



**WOLA**

## **Third meeting of the Informal Dialogue on Drug Policy in Latin America**

An initiative of the Washington Office on Latin  
America (WOLA) and the Transnational Institute  
(TNI)

**February 21-23, 2008**



The third meeting of the Informal Dialogue on Drug Policy in Latin America took place in Quito, Ecuador. The event was organized by WOLA and TNI with the support of the Government of Ecuador – the Ministry of Internal and External Security and the Ministry of Government – and focused on the evaluation mandated by the UN General Assembly Special Session (UNGASS) on Drugs, or the UNGASS review, to take place between March 2008 and March 2009, and the high level meeting to be held prior to the March 2009 meeting of the Commission on Narcotics Drugs (CND).

The meeting, which took place in the La Carriona Hacienda in Sangoqui, was guided by “Chatham House” rules to encourage a free exchange of thoughts and confidentiality in an informal environment. The dialogue was carried out in four sessions.

- Session 1: From the Andean Initiative to Plan Colombia (1989-2005): results and impact in Latin America;
- Session 2: Perspectives for Latin America in the 2008 – 2009 UNGASS review;
- Session 3: Criminal justice, the prison system and drugs: a human rights perspectives;
- Session 4: Proposals and strategies for the 2008 reflection period and for the UNGASS review to be completed in 2009.

### ***Session 1***

#### **Plan Ecuador vs. Plan Colombia**

Participants pointed to the advantage of opening a debate in Latin America, indicating the need for a Latin American perspective. They underscored the importance of the dialogue in order to ensure that an Andean regional perspective is included in the UNGASS evaluation process, which will review the results regarding drug control (1998 – 2008).

The first session began with a presentation about Plan Colombia (1999 – 2005), contrasting it to Plan Ecuador which began in April 2007. Plan Ecuador is aimed at addressing the development of the northern Ecuadorian border (5 provinces, 9% of the Ecuadorian population). It is implemented in the midst of the complex reality of the Ecuadorian- Colombian border, marked by the presence of armed groups and other consequences of the Colombian conflict. Plan Ecuador is intended to provide for the protection of human security and is geared toward the individual, unlike the militaristic vision of Plan Colombia.

Plan Ecuador is centered on supporting 1.6 million people on the northern border who are largely excluded from national life. Between 30 and 40 percent of young people say they are attracted to a “future” in crime-related activities. Violence is rampant in the area and the government response is weak. Some 60 percent of residents live on less than \$2 a month. Against this backdrop, private bodies have taken on the role of the state (oil companies, irregular groups, others involved in illegal activities). Regarding the socio-economic dynamic, activities on the border have focused on crops linked to drug trafficking, contraband, arms trafficking, together with activities to produce food, entertainment and even medical services for irregular groups. In terms of those displaced by violence who cross the border into Ecuador, there is a lack of coordinated work with state institutions regarding their legal status and well being.

Preventing corruption and promoting human development are priorities for Ecuador, as reflected in the Plan Ecuador, but it has also tried to avoid “contagion” from drug-related activities. For this reason it has become one of the most successful countries in interdiction, the seizure of drug shipments and the arrest of traffickers. In contrast, the country is concerned about the lack of international cooperation in funds and technical assistance for this task. As well as requesting more funding, Ecuador is lobbying for the extension of the Andean Trade Promotion and Drug Eradication Act (ATPDEA) in order to combat drug trafficking, support democracy and improve the flow of exports. For the country, the issue is a social rather than a criminal one.

### **Colombia’s anti-drug policy**

According to the United Nations Development Program (UNDP) Colombia is an excluding, fragmented society, outside of a development model, with an inefficient state, supplanted by the private sector. Problems related to the administration of justice, lack of respect for human rights, lack of care for the environment and weak democracy are also present. Plan Colombia, presented as a strategy for protection and justice, is based on two different strategic objectives: that of the United States, mainly aimed at the battle against drug trafficking, and that of Colombia, which uses it as a weapon against the Armed Revolutionary Forces of Colombia, or FARC.

Plan Colombia has not contributed a solution, but rather has concentrated on the fumigation of illegal crops, attacking a “weak link” in the production chain: the small producer. On the other hand, drug trafficking has permeated sectors of society and the political class. As a result, there is a profound bias which impedes anti-drug policies from being effective. If the aim is to attack criminal structures, there is a need to confiscate and re-distribute land controlled by drug traffickers, confiscate assets obtained through illicit means, and put an end to land concentration in the hands of drug traffickers. At the same time, there is also a need to condemn corruption in state institutions and to ensure that the government promotes alternative livelihoods in areas where coca and poppy are cultivated.

Against this backdrop, one participant indicated that Plan Colombia will continue to be a long-term political instrument, rendering impossible a negotiated solution to the problems it seeks to eliminate. Another expert said that Plan Ecuador and Plan Colombia will only be successful if cooperation between the two borders is encouraged, in order to take advantage of the resources of both states.

This idea was refuted by others because of the impossibility of finding synergies between a plan aimed at peace and a plan aimed at war. Fortunately, Plan Ecuador maintains its distance and does not assimilate the war-dynamic of its neighbor. It was pointed out that Plan Colombia was originally conceived, at the beginning of the Pastrana administration, also as a plan for peace. However, when it was revised and presented in English by the U.S. “drug czar,” it became a mechanism for war at the service of those contracted by the Pentagon, Dyncorp and Monsanto, among others.

Plan Ecuador is a political response to Plan Colombia geared toward protecting the country from the Colombian conflict but taking into account respect for Colombian sovereignty. Trans-border cooperation could only take place at a Foreign Ministry level although there is a long historic, economic and cultural relationship between the two borders – such as the relationships between the populations of Pasto and Tulcan, and Esmeraldas and Tumaco.

### **Peru and the sterile 30 year war on drugs**

A participant from Peru criticized the so-called “war on drugs,” which has been practically sterile throughout its 30-year trajectory, evolving into a generalized conflict that moved beyond borders and domestic situations, leading to a hemispheric integration around an activity that generates violence: the creation of drugs. Different groups from so-called irregular groups to members of the Latin American business class have been implicated, underscoring the hypocrisy of the 30-year battle against drugs given that in many countries punitive legislation co-exists alongside high levels of corruption in many countries. The participant also underscored the major landmark in the battle against drugs over these 30 years: the decrease in the mid-1990s of coca used to produce cocaine due to Peruvian intervention against the drug trafficking air-bridge and the subsequent fall of the Cali cartel. This led to a drop in the price of coca and a decline in the trafficking of it.

### **Bolivia, the coca leaf and integral alternative development**

Participants pointed out that the coca economy has not been fully analyzed as the system continues to criminalize peasant farmers while the anti-drug policy of the 1980s, entirely punitive, is unconditionally accepted.

One speaker pointed out certain aspects regarding the experience of their country with coca. The government of President Evo Morales has confronted the existence of harsh anti-drug laws, such as law 1008, which has had an impact on the coca growers, leading to displacement and poverty. For this reason, Bolivia has questioned the impact of the war on drugs, as a de facto policy imposed from abroad. The government’s current policy is based on alternative integral development to address the problems of production and trafficking. The issue of drugs in Bolivia forms part of public policies. Fundamentally, the aim is to implement measures aimed at achieving peace and social control in the countryside with the participation of coca growers in state tasks.

### **Exchange and debate**

Regarding the use of glyphosate for the eradication of coca, speakers had divided opinions. Some criticized the use of the herbicide due to the physical and environmental impact among

the affected populations. Others indicated that it has not been fully proven that glyphosate produces serious effects and recommended greater controls over the aircraft and the chemical substances that are used. In addition, the intensive use of chemical substances and supplies for agriculture in general may be a more significant health problem. However, in political and socio-economic terms, everyone agreed that fumigation is not a viable policy.

Participants also pointed to the complex situation on the border regarding the threat of manual and aerial eradication of coca crops and the impact on agriculture. Alternative crops bring aggregate problems, such as those related to extensive mono-cultivation of African palm trees for palm oil production. In Ecuador, for example, 55,000 hectares of palm were grown in San Lorenzo (Esmeraldas) in order to have more control and stop violence. Paradoxically, as well as the danger of land concentration and money laundering associated with this crop, there have also been cases of “hired hits” and attempts to grow coca at the foot of the mangrove forests. Fumigation has not led to a reduction in coca crops, while temporary migration to Colombia to harvest the leaf has increased.

In the face of this situation, Andean countries presented different policies and perspectives, which will form part of the debate in Vienna. The Bolivian government is lobbying for more transparency in the battle against drugs, in the face of the failure of policies applied since 1998, which should be the objective of the United Nations and every member state. Moreover, there is a need to change the ideology and the colonizing approach (acceptance of cultural paradigms different to those of Western World). One participant said that the production of coca does not imply harm against humanity.

The eradication of coca does not work, according to one speaker, because it is focused on the least favored sector in the drug trafficking economy. Poverty in Bolivia has turned coca into a means for survival. The Bolivian coca growers’ movement has a different experience under the government of Evo Morales, who seeks to implement a democratic control over the crop, though he does not have the support of the international community. Bolivia is under pressure from the International Narcotics Control Board (INCB) and from Washington. In response, the country requested international support from the European Union (EU), which guaranteed a budget of 1 million Euros through a funding agreement signed on December 5, 2006 for an Integral Study of the Coca Leaf that seeks to : “support Bolivian government entities in the process of formulating public policies about the coca leaf and to generate official technical information about the characteristics of consumption, commercialization and illegal industrialization and the average productivity per hectare of coca leaf,” to be carried out in 2008 and 2009.

Brazil emphasized the formation of public policies and discussion about drugs, as well as the establishment of political spaces to involve other organizations, so that the dialogues have the political backing that could be provided from new proposals on different issues, such as the legal cultivation of plants, the uses of opiates in medicine and the lack of access to medicine for the victims of AIDS and drug users.

There are no global solutions, which implies that each region must seek its own creative solutions. The alternatives should be based on a framework of peace and cooperation. This is the challenge. The paradigm of the coca crop must be reviewed, and systemic and integral mechanisms sought for a balanced solution.

## *Session 2*

### *Perspectives for the review of UNGASS*

The year 2008 marks a decade since drug control objectives were established in 1998. A European official began the discussion, emphasizing this situation and giving an overview of what will happen with the UNGASS review, its challenges and opportunities. He emphasized the need to carry out the discussion that the opportunity provides, above all because the CND is characterized by very weak debate, without in-depth discussions.

In March 2008, the CND will be dedicated to analyzing the obstacles and achievements in reaching the UNGASS objectives. The United Nations Office on Drugs and Crime (UNODC) is responsible for preparing the reports for the thematic debate. With the beginning of this review, a high level meeting will be prepared to take place in 2009 to determine the actions for the next decade. During this period, a new political declaration will be drafted and negotiated and other instruments will be prepared based on the reflection period.

Six points are crucial for this process:

- An honest evaluation of the current policies is needed. The UNODC will attempt to argue that there was encouraging process up to 2008, as it did in 2003 during the Mid term review.
- The concept of harm reduction must be accepted as part of the work of the UN. The elimination of all drugs is impossible; as a result, there is a need to learn to live with some consumption and reduce the harm it causes.
- Drug control efforts should not violate human rights treaties – including civil and political rights, as well as economic, social and cultural rights and those related to health and indigenous peoples.
- There is a need to review the operation of the UNODC and the INCB. The UNODC depends on voluntary donations, which limits the role of the agency and contradicts its multilateral nature. For its part, the INCB interprets the conventions very strictly, condemning countries with punitive actions.
- Alternative development is an important point, as forced crop eradication has led to terrible consequences in Latin America and other parts of the world.
- Given the undeniable inconsistencies, a review of the conventions is needed. Moreover, there is also an urgent need to find a solution for the coca leaf, which should be removed from List 1 of controlled substances of the Convention.
- Another point that is related to the issue of inconsistencies is the obligatory nature of punishment for growing crops that could be deviated to the illicit market, whether for personal consumption or for family survival. There is no balance between protection and repression. The penitentiary crisis must also be taken into account.

One expert maintained the importance of carrying out an honest evaluation. The EU has a more realistic position than others, as is evident in its report to the CND that proposes carrying out a serious analysis to identify the needs and positive points surrounding the issue. The EU also proposes that expert working groups be formed to carry out the evaluation with the involvement of NGOs. Open, informal meetings and established intermediate sessions are part of the EU's proposal, together with two-day sessions so that the ministerial sector has the opportunity to meet outside of the CND.

The principles that the EU is lobbying for include a balanced focus (supply and demand), shared responsibility, rights of addicts, proportionality of sentences and the notion of policies based on scientific evidence, harm reduction, alternative development, the participation of civil society, the review of the INCB and to open up states to the evaluation and monitoring of the reduction of the production, consumption and trafficking of illicit drugs.

### **Exchange and debate**

Latin America is characterized by a diversity of political will and issue focuses, which creates a problem for joint action. Something similar takes place in the EU, but there majority rule prevails. In Latin America, there is an increasing lack of coordination and each state acts on its own behalf.

One participant said that the aim is to obtain acceptance of the EU resolution on the process for the UNGASS review and follow-up on the documents of analysis and information gathering. The information that the CND manages is insufficient and it has no capacity for analysis; in short, there is a need for a more in-depth evaluation with indicators regarding the scope of the problem and its impact. A Brazilian NGO proposed that within a year a Latin American commission will be created to evaluate the war on drugs, something that could help in the debate.

Another participant indicated that the participation of civil society should not be considered as a monolithic block. This diversity means that there is still a need to reach consensus. Issues that still need to be resolved include the imbalance between supply and demand, the fact that harm reduction is not considered a priority in relation to production and that there are still positions opposed to human rights in the context of drug control.

The EU promotes greater coordination in Europe, but the challenge of creating a cohesive European drug policy remains. Another problem is the lack of dialogue between the EU and the United States as principal consumers of cocaine. At the same time, the support of the EU for alternative development in Latin America is still not very well defined. There is an urgent need for evaluation.

Latin America cannot act as a block unless the NGOs achieve substantial support. These 10 years point to the failure of official strategies, and experience indicates that alternative, sustainable development, social action, international aid and alternative economies must be taken into account. There is also a need to look at types of legalization and decriminalization and for a discussion of the respective scenarios.

GRULAC may not have a common proposal, but the majority of countries support a serious evaluation, recognizing the need to evaluate the policies applied to date.

The lack of evaluation means that there is a fragmented panorama in Latin America regarding drug trafficking, which is considered something “created abroad” and not a state responsibility. The data is quantitative and not qualitative. In the region, according to a group of Bolivian experts, the NGOs are those who take the reins in terms of prevention and statistics, but the absence of the state in the process means there is no data about operative costs, the sentences

handed down to those who are convicted, or other statistics regarding the anti-drug efforts carried out over the past 10 years.

A European organization said that if GRULAC cannot reach an agreement about certain points – given that in Latin America there is a diversity of opinions that do not culminate in joint proposals – then countries must clearly present their proposals in order to contribute to the debate. It is worth noting that it is not possible to think of a dichotomy of legalization or prohibition, but rather there are a variety of policies and steps forward (such as removing coca from List 1) that could be considered viable.

The same agencies are now in a process of discussing and reviewing the treaties. The INCB will present its report regarding the proportionality of sentences in 2008 and in 2009, just before the high level meeting, it will report on the effectiveness of the commissions. The treaty system could be discussed in 2012 in The Hague.

One participant requested that a single vision not be imposed, but rather that the system itself be evaluated, and that there be flexibility with issues like coca and harm reduction as a concept. The flexibility in the interpretation of the Drugs Conventions could be worked on with several regions of the world.

### *Experience of countries participating in the dialogue*

#### *Mexico*

The government of Mexico placed particular importance on the work that is carried out in the framework of the CND, especially given that UNGASS emerged from a Mexican initiative. Mexico has promoted the issue of the UNGASS review both in the framework of the United Nations and in other international forums such as the Organization of American States where the issue now forms part of the agenda of work carried out by the Inter-American Drug Abuse Control Commission or CICAD. Mexico participated in the 51<sup>st</sup> session of the CND and reported on the on the advancements, achievements, areas of opportunity and actions to be carried out in order to fulfill the UNGASS commitments.

Principal elements of the integral Mexican strategy to combat drugs, reflected in its National Drug Control Program, coincide with the UNGASS Political Declaration, such as prevention of drug consumption, prevention of production of stimulants, combating the production and trafficking of drugs, combating operations carried out with resources of illegal origin, asset laundering, prevention and control of the use of precursor chemicals and other inputs, and institutional strengthening for international cooperation.

#### *Bolivia*

The 1961 Convention penalizes and calls for the total eradication of the coca leaf. Until now Law 1008 has remained unchanged, leading to successive human rights violations as the battle against coca has sparked conflicts between police forces and growers.

Between the 1980s and 2005, coca was considered a threat in Bolivia. That year, producers spearheaded staunch defense efforts, as they consider coca to have traditional uses and value. When Morales became president, the international community questioned how his government

would manage the coca issue. Morales, however, did not propose total liberty, but rather a strategy to create obstacles for drug trafficking and to restore the value of the coca leaf as a traditional crop. Bolivia is calling for a study of existing demand needed of coca used for traditional consumption, as the most recent study (carried out in five departments) —which estimated 12,000 hectares of coca -- was carried out in 1975. Law 1008 was based on that study. Bolivia has signed the Conventions with reservations, due to the issue of the coca leaf.

Regarding the UNGASS review, the Bolivian objective is to achieve a favorable mandate for coca producers in the international context. As a result, it will ask the UN, to remove the coca leaf in its natural state from List 1. Article 348 of the new constitution recognizes the legalization of the coca leaf throughout national territory. The INCB criticizes Bolivia but the country considers coca to be an element of its identity.

### **Brazil and the Southern Cone**

One participant pointed to the need to work on broadening the concept of harm reduction, an issue that Brazil and Argentina insisted upon several times during the international debate. There is a contradiction between policing and health. The Southern Cone, Brazil and the Andean region must unite to achieve a common focus and to advance in the issue of drugs.

Someone, supporting the position of the EU, indicated that the CND has practices that should be confirmed via scientific studies. In terms of harm reduction, a budget to address this issue and decriminalization cannot be achieved without the support of scientific studies. At the same time, harm reduction should be defined as a policy, within a legal framework. A representative from Argentina indicated that harm reduction does not fall within the economy of drugs, but that the human being should be observed beyond the statistics.

In Brazil, anti drug policies include harm reduction, within a legal framework, and security regarding the rights of the user. In this context, therapy should not be considered a punishment; rather it is a form of alternative justice that does not include a punitive response.

### **Peru, Bolivia and Ecuador**

Coca is a traditional crop in Peru and Bolivia. In both countries “coca zero” is not considered a feasible possibility and therefore the discussion focuses on balance. In Peru, the ancestral nature of coca is not being questioned, whereas the economic aspects linked to drug trafficking are. If coca is assumed as a traditional and legal product, the price would come down and this would also mean that cocaine would be less profitable.

Ecuador is more a transit point with weak governance. The breakdown of the state structure, the lack of control systems and obsolete legislation are reflected in the phenomenology of drugs. In Ecuador it is possible to observe other phenomenon that keep drugs from being controlled, such as the lack of state accountability, the taboo that surrounds security -- in particular drug trafficking -- and the way the communications media reports on drug policies. Tense bilateral relations with countries like Colombia are also a problem.

In the struggle against illicit drugs, Ecuador has a specialized technical secretariat that coordinates international cooperation.. This serves to avoid any imposition or indiscriminate acceptance of the approach of donor countries, as each country must create its own policies.



There are still no areas of co-responsibility, above all in the area of intelligence. Ecuador carried out work with Russia to detect cartels and mafias of other nationalities. With the EU, co-responsibility has been more specific as it has involved the national police and treatment programs.

### *Shared responsibility*

In terms of shared responsibility and accountability, countries must recognize their own errors, as the lack of honesty on the part of producers and consumers is clear. If producer nations coordinated their work against drug trafficking organizations, asset laundering and circulation of precursors and other supplies, there would be greater success and it would bring down the price of illicit drugs. Co-responsibility represents an investment, as it also means the creation of viable alternatives for those who depend on illicit crops. There is also a need to discover how to apply co-responsibility and the creation of alternative cooperation models.

## *Session 3*

### *Anti-drug policies and human rights*

Six countries were chosen in the region (Argentina, Brazil, Colombia, Mexico, Ecuador, Peru and Bolivia) to analyze the impact of the war on drugs on the penitentiary system. Objective data was gathered from the UN system, field studies, national reports, and police reports from 2000 to 2005. The data showed that in nearly all drugs-related cases, the judicial response seems to replace social and state efforts. There are between 550,000 and 660,000 people in the criminal justice systems in these countries. Despite the fact that reform has been implemented in the penal system in Latin America to avoid overcrowding in courts and tribunals, this continues to be a major problem.

In terms of the sentences, drug trafficking is the least proportional because of its problematic aspects: undue duration of arrest without the involvement of a judge, poor police action, incapacity of magistrates to determine in which cases there is mandatory arrest, and an undefined situation for those who are arrested for possession and those who are consumers. This diverts the justice administration's attention from efficiently addressing organized crime. Additional problems include drug consumption within jails, lack of infrastructure and conflicts between federal and state justice.

### *The case of Ecuador*

An official from Ecuador underscored the most recent government proposals to construct new penitentiary centers capable of dealing with inmates with respect and that meet standards established for their treatment. In 50 percent of the centers, thousands of people are detained under the anti-narcotics law. This situation has occurred because Ecuadorian policy – following international trends -- is more geared toward penalization, ignoring the human rights of those who are involved in this activity.

In 1990, under law 108, the penal system was changed to a more punitive system. The burden of proof was placed on the accused, which is the case not only in Ecuador but in much of Latin America. Andean countries must, therefore, balance their socio-economic problems with their

penitentiary problem. Until that happens, it will not be possible to adequately deal with the drug problem.

In the 1990s, the situation led the Inter-American Human Rights Commission to notify Ecuador and other countries of its concerns regarding the issue of proportionality. In Ecuador, it is possible to be sentenced to 16 years in prison for carrying any amount of drugs. It is worth noting, however, that while there is an extensive prison population in Ecuador, the statistics on seizures are also high in the country, as the current policy is focused on the major producers rather than the small consumers. The country has designed a policy to pardon the so-called “mules” – or those who transport small amounts of drugs -- that is currently being debated. President Rafael Correa is seeking proportionality in sentences, with the possibility of a pardon. This does not involve total pardon but rather partial (reduction to two years and a half for people sentenced to eight years, in the case of a first time offense). The government is also seeking fair application of the law, with resolutions that take social issues into account.

Another official from Ecuador noted that in order to achieve proportionality, the effort to pardon mules and persecute major traffickers is key. There is a need to determine the profile of people involved in drug trafficking, taking into account the “migration to illegality,” a product of poverty. Granting pardons in Ecuador will be a different policy in the battle against drugs. The U.S. Ambassador accepted Ecuador’s sovereignty on this issue, as Ecuador’s approach has been more successful. Proportionality and discrimination are addressed initially. Subsequently there will be reform regarding narcotics, to determine the elements of this law.

### **Exchange and debate**

In Brazil attempts are underway to achieve better policies, although the priority is on improving security and infrastructure in detention centers. A former Colombian congressional representative pointed to the problem of prisons in Colombia, where there are small producers or transporters of supplies to produce cocaine base (in production zones like Narino, Caqueta, Putumayo, small producers are treated as traffickers are jailed). There are no resources or infrastructure for prisons, and there is serious overcrowding. In 2003, 44,000 of the 63,000 Colombian prisoners were jailed for drug trafficking. Colombia, where there is extradition for drug trafficking, has not stopped its punitive efforts and the building of more jails. There is a complete lack of proportionality in sentences. For example, while small producers receive eight year sentences, paramilitary forces pay for their violent crimes with sentences that go from six to eight years. There have been three initiatives to de-penalize the minimum dosage in Colombia, but they have failed to gain any traction in the legislature.

Bolivia is attempting to reform Law 1008, a necessary step to complement the legalization of the coca leaf. Law 1008, which has been in place for 20 years in Bolivia, affects the producer and those who collect coca in a tacit manner, but does not touch the trafficker. The Ecuadorian experience is interesting to Bolivia, in particular regarding its new perspective on the penitentiary sector. In 2009 – at the same time as the UNGASS review -- the Bolivian government will try to change law 1008.

Someone indicated that the entire Latin American prison problem, as it relates to the drug policy, is a systemic issue in the hands of the policy and even the armed forces in countries that place strong emphasis on security. A country can have control, involvement and accountability with regards to the policy, but the lack of governance is an obstacle. It was suggested that it

might be possible to request that the UN assume the costs of fulfilling the conventions on human rights and drugs. This would overcome many of the current suppositions.

## ***Day 2***

### ***Experiences in Venezuela and Colombia***

The second day began with a summary of the first session with information from two zones: Colombia (the situation of San José de Guaviare) and the role of Venezuela, as a narcotics transit country. An EU official spoke about a project between Europe and the Venezuelan Anti Drug Office for 4.6 million euros. The project is centered on an ideology of prevention and included themes that tend to be overlooked, such as consumption and asset laundering. The project seeks to include 24 states as well as two district zones, such as the Capital and the Colombian border. It aims to be preventative and to address social issues. Another component is the elaboration of serious statistics related to consumption and a national anti-drugs system through greater technology and specialized software.

The community of San José de Guaviare was presented as an example of what the Colombian conflict implies. There has been an anti-drug base in Guaviare since 1985. Until 1996, there were 16,000 hectares of coca. Currently there are 9,000 hectares. The violence was quick to respond. By 1998 paramilitary groups had displaced to the south, to the departments of Caqueta, Putumayo, Narino, Meta and Guaviare. At one point there were 19 coca leaders in the zone. By 2000, only two of them remained alive. Together with assassinations, there are cases of forced disappearance and the non registered displacement of 24,000 people (many were never registered as displaced because the fumigations and the action of the public forces are not considered reason for displacement). Increased deforestation in the Guaviare -- from 12,000 hectares in 1996 to 83,000 in 2002 -- demonstrates the impact of the conflict on the eco-system. The increase in the palm oil tree cultivation, above all in the department of Meta, is also detrimental. While the crop is accompanied by loans and labor, it also leads to a further concentration in land ownership.

More than 300,000 hectares of coca have been fumigated in the Guaviare since 1994. Fumigations are carried out 11 months of the year. Four hundred colonizers have denounced the aerial spraying, however, only one of these complaints (filed by the Agricultural Secretariat of the department) has resulted in compensation. In 1992, there was a small military base and the soldiers cut the coca plants manually. Today, they go in helicopter with protection. While the use of force has increased, the violence has not diminished.

## ***Session 4***

### ***Part 1***

#### ***The UNGASS review***

This session focused on drafting concrete proposals to take to the CND. During the first part of the meeting participants discussed what is at stake in the process, from the Latin American perspective. They also explored the opportunities and weaknesses of the process and individual and collective roles that could be played at the time when decisions are being made.

Participants discussed the information and strategies needed to achieve a collective process. In 2008 and 2009, GRULAC has a working agenda that includes the mechanisms for discussion represented by the bilateral meetings (mixed commissions). The involvement of Latin American civil society is important to avoid any fragmentation and disputes between states on issues such as harm reduction. Technical support to achieve this combination of ideas is essential. This is an opportunity to demonstrate Latin America's strong points, and therefore GRULAC must be more active.

The months following the dialogue are very important for coordination among the regions, which will have the support of the EU. In March, during a meeting between the EU and the Caribbean, there will be an opportunity to create political coordination and cooperation. The EU can play a very important role in working more with Latin American government agencies and to better balance cooperation. Now, while the EU is still referring to alternative development, Bolivia proposes a paradigm of integral and social development. This implies addressing new concepts and achieving Latin American cooperation, which could even replace the European support. Europe must understand the new expectations that are emerging from alternative development.

One participant pointed to the destruction of the judicial scaffolding pertaining to drugs in Ecuador when changes were implemented such as the law on property confiscations in order to dissuade organized crime. In fact, since 2006 there is a "new portfolio of cooperation" replacing U.S. cooperation, so that the funds from international cooperation directly reach the beneficiaries and address their needs.

The final proposal during this part of the dialogue was the need to refine the themes that will be discussed in the UNGASS review. The status of the coca leaf will be discussed. The battle against drug trafficking (from the micro producer to organized crime) has a series of strategies that should be discussed independently. The new strategies, such as pardons for mules in Ecuador, the focus on intelligence, an understanding of micro-commercialization and integral development are categories that must be explored.

One participant noted that it is important to mark as much distance as possible from a conscious or unconscious ideological perspective regarding drugs and anti-drug policy. While the issue is obviously highly political and should be treated as such, its location on an ideological map should be as limited as possible.

## ***II Part***

In the next part of the session the following themes were analyzed:

- Evaluation mechanisms
- Human rights and concrete results such as proposed resolutions
- Shared responsibility
- Alternative development based on new experiences and evaluations

### ***Evaluation Mechanisms***

One point for the Vienna "road map" is evaluation mechanisms. Argentina indicated that the bi-annual and annual questionnaires for countries in the UN are unilateral and are not verified.

There is also the multi-lateral evaluation of the CICAD based on the evaluation of the different countries and their reports. While there is insufficient participation in completing the UN questionnaires, the CICAD's evaluation mechanism could result in better indicators, which will be further developed in March 2008.

There are very few countries that have changed the process to measure indicators related to social problems, or that include harm reduction as a question related to social health and human rights. One participant noted that UN documents from 1998 to 2008 refer continuously to the inefficiency of the evaluation questionnaires and that they must be improved; however, some countries are reluctant to change the process. It is not clear whether the policies implemented to date have taken into account the true impact on the drug problem, as consumption has not been determined in a qualitative manner. There is a need for a better incorporation of the mechanisms and actors involved in the problem to improve the evaluation process. There is also a need to construct shared responsibility regarding the issue. The current evaluation process avoids an evaluation of real results, focusing instead on formalities, leading to an uncritical, fragmented and weak result.

Generally, the methodology designed for the evaluation lies in quantifying actions carried out. In Washington there is no critical position and therefore evaluations are subjective. Each country must therefore have a monitoring and evaluation system within its ministries in order to improve regional evaluation.

Regarding the CICAD's Multilateral Evaluation Mechanism (MEM), countries plan to improve it. In order to avoid problems, there is a need to better define the indicators –who produces, sells and consumes – as presently these tend to be ideologically biased. The MEM is not a political instrument that should be left to one side, but rather one that should be perfected. Someone commented that the CND is in a process of evaluation that makes it possible to discuss these points and give voice to the governments. In this context, there will be consensus around a resolution about evaluation mechanisms before the start of the CND, something that could strengthen the Latin American position. In order to do this, not only must diplomatic routes be guaranteed, but also working groups because if the technical bodies do not enter into the discussion, diplomacy could be a problem. Finally, during this part of the dialogue there was a good discussion about the resolution proposed by the EU for the UNGASS review process and the importance of the support of countries from Latin America and the Caribbean to ensure a profound and objective evaluation.

### ***Human Rights***

Regarding human rights and their relationship to the war on drugs, the UN and the General Assembly confirm that international drug control should be subject to human rights principles and treaties. For this reason, participants called for the implementation of interdiction taking into account respect for human rights, more specific work on the problem of AIDS, and closer collaboration between the UNODC and the High Commissioner on Human Rights, ensuring that human rights are guaranteed in UNODC activities. The UNODC should also prepare a report on these issues for the CND and call on assistance from the special rapporteurs for the 2009 evaluation.

Several possibilities were put forward for incorporating human rights into the UNGASS evaluation process. In the March 2008 CND meeting, it would be possible to debate the INCB

report that discusses issues related to the proportionality of sentences for drug crimes and the removal of the coca leaf from List 1 of the 1961 Convention. There is also space to discuss the principle of shared responsibility as well as harm reduction, supply reduction and the results of alternative development. The final report, the initial point for the working groups, was also raised as a possibility.

An attempt was made to integrate harm reduction and the justice system with respect to human rights, above all in countries that punish drug use with the death penalty. However, participants indicated that harm reduction should not be mixed with human rights as it will divert the debate. The scope of the issue makes it impossible to reach concrete strategies. It would, however, be an advantage to include harm reduction in the CND report. Ecuador also requested that the justice issue be included within the human rights theme, in order to ensure that those rights are guaranteed in terms of proportionality in sentencing. Among those who are implicated, the large scale rather than the small scale trafficker should receive sanctions.

Finally, in the dialogue there was a good discussion about the idea of presenting a resolution on human rights in the next CND session. One participant explained that a colleague from an NGO had drafted a resolution but needed a country to sponsor it. Participants in the dialogue were in agreement that a resolution couched in general terms could win support in the CND.

Regarding the draft that was circulated among participants, several points stood out:

- A broad resolution is better -- with a global focus -- that emphasizes the themes of the right to life and health of users, as well as that of indigenous peoples. International drug control should be governed by human rights principles and treaties.
- Therefore, it may be better not to use the terminology “harm reduction” in the resolution itself, but it should be used in declarations in Vienna so that it is included in the final report.
- To include the issue of the death penalty will ensure that a block of countries will not support it. Therefore, it would be better if it was eliminated from the draft of the resolution.
- Something could be included about the importance of access to an agile justice system, the proportionality of sentences, and jails that meet basic human rights conditions.

Moreover, a participant recalled that it was necessary to be sure that a resolution on human rights would not involve greater expenditures, as that could be an excuse to avoid discussing it. Representatives from several countries, including Uruguay and Ecuador, expressed interest in talking to their colleagues about the possibility of sponsoring a resolution of this nature in the CND.

### ***Shared responsibility***

One participant drew attention to the possibility of establishing a relationship between human rights and shared responsibility. The human rights and security regime have collapsed on the border, with the problem of displacement of Colombians to Ecuador, now reaching to 250,000 people. Therefore, in Vienna there is a need to raise the state co-responsibility that links countries that share borders. Participants also referred to the concept of “repatriation of blame,” where each country assumes their own problems but not in order to determine “who is more to blame,” but rather from a perspective of a more horizontal cooperation.

### *Alternative development*

Alternative development was put forward as a partially successful strategy. In Bolivia for example, it has failed. Despite the amount of resources spent, coca crops continued to increase as there were no markets for alternative crops. The only successful case is in Thailand where a process was developed in which areas used to grow opium were incorporated into a national development strategy that had a strong state identity and respect for governance. Colombia is the other extreme, where a problem of historic exclusion and a counter-agrarian reform has led to a true re-colonization of land owners. Against this backdrop, alternative development has only been a “band aid” in addressing the problem.

Colombia must separate alternative development from forced eradication, which is a strategy that awakens the mistrust of the producer. There are few alternatives, as there is still a heavy dependence on the mono-cultivation of coca at a regional level. In order to insert these areas into the legal economy, there is a need to design a system to monitor alternative economic development. In the face of the failure of the system, the only option is to attack the price, work against organized crime and legalization. For alternative development to have some hope of taking root, it is also important to take into account that no alternative crop can be selected randomly, but must be apt for the zone. This is key for success.

In its integral and social development, Bolivia builds on the local development strategy. It also defines an area to grow coca to guarantee the peasant farmer economy (a *cato* of coca is equivalent to 1,600 square meters), with a registry of the members, in order to have a controllable amount of coca. In order to carry out this strategy, social oversight is necessary. This is a two-pronged approach: On the one hand, the coca leaf is reduced according to the established limits, while on the other, it is accepted that coca crops will not be permitted in areas like national parks. There is a distinction between forced eradication and coca crop reductions that are agreed upon between the producers and the state. This entire scheme is geared toward social unity, coca crop reductions, and the management of expansion areas by the state.

There are experiences where alternative development programs are successful because of a series of actions that have strengthened local governments. But these are localized and limited triumphs. For this reason, alternative development must be a national question, immersed in issues of integral development, and should move from the micro to the regional and national levels.

With regards to alternative development, two political perspectives predominate. The United States perceives it as part of the traditional war on drug trafficking. For the EU, it is linked to growth and development. Moreover, both within the EU and in Andean countries there is a conceptual dispersion that is expressed in several initiatives that go from support for rural development and forestry management to institutional strengthening and local governance. For the CND, it would be useful if the concept of alternative development was able to overcome this political division.

Finally, participants noted that differences in perceptions and practices in alternative development are conflictive. It is difficult to achieve a consensus given the lack of openness and therefore it is necessary to review the concept. Some aspects of alternative development are better than others and therefore it should not be judged harshly or considered a total failure, but

should be reviewed and coordinated with a view to the 2009 UNGASS review. This coordination is a major focus that countries in Latin America should organize around for this meeting.

Gilda Guerrero, rapporteur, February 2008