

Latin America and the drug issue: searching for a change

By Juan Gabriel Tokatlian

■ Executive summary

This report analyses the current global situation of the drug question and highlights the limitations of the so-called “war on drugs”. It specifically reflects on the particularities of the anti-narcotics crusade in Latin America by showing its poor results in terms of coping with the drug phenomenon. The report then deals with concrete public policies against drugs in the region and discusses the sense of fatigue and frustration experienced among Latin American governments and societies in terms of the drug problem. Finally, it approaches the key characteristics of a new debate on drugs in the region, suggesting that this is having a significant impact on the overall drug issue worldwide.

The setting

According to the 2013 United Nations (UN) *World Drug Report* (UNODC, 2013), between 167 and 315 million people aged 15-64 have used an illicit drug. Among them, the “problem drug users”¹ account for 39 million, i.e. 0.9% of the 15-64 age group or 0.54% of the current total world population. Even though worldwide the number of very challenging drug consumers is small, the “war on drugs”, with its emphasis on supply control, has not ebbed. At the same time, a new longitudinal analysis shows that “despite increasing investments in enforcement-based supply reduction efforts aimed at disrupting global drug supply, illegal drug prices have generally decreased while drug purity has generally increased since 1990” (Werb et al., 2013: 1). In addition, the UN Office on Drugs and Crime asserts that the estimated amount of money laundering annually oscillates between 2% and 5% of global gross domestic product, i.e. between \$800 billion and \$2 trillion. Notwithstanding, drug money laundering is difficult to tackle and suppress. For example, the U.S. Drug Enforcement Administration indicates that “Americans spend

approximately US\$ 65 billion per year on illegal drugs [with only approximately US\$ 1 billion seized per year, domestically, by all Federal agencies combined” (DEA, 2013). The U.S. example epitomises the limits of confiscation as an effective tool to curtail drug-related money laundering (Naylor, 1999).² Growing coercion does not seem to be the best way to deal with the appetite for drugs. It may be recalled that, according to Harm Reduction International, 33 countries’ laws make serious drug-related crimes a capital offence, six of which have high-application rates for the use of the death penalty and seven have low-application practices³ (HRI, 2012). Tougher policies have not only failed to solve the drug problem, but have harmed the poor, the unemployed and minorities by aggravating existing inequality (Shaw et al., 2007). Basically, high rates of incarceration and harsh sentencing have not achieved the objective of a “drug-free” society anywhere in the world.

In essence, the “war on drugs” has never been a metaphor,⁴ especially for developing countries. In many cases it has fuelled existing conflict and exacerbated levels of violence,

1 People involved in high-risk consumption of drugs (through injection, daily usage and/or being severely dependent).

2 As Naylor (1999) asserts, “to the extent that the demand for drugs is ‘inelastic’, any hike in laundering costs will be merely passed to the consumer. The effect, on balance, will be to take more income from consumers and transfer it to the criminal entrepreneurs. Just as anti-drug enforcement act as a price-support program to raise the income of successful dealers, anti-money laundering measures might do the same for criminal money managers”.

3 High-application rates of capital drug laws are found in China, Iran, Vietnam, Saudi Arabia, Singapore and Malaysia.

4 According to Chepesiuk (1999: 261-62), the “war on drugs” “used to describe the efforts of governments around the world to enforce the drug laws of their countries. Many government leaders believe that, in order to deal effectively with the negative consequences of drug trafficking and drug abuse, the problem of illicit drugs must be dealt with as if the countries were at war As in a real war, large number of drug dealers, users, and abusers are treated as enemies of the state. The laws are changed to provide severe penalties and those convicted are often imprisoned for long stretches of time As in war, civil liberties are given a lower priority in order to achieve the military objective Some observers of the War on Drugs say the metaphor leads to an ‘us against them’ climate and feeds the illusion that illegal drug trafficking and drug use can be stopped and that ‘victory’ can be achieved.”

boosted corruption and weakened democratic governance, intensified environmental problems, and undermined human rights, among others (Count the Costs, 2010).

The experience

In Latin America the crusade against drugs has been a failure and has generated frustration; in turn, failure and frustration have catalysed a new and ongoing debate on how to rethink drug strategies in the region. The underlying premises that were in force – and are currently being challenged – are the following: (1) as long as it has been understood that the phenomenon of drugs was due to the existence of supply, governments' actions have been directed primarily at dismantling the centres of production, processing and shipment of illegal psychoactive substances; (2) because this phenomenon has been conceived fundamentally as a security threat rather than a health issue, counter-drug efforts have emphasised the active participation not only of the police, but also (mainly) the armed forces; and (3) since it was assumed that the fight against drugs required special attention, any alternatives to the "iron fist" (*mano dura*) approach were discarded.

This set of premises resulted in a series of specific public policies: (1) the eradication of illicit crops; (2) the dismantling of drug-trafficking organisations; (3) the criminalisation of the whole chain related to the drug business; (4) the extradition of nationals – especially to the U.S.; (5) the rejection of any initiative that favours drug regulation; and (6) the militarisation of the "war on drugs". These are discussed further below.

The results of crop eradication can be characterised as ineffective, damaging and even paradoxical. They have been ineffective because neither the drug-traffickers' power has been affected nor the socioeconomic conditions in the areas affected by this strategy have been improved (Mansfield, 2011; Moreno-Sánchez et al., 2002). The results have been damaging because they have created a vicious cycle. A particular combination of factors – the clearance of forests as a result of illicit crop cultivation, pressures due to the forced eradication of plantations, the use of aerial and manual spraying with chemicals, the breakdown of a subsistence peasant economy, the violent persecution of poor rural populations (peasants and indigenous people), the absence of alternative marketable crops, the sporadic and usually repressive presence of the state, the displacement of illicit crops to other areas and the restart of the cycle – has culminated in a perverse situation where the incentives to continue illicit cultivation are not eliminated.

The so-called "balloon effect" functions not only domestically (within diverse areas in a single country), but also regionally (among various countries). Thus, the drug business in Latin America has become more profitable, virulent and expansive. The paradoxical nature of these results stems from the fact that they have led, in some cases, to the higher mobilisation and political and social

strengthening of internal groups, which are traditionally less resourceful and powerful, while in other cases these policies have facilitated the growth of armed groups. For example, the *cocalero* (coca-grower) movement in Bolivia actively organised itself during the 1980s based on its rejection of the forced eradication of illicit crops (Durand Ochoa, 2012). In the case of Colombia, Washington's counter-drug policies – including the chemical eradication of illicit crops – prompted the strengthening of the long-term presence and influence in some geographical areas of the left-wing guerrillas of the Revolutionary Armed Forces of Colombia (Durand Ochoa, 2012; see also Peceny & Durnan, 2006).

Parallel to these policies, the dismantling of drug-trafficking organisations was seen as an important pillar of Latin American public policies. The persecution of "drug lords" was generally a marginal practice in the 1970s, erratic during the 1980s and a central policy since the 1990s. The crackdown on prominent drug leaders was implemented in an especially decisive manner in some countries, such as in the case of Colombia in the 1990s and Mexico in the first decade of the 21st century. This has involved a set of tactics that range from imprisonment and death to internal trials and extradition on a foreign government's request. The multiple effects of this policy in terms of violence and corruption are telling. Attempts to break up the drug-trafficking business have exacerbated already existing phenomena: drugs usually do not create sociopolitical conflict and institutional erosion; rather, they expand and perpetuate them. The results of attempts to dismantle drug-trafficking have been mediocre. The most recent, more dramatic example has been that of Mexico: the death toll from drug-related violence was between 70,000 and 120,000 during the six-year mandate of President Felipe Calderon (2006-12) (Karlin, 2012).

In addition, extradition has been an important pillar of the counter-drug policy. This practice was expected to both relieve the load of and reinforce judicial systems that had been partially weakened by the surge in drug-trafficking; lead to the higher effectiveness of efforts to dismantle the drug trade through judicial collaboration; and discourage more people from entering the illegal drug business. Moreover, the effective use of this mechanism was supposed to imply a positive effect of reducing availability, elevating the price and reducing the purity of illicit narcotics in areas with the highest demand. The application of the extradition mechanism has had ambiguous results, however.

The countries that actively implement it – e.g. Colombia, Mexico and the Dominican Republic – have significantly improved their relationships with the U.S. However, the effect on the drug phenomenon has been less significant: drug traffickers have not been demotivated (there is always someone to take the place of the extradited, the imprisoned or the eliminated); justice performance has not improved (except in a symbolic way), and the impact on

demand (availability, prices and purity) has been very low. Moreover, a country like Colombia, which has extradited several hundred of its nationals to the U.S., is reassessing its extradition policy because of the increasing number of lenient sentences passed on those who have been extradited (Ramsey, 2012).

Simultaneously, a public policy that rejects the legalisation of drugs has existed in Latin America. Critical voices against prohibition have been emerging in various countries, both at the state and non-state level. However, until very recently the shadow of the U.S. has been looming large over this issue. Up to the early 2000s Washington achieved the “American Dream” of making the continent accept, either by conviction or resignation, the “war on drugs”. Now this is becoming untenable (Goodman, 2012).

Finally, with few exceptions (such as Argentina, Chile and Uruguay), the militarisation of the fight against drugs became the norm in Latin America. What started as an episodic and temporary participation in policing tasks that were completed by police officers eventually evolved into a continuous mission for the armed forces. In the 1980s the “war on drugs” turned into a national security issue, both for the U.S. and several Latin American countries, thus making the militarisation of the counter-drug efforts a trend. Since then, the difference between police and military activities has been erased. After the terrorist attacks in the U.S. of September 11th 2001 and in the wake of so-called “new threats” (the alleged huge amalgam of evils such as international terrorism, organised crime, drug trafficking and the proliferation of weapons of mass destruction by private actors, among others), Washington no longer differentiates between internal security and external defence and expects regional militaries to transform themselves into “crime fighters”. Similarly, the “securitisation” of the drug issue has facilitated the militarisation of anti-drug efforts, and recently this has contributed to the privatisation of security. Thus, private contractors have benefited from the outsourcing of the “war on drugs” through well-funded U.S. counter-narcotics programmes.

In all cases in the region where the militarisation of the war on drugs has occurred, the results have been unfortunate in institutional terms and unproductive in terms of fighting the drug business (Tokatlian, 2010; 2011). Military participation in counter-drug policies has had negative effects on civil-military relations, human rights abuses and corruption levels (Peterke, 2010). The military’s direct and active role in eradication, interdiction and dismantling missions has not resulted in promising progress towards the elimination of drug trafficking. Since the 1970s, the “war on drugs” has been a crucial feature of U.S. international drug strategy and from the end of the cold war onwards the U.S. military’s U.S. Southcom has played a growing role in the regional crusade against narcotics. Effectively there has been no pragmatic or effective change of policy in Washington with regard to both illicit drugs and relations with Latin America.

In terms of budget allocation (supply and demand), policy orientation (coercive vs non-punitive) and the stress on “warrior” activity abroad (the predominance of the armed forces over other bureaucratic actors), President Barack Obama’s drug policy has not been very different from that of his predecessors. Not surprisingly, and to a large extent due to its conspicuous failure, even military analysts recognise that after four decades of an ongoing failed strategy, Washington’s approach is more a sign of insanity (Walther, 2012) than reasonableness.

A new approach

In this context, the most important recent phenomenon has been the role of Latin America in and its impact on the continent-wide and global debates on illicit drugs. Certain key characteristics of this process should be underlined. Firstly, the new Latin American attitude to the issue of drugs is not the expression of a region that has abdicated its commitments to the resolution of this issue, but the pronouncement of one that has suffered the tragic consequences of a failed strategy to deal with illegal substances.

Secondly, the position of important Latin American leaders on the drug question is realistic, because most presidents in a majority of the continent’s countries are witnessing a significant shift in their societies: the old balloon effect – mainly based on the changing nature of cultivation, production and processing patterns across nations and geographies – is being superseded by a kind of Zeppelin effect by which transnational organisations – basically intertwining local narco-warlords, national drug barons and global money-laundering tycoons – are reaching a point of generating a *pax mafiosa* in certain urban and rural areas.

Thirdly, there is a growing de facto loose epistemic community of critical voices on drug prohibition where government-level and non-state-level actors are gaining visibility in the Americas and worldwide, while simultaneously broadening and deepening the quality of the public discourse on the merits of alternative, non-conventional proposals for new approaches to the problem of drugs.

Fourthly, the anti-prohibitionist initiatives emerging from the region are similar in their nature, but different in their motivation. For example, some highly pro-U.S. governments, such as those of Mexico, Colombia and Guatemala, are inclined to promote regulatory regimes for drugs in order to more effectively fight other forms of organised crime and existing challenges from armed groups with an ideological agenda. Other countries, like Uruguay, are more concerned with domestic human rights, health issues and youth violence when advancing the legalisation of marijuana. Thus, a realpolitik perspective and a liberal approach coexist among those who are looking for regulatory options to deal with the drug phenomenon.

And fifthly, notwithstanding a more open outward-oriented debate on drugs in the region, most countries are still addicted to severe punishment in much of their domestic legislation: this ambiguity may produce some costs in the near future in Latin America if there is a significant gap between deeds and words, both internally and internationally.

In any event, there is a new reality in the region: after thousands of deaths and huge amounts of wasted money, Latin America is reaching towards a real consensus on the narcotics issue with the central ideas being that the “war on drugs” is unwinnable and that there is no way to fight a “better” or “good” crusade against drugs. Reform and not immovability on policies for dealing with illicit substances are and will to continue to be the rule in the region. In the coming months and years we will see a Latin America that is keen to improve and enlarge the coalition of “like-minded” states, international organisations, and social forces that are willing to seriously rethink and change a regional and global fiasco: the “war on drugs”. Some key actors, like Norway, could play a constructive role in facilitating the ongoing debate on illicit substances and improving the quality of world discussion on drugs.

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