 108,800 | 49,787   | 205,787 |
| 1994 | 48,100  | 108,600 | 46,400   | 203,100 |
| 1995 | 48,600  | 115,300 | 53,200   | 217,100 |
| 1996 | 47,000  | 95,000  | 69,200   | 211,200 |
| 1997 | 46,000  | 68,800  | 79,100   | 193,900 |
| 1998 | 38,000  | 51,000  | 101,800  | 190,800 |
| 1999 | 21,800  | 38,700  | 122,500  | 183,000 |
| 2000 | 14,600  | 34,100  | 136,200  | 184,900 |
| 2001 | 19,900  | 34,000  | 169,800  | 223,700 |
| 2002 | 24,400  | 36,000  | 144,450  | 202,850 |
| 2003 | 28,450  | 31,150  | 113,850  | 173,450 |
| 2004 | 24,600  | 27,500  | 114,000  | 166,100 |
| 2005 | 26,500  | 38,000  | 144,000  | 208,500 |

Source: International Narcotics Control Strategy Report, US State Department

The result is striking if we take into account that in the past five years, more than US\$4 billion was invested through the Andean Re-

gional Initiative to stop the world supply of cocaine hydrochloride at the source.

### **Expansion of drug trafficking in the region**

Added to this phenomenon in the coca-growing areas of the three Andean countries is a sharp expansion of drug trafficking toward other countries in the region, such as Ecuador, where interdiction rose from 5.6 tons in 2004 to 45 tons in 2005. The interception of the boat *Yemaya II* in Venezuela in October 2005 as part of Operation *Goterón* reveals a new, significant trend toward a greater role for that country in the transportation of drugs. The boat, with a Venezuelan crew, was carrying 3.5 tons of cocaine and heading for Spain when it was intercepted by Spanish authorities in the Atlantic Ocean.<sup>2</sup>

The case has become more critical with rumours implicating Army and National Guard generals, who are allegedly organised to facilitate the smuggling of an average of five tons of cocaine a month. This was one of

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2. El País, "Apresado un pesquero venezolano cargado con 3.500 kilos de cocaína en aguas del Atlántico" ("Venezuelan fishing boat loaded with 3,500 kilos of cocaine seized in Atlantic waters"), 13 October 2005.

Washington's arguments for decertifying Venezuela on drug issues.<sup>3</sup>

Tensions between Caracas and Washington have increased because of differences over the scope of US interference in the region on the drug issue. US military personnel responsible for monitoring drugs claim that Chávez is an obstacle to drug control in the region.<sup>4</sup>

Meanwhile, the Venezuelan armed forces have repeated their criticism of the effects of Plan Colombia and have even questioned the strategy's "real intentions." According to Venezuelan military officers, Plan Colombia "is a latent threat. We are concerned that there could be an attempt to create a border incident between the two countries as an excuse for triggering the Democratic Charter, appealing also to the school of thought that holds that we are supporting subversion," said General Melvin López, quoted in the daily newspaper *El Universal*.<sup>5</sup>

In Central America and the Caribbean, the Petén area of Guatemala stands out as a beachhead for clandestine flights from Colombia, especially at night, as well as speedboat traffic in the Atlantic and Pacific oceans. El Salvador and Belize are also playing a greater role, with the latter serving as a bastion of security for Mexican drug traffickers.

Paraguay also plays a notable role as a transit point for Colombian coca headed for Brazil, both to meet growing domestic demand and for shipment to Europe. Bolivia serves the same function, connecting with northern Argentina on another Latin American route that is seeing increased drug trafficking.

In both Brazil and Argentina, drug trafficking supports powerful organised crime structures that operate in the shantytowns of Rio or Sao Paulo, in the former case with private armies that recruit children as young as 10 as soldiers and "mules," and which control prisons and wield influence at high levels of government.

In Argentina, the drug trade has developed power structures whose dynamics are not entirely clear. The triple border remains a key transit point for an economy that involves the smuggling of arms, stolen vehicles, consumer goods, etc., where there is little government control.

## What has been won?

Given these scenarios, the failure of Washington's drug policy does not — in itself — represent a victory for the region over illegal globalisation in the hemisphere. Drug trafficking is a regional problem that has a direct, negative effect on the possibilities for building democracy; it also fuels Colombia's armed conflict and has become solidly established, among other things, behind authoritarian regimes in Central America. Instead of making progress in this area, the region shows serious signs of backsliding, with greater effects on governance and an increase in levels of corruption. This is true both for regimes that have opted for rigorous implementation of Washington's strategy (Colombia) and those that have spoken out against that strategy, such as Ecuador and Venezuela.

It is not true, therefore, that with a reverse in Washington's position these problems would disappear overnight. On the contrary, organised crime is winning economically and politically. This situation is bolstered by the implementation of a strategy that, by viewing drugs as a source of financing for terrorism, takes advantage of new priorities that erroneously identify armed groups such as the FARC as substitutes for the old Colom-

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3. The United States decertified Venezuela in its anti-drug efforts, with only a waiver for US national interests. One of the points raised in Washington's internal investigation was the involvement of members of the Venezuelan armed forces in drug trafficking. *Revista Semana*, "Los militares y la droga" ("The military and drugs"), 3 October 2005.

4. According to Col. Gary Gagliardi, chief of the Manta Base, "Except for Venezuela, the United States monitors from Ecuadorian territory drug trafficking in part of the region and the Caribbean with the help of spy planes. ... We don't cross into Venezuela because of political problems with President Hugo Chávez." See *El Universal*, "EEUU advierte que roces con Chávez impiden rastreo antidrogas" ("US warns that problems with Chávez hamper anti-drug efforts"), 10 January 2006, Caracas.

5. "Plan Colombia es una 'amenaza latente, para Venezuela, dice inspector de la Fuerza Armada venezolana" (Plan Colombia is a latent threat for Venezuela, says Venezuelan army inspector), *El Tiempo* (web edition), 12 September 2005.

bian cartels.<sup>6</sup> The recent indictment of FARC leaders by US courts provides further reasons for prolonging the internal conflict, a scenario that also favours the persistence of the FARC's local power and security through the continuation of the war, with a high cost for the civilian population.

### What should be done?

In such a complex situation, especially given the most recent results from ONDCP, the US drug office, the general proposal of legalising drugs arises again. Let us examine this point more closely in situations such as that of Colombia.

First of all, it should be noted that Colombia poses the greatest paradox on this issue: on the one hand, political forces like the Liberals have taken and continue to take a more conservative stance on drugs, reinforced by a series of agreements with Washington, which has increasingly eroded national sovereignty over control of the drug problem. On the other hand, Colombia still has — although miraculously, and only on paper — perhaps the hemisphere's most progressive and liberal constitutional ruling on the decriminalisation of small amounts of drugs for personal use.

When it was issued, Decision C-221 of 1994 sparked the most interesting and participatory debate to date on this subject. However the Liberal president at the time, César Gaviria, aborted the process, threatening a referendum to reinstitute complete prohibition of drugs. In the end, the ruling — the first solid pillar of a national drug policy — was orphaned in Congress by the lack of support from liberal political sectors that could have created a stronger regulatory and public policy framework on drugs by implementing the political and institutional elements implicit in the court decision.

Under the Liberal government of President Samper, which was under pressure because of accusations of campaign ties to drug traffickers, aerial spraying of coca crops began in 1994.

After 12 years of rigorous implementation, the spraying policy has proven a failure. When it was implemented, the last chance to develop a consensus-based policy with producer communities was lost, as the 1993

agreements reached during the first protests against spraying in Guaviare were ignored. Later, in 1996, the policy was ratified by the approach taken to major protests by producers, when the groundwork was laid for armed groups to take control of this economy and the areas where it operated.

The government thus pushed the peasant communities toward renewed dominance by insurgents over these areas and encouraged paramilitary groups to take the initiative to fight the guerrillas over this new mechanism for gaining financial power and control of territory.

Under President Uribe, who came to power as a dissident Liberal, in line with the international post-9/11 paradigm, drug policy was part of the fight against the guerrillas' sources of financing. This led to a high degree of militarisation in the producing areas and the most ambitious plan for indiscriminate, intensive spraying of coca crops ever undertaken.

The government also sought fruitlessly to overturn the Constitutional Court's Decision C-221 of 1994 on the decriminalisation of small amounts of drugs for personal use, by including it in the frustrated referendum at the beginning of Uribe's term.

More recently, Liberal primary candidate Rafael Pardo has dusted off that initiative, which was originally proposed by President Uribe, and is showing signs of continuing the Liberals' conservative policy on drugs. Neither the president nor the Liberal primary candidate has presented any rigorous study to support the claim that the court ruling has led to an increase in drug use.

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6. See "United Status District Court for the District of Colombia – Holding a Criminal Term – Grand Jury Sworn in April 29, 2005." In Find Law ([www.findlaw.com/news](http://www.findlaw.com/news)). Department of Justice Press Release on the FARC Indictment Announcement, Washington, March 22, 2006. ([www.ciponline.org/Colombia/00322doj.htm](http://www.ciponline.org/Colombia/00322doj.htm)). *El Tiempo*, "EU abrió proceso contra las FARC como el cartel de droga más grande de Colombia" ("US opens case against the FARC as Colombia's largest drug cartel") in ElTiempo.com. Ricardo Vargas, "Drogas y guerra: una política en apuros" ("Drugs and war: a policy under fire"), UN Periódico No. 90, April 2006, Universidad Nacional de Colombia, Bogotá.

In these 12 years, however, the *alternative* or opposition stance has also failed to produce results. Leftist groups and parties have mainly turned their backs on the drug issue.

A few examples:

1. They have not included any serious proposal on drugs in their political platforms or introduced legislation based on the Constitutional Court ruling.
2. They have not promoted, as party blocs, a debate about the design and implementation of Plan Colombia or evaluate the policy, which has been debated in the US Congress. Except for a few isolated initiatives that responded to individual legislators' personal commitments, debate has focused on issues such as spraying in national parks. Conservative or centrist lawmakers raised questions in Congress about the use of the *Fusarium oxysporum* fungus to combat coca crops. Other initiatives stemmed from a fairly limited view of the impact of spraying on certain areas, mainly spurred by electoral interests. In general, there has been no overall evaluation of the implications of this strategy or political responsibilities.
3. The Criminal Code remains confusing, holding producers and those who finance drug trafficking equally responsible and subjecting them to similar sanctions. In this area, a few individual conservative legislators have tried unsuccessfully to reform the Criminal Code.
4. Despite the Constitutional Court ruling on small amounts of drugs for personal use, Law 30 of 1986, among others, impedes the implementation of prevention and treatment programs that take approaches other than those of failed models such as complete abstinence, or which allow for more humanitarian treatment and avoid discrimination against marginalized social groups. There have been no efforts at reform in this area.
5. The National Narcotics Office (*Dirección Nacional de Estupefacientes*) continues to demonstrate its incompetence as the oversight agency responsible for goods confiscated from drug traffickers. This is a clear reflection of the shakiness of in-

stitutions in this area. Nor have there been political initiatives in this area.

6. There is obvious improvisation in the design and implementation of institutions responsible for issues related to drug abuse. There is no systematic follow-up of the problem and no ongoing common methodology. Colombia lacks scientific monitoring and is one of the most backward countries in the hemisphere with regard to these types of actions.

These few examples demonstrate the precariousness of public debate about drugs, framed as part of the development of national policy. We have indicated that the Liberal approach, supported mainly by conservative sectors, has been a historical constant in this area, resulting in a national drug policy framework that is excessively precarious, shows few results, and is more inclined to adopt guidelines from Washington that are negotiated bilaterally, almost always as a function of the interests of other groups or government administrations.

No serious contribution has been made to developing an alternative national policy. The war on drugs, in the terms in which it has been waged in the region, has been the historical constant with the highest cost in lives, social rights and environmental damage.

Nevertheless, as can be seen in the few examples cited, the development of a critical mass proposing an alternative to this strategy has also been lacking.

### **So ... should we legalise?**

Given this context, and returning to the scenario presented by the US State Department in its mid-April 2006 report, it would be a political error to proclaim victory, because prohibition-driven drug policy continues to fail. Aside from that, it is overly bold and to a certain extent a bit irresponsible to point cheerfully to the legalisation of drugs as the alternative. Even if international UN conventions could be ignored — which is unlikely in the short to medium term — the question is who would provide political leadership for such an initiative?

It is difficult to establish such leadership in political sectors that have been practically

absent from debate on this issue, as reflected in the lack of a critical mass supporting any non-fundamentalist proposal on drugs.

There is a need to gain ground and develop public policy in Congress and create local and departmental government programmes for so-called *alternative* government. If there are no results of this sort, there will be no authority capable of proposing alternatives to prohibition.

Because of their political implications, such initiatives require the highest degree of responsibility and the creative ability to offer realistic ways to fill in the gaps and loopholes in current regulations. The virtually non-existent drug policy in public administration in the local governments of large Colombian cities such as Bogotá and Medellín or in departmental governments, for example, underscores the fact that those who seek changes in central aspects of national life are still far from developing an alternative strategy.

Given this, legalisation cannot serve as an umbrella to cover up the lack of substance in national proposals and initiatives on this issue.

Washington, meanwhile, will not abandon its strategy, and the US Congress at least seems to be moving toward a much more radical policy. Strong support in the House of Representatives (399 votes in favour and 5 opposed) for law HR2829, led by Republicans Dan Burton and Mark Souder, which approved a budget and called on the "Drug Czar" to draw up a field test plan to experiment with biological weapons against coca plants, is one sign of this.

That proposal is now in the Senate, and fortunately various officials have spoken out against it, including Drug Czar John Walters, the CIA and the DEA, which shows the lack of consensus on a policy that would offer an alternative to the failed anti-drug component of Plan Colombia.

This is therefore an appropriate time to recognise that Colombia's political forces, without exception, have also failed in this area (government supporters by their actions and the *alternatives* by omission), and that there is a need for a national accord that would set new goals, develop better proposals and

seek consensus with Washington, viewing it as part of the problem within a strategy of defence of national interests.

In this context, regional initiatives must be developed simultaneously that would give priority to Colombia's neighbours and Latin America in general, given the expansion of the region's involvement in the drug economy and the strengthening of illegal networks that affect governance in those countries.

It should be recognised that the bilateral approach to the drug problem has failed. Although in general terms it has allowed other bilateral issues to be addressed within the framework of negotiations with Washington, it has ended up sacrificing regional interests.

In addition, models such as Plan Colombia have not helped increase the anti-drug strategy's legitimacy on a regional level, since it is still perceived as a way of giving US military power a foothold in the area, with Colombia as its main support. Bogotá's costly bet on this security mechanism as a decisive factor in its relations with its neighbours has dealt a serious blow to the region's fragile integration.

Development of an alternative policy capable of replacing the prohibitionist approach to drugs is just beginning in the hemisphere, and it still faces many obstacles. Nevertheless, there is a body of knowledge in peasant and indigenous communities, and there are authorities who are capable of criticising their own erroneous decisions.

There is also a critical mass of opinion in favour of alternatives to prohibition in cities and some countries in Europe, which should be included in the public debate.

It is worth remembering, however, that on the drug issue, these countries defend their interests as nations, and some, like Holland, support Washington's repressive international approach to drugs, which focuses on illegal production, to benefit their liberal domestic policies.

Within the framework of US-Caribbean cooperation — which began with the treaty of 2 March 2000, ratified by Parliament on 2 November 2001, which made Aruba and Curaçao available for the establishment of a

Forward Operating Location (FOL)<sup>7</sup> — the Dutch government will hire a private firm in 2006 for maritime surveillance by aircraft operating from Curaçao. This security provision is under the command of the US Joint Interagency Task Force-South (JIATF-South), and Dutch support will provide additional information to Maritime Patrol Aircraft (MPA), offsetting the effects of US budget cuts for this entity.<sup>8</sup>

Despite this, Holland's domestic experience on drug issues charts a course in the successful management of harm-reduction policy. As long as the national interests at stake are not identified, it is difficult to navigate effectively in the international context of drug strategies or think seriously about advocating legalisation. Greater political precision of these interests would be a good start.

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7. On this topic, Theo Roncken, "La lucha contra las drogas y la proyección militar de Estados Unidos" ("The fight against drugs and US military outreach"), Acción Andina Bolivia, Abya Ayala and TNI, 2004, Quito.

8. Bureau for International Narcotics and Law Enforcement Affairs, US Department of State, "Counternarcotics Strategy in Latin America." Testimony by Anne Patterson, assistant secretary of state, before House International Relations Committee, Sub-committee on the Western Hemisphere, 30 March, 2006, Washington.



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