

Working towards a legal coca market: The case of coca leaf chewing in Argentina

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Modern use of the coca leaf in Argentina provides a series of examples that could contribute to dispelling many of the myths that have polarized debate about the subject over the last few years. Argentine coca consumption does not fit commonly held preconceptions on the subject. Furthermore, the social acceptance and legitimacy of the habit has created an absurd situation in which the sale and possession of coca leaf for consumption is legal, but the supply and wholesale purchase of it are prohibited, and therefore part of an illegal circuit.

Argentina's coca market is mainly located in the southern reaches of the Central Andes, in a region known as northwest Argentina (NWA) and is supplied with coca produced in Bolivia. When setting the legal limits for the amount of crops reasonably destined for traditional consumption, Bolivian statisticians only belatedly took into account the considerable amount of its production destined for NWA. The Integral Study of the Coca Leaf in Bolivia, the results of which are about to be published, make only cursory reference to this important export market. (See Box p.7)²

Historically, a series of self-serving myths have been constructed around the coca leaf,³ reflecting both hegemonic and counter-hegemonic views, often equally lacking in candour and accuracy. According to these polarized myths coca could be seen as either: a symptom of malnutrition - or on the contrary, a super food; a source of harmful alkaloids - or an innocent vehicle for alkaloids not assimilated by the human organism; a cause of addiction - or a cure for the addiction to sniffed and smoked cocaine; a spur to environmental degradation - or a stabilizer of poor, heavily leached soils.



Key points

- Argentine coca leaf consumption is definitely traditional but not entirely indigenous. It is rooted in the Northwest of Argentina in every social class, and not only in the poorer sectors. Argentine consumption of coca is legal and very widespread.
- The Northwest of Argentina is a choice destination for a significant proportion of the Bolivian crop. This fact was never taken into account by international narcotics control bodies, nor did it ever influence the design of public policy in Argentina.
- Attention must be drawn to the sheer scale of Argentine coca imports, and to the border rent which appears to remain forever in the hands of the 'backyard' of security forces, and other networks of a similar kind.
- It is high time that a new bilateral agreement be established between the two countries with the aim of regulating legal imports of the coca leaf.

Other myths related to these are particularly relevant to the Argentinian case: on the one hand that coca was once a tool for colonial (or Inca) domination, and on the other that it was, and continues to be, a significant element of indigenous and popular resistance to such domination. While for some critics the use of coca is a 'degenerative' aspect of the indigenous race, for others quite the opposite is true. Not only is it an element of cultural resistance, it is also something utterly 'sacred' and 'ancestral' - without coca there would be no native peoples in the Andes.

Argentine coca leaf consumption presents two striking characteristics. In the first place, it shows many traits that undermine the contradictions mentioned above. It is definitely "traditional", but not entirely "indigenous". It is rooted in the Argentine northwest⁴ in every social class, and not only in the poorer sectors. It is consumed on festive occasions and at night, and is not necessarily associated with mining or hard agricultural labour as it is elsewhere in the Andes.

In second place, given that Argentine consumption is legal and very widespread, NWA is a choice destination for a significant proportion of the Bolivian crop. This fact was never taken into account by international narcotics control bodies, nor did it ever influence the design of public policy in Argentina.

The Argentine anomaly

As in other Andean countries, the use of coca has always been a common practice amongst indigenous farming peoples and in certain working-class urban sectors, notably miners. What is truly original in Argentina's case is that widespread consumption was only adopted at a fairly late stage, in the 18th century,⁵ and that the onset of the 20th century witnessed a rapid spread of personal use across all social classes, particularly middle and upper echelons of the 'white' population.

Such innovations had, in fact, occurred previously in the historical record. Coca leaf consumption amongst Spanish and *creole* colonists is a well-documented counter hegemonic practice, as these examples show:

At the beginning of the 17th century Garcilaso de la Vega mentions the case of a poor Spanish

man who chewed coca leaf. He said he needed the help of coca because he couldn't pay for a labourer. The author notes the energy provided by coca consumption but also the man's shame at the thought of being seen consuming coca as he wasn't an Indian. At that time the Lima Inquisition persecuted consumers and sellers of coca in the city. Coca also had a magical use, for fortune telling and love spells. The practice existed among Augustinian and Dominican religious orders in Capitanía of Quito, present day Ecuador, until its use was severely censored by the inquisitor Mañozca. In the 19th century an author writes about "several persons of high respectability in Lima, who are in the habit of retiring daily to a private apartment for the purpose of masticating coca. They could not do this openly, because among the refined class of Peruvians the *chacchar* [coca leaf chewing] is looked upon as a low and vulgar practice, befitting only to the laboring Indians"

Further evidence documented in the mid-20th century indicates the occasional habit of coca consumption amongst Bolivia's middle classes and secondary school students, and its use by non-indigenous soldiers during the Chaco War (1932-36).⁶ In northwest Argentina, as in other Andean regions, coca consumption originally carried a major stigma in the eyes of the middle and upper classes. Paolo Mantegazza⁷ describes the situation in the city of Salta towards 1854: "Coca is sold in every grocery store in the city, but is only used publicly by Indians and the lower classes. The rich who have adopted the habit hide away from the eyes of the masses...". In the words of Martin de Moussy (circa 1860), "consumption of this masticatory was left to the lower classes: the bourgeois preferring to consume it as tea".⁸ In short, in the various Andean regions all forms of coca use by "white people" were marginal, went against conventional habit and tradition, and were carried out behind closed doors.

A few decades later the situation had changed drastically. By 1920 coca consumption in non-indigenous sectors had become overt and spread to the whole of the provinces of Salta and Jujuy in northwest Argentina. It was a common practice during festive occasions, at night and at the dinner table, a fact that left one literary chronicler from Buenos Aires direly perplexed. A severe critic of coca

Tango in the 20's

The cultural climate among young people in Salta around 1925 could not have ignored the fact that cocaine was in fashion in Buenos Aires and Paris. Many tangos illustrate the fads of the time. Most of them exemplify the decadence of the 'easy' woman or the young 'bohemian', and show that cocaine, like alcohol or gambling, acts to accelerate their downfall. Additionally, they indicate its disruptive modernity in the face of the more traditional creole past. The best known example for Argentines today is that of Manuel Romero, 1922: *Do you remember brother? What a time*

we had! Our men were different, more manly. They didn't know coke or morphine; back then boys didn't use hair gel. The drug is often called 'cocaine', more often 'cocó', also 'pris' or 'prisé' –from the French prise, a dose – and local slang terms were also employed. Other examples: Out of strange snobbishness/ you take a hit (Cadicamo, Che papusa, oí, 1927); You take cocaine on a whim /and from sheer boredom you take her for a spin in the Citroen, (Cadicamo, Fanfarrón, 1928); Cinema and cocaine/ filled your head, (José Panizza, La milonga que faltaba, 1930); Curdelas de caña y locas de pris (Celedonio Flores, Corrientes y Esmeralda, 1934).

chewing who considered it a “dirty and foul-smelling habit”, he stated that - while travelling by train to the north from Buenos Aires – he had noticed that the number of consumers “increases the further the train travels” past the station in Tucuman.⁹ This habit is not “exclusive to the so-called lower classes”. And he adds: “The traveller realizes, with sadness, that coca chewing exists amongst all classes; the middle and upper classes and even amongst the foreign working class, who adopt the habits and traditions of the region with admirable ease. The traveller will then hear, with indescribable amazement, the news that there are also women who chew coca. In the city it is very normal to enter a cafe... and to see a saucer full of coca leaves at tables where people are drinking. There are some places in which if you ask for a beer they give you coca...”.¹⁰

As a result of the new 1931 Convention to limit manufacturing and regulate the distribution of drugs, a measure which represented the first step towards controlling the coca leaf by international bodies, the League of Nations had requested a report from the Argentine government, which the Buenos Aires authorities sent “to the six provinces of NWA”. Only the province of Jujuy responded, presenting an account in which coca was considered a “tradition” and not a “drug addiction”. The person in charge of the report was a young doctor from Jujuy, Carlos Alvarado, later a distinguished health advisor. If in the 1850's a doctor like Mantegazza would have fallen into total discredit had he been seen chewing coca, by the time Alvarado sent his report in 1931 the etiquette among medics

had changed completely. “After sending my report I continued to work on the subject and discussed it with elderly and renowned doctors from Jujuy of that time... Later I went to Salta to work on the subject with other distinguished doctors from that province... All of them agreed with my opinions and all, or nearly all of them also chewed coca and were never attracted to cocaine...”.¹¹

The change happened as a result of the coming together of a series of disparate factors. To summarize, it could be said that a cultural situation prevailed in which no member of the socially dominant class feared being confused with a member of the inferior classes as a result of their coca consumption. We must also take into account the presence of cocaine in the nightlife of the large cities like Buenos Aires, Cordoba or Rosario, as testified in the lyrics of many tangos.

Both the drug's allure, typical of the European drugs scene, and the risks of consumption – which are referred to in nearly all the lyrics of the above mentioned tangos – were visible for the youth of North Argentina studying at universities in the local capitals. This rendered attractive alternatives such as natural coca or a new form of *lejía* (a term we describe below). Lastly, it is important to note that northern Argentina's cities have been linked by train with the Bolivian border since 1908. In the following decade a railway line was constructed between La Paz (headquarters of the Bolivian government and crop collection centre for the most productive coca-producing area, the Yungas of La Paz), and the Argentine border. It was completed in 1925. Whilst coca

had previously taken over thirty days to get to Salta from La Paz, it now only took one or two.¹² Never had such good quality coca been delivered to the area. This quality, highly desired by consumers, was prized not simply for its alkaloid content, but for its freshness and the preservation of its natural odour. To this day, consumers in NWA are particularly demanding of these details.¹³

Argentine regulations

Once the train line from La Paz to the Argentine border had been established, the Bolivian customs system had to be reformed. In 1910 a customs office was built right on the border, in the town then known as La Quiaca boliviana, later re-baptised Villazon. Many vendors bought houses there in order to do business in the flourishing trade from the Bolivian side of the border, and “the most enthusiastic were the coca vendors who came from Potosí and Challapata”.¹⁴

This coca still entered the country under no particular legislation, but in August 1924 Argentina, following suggestions from the League of Nations, passed its first law of “alkaloids”, penalizing chemists that sold such products “without a medical prescription”, in order to combat cocaine and morphine consumption.

One month later, a further regulation established that coca must be sold in pharmacies.¹⁵ On establishing this norm, senator Linares from Salta painted a dark picture to his peers around the country regarding coca chewing among sugar workers, while astutely hiding the existence of this practice among more influential sectors of society.¹⁶

The absence of a total prohibition in Argentina, in contrast to that in neighbouring Chile in 1926, was perhaps a tacit recognition of the rights of these new upper class coca consumers. Until then there had been a significant commerce in coca leaves carried out by peasants and the indigenous mule drivers who plied their trade in NWA. From now on, however, the *modus operandi* would be quite different: between 1924 and 1976 this very profitable trade would be in the hands of a regional pharmaceutical monopoly.¹⁷

Lejía

The above mentioned pharmaceutical monopoly also produced one of the most characteristic innovations in Argentine coca chewing, namely, the use of bicarbonate of soda in the chewed mixture. The *acullico* (a ball of masticated coca leaves) is generally made from coca with a small amount of an alkaline reagent, which in Bolivian Spanish is known as *lejía* (a mixture made up of the ash of certain plants, with a starch excipient such as potato or flour). In Colombia and northern Peru this reagent is a slaked lime. In central and southern Peru, Bolivia and rural areas of northern Argentina, the mixture is made up of the ash of certain plants in a starch excipient such as potato or flour, known as *llijta* in Quechua and the Spanish of NWA, and as *tuqra* in Peru. A notable feature of Argentine *acullico* is the use of bicarbonate of soda, an industrial product more typical of the chemist's shop - where coca was sold legally in Argentina after 1924 - than of the peasant markets where coca had been commercialized previously.

Successive coca regulations by the Argentinian ministry of health (in 1936, 1938, 1940, and 1945), emphasised this institutional nexus. Coca importers had to be controlled chemists. Importation quotas were fixed – for example, circa 1945 they were fixed at 410 metric tonnes.¹⁸ Successive measures were more or less coherent despite national political changes,¹⁹ and were a continuation of earlier regulations.

Broadly speaking, what characterises this stage is the establishment of a “zone of traditional consumption” - the provinces of Salta and Jujuy, and for some time also the province of Tucuman. The relevant regulations were directed at commercial importation, not at disciplining consumption. Consumption remained totally free, but any importer had to be an authorized chemist, and they could only be qualified as such if situated in the provinces of this zone.

Finally, in 1958, another of the many resolutions (81/1958) fixed the quantity of coca that could be consumed in the “zone of traditional consumption” at 5 per cent less than the previous year, and eliminated Tucuman from the zone altogether, claiming the absence of requests from this province in previous years.

This measure was to have consequences only eighteen years later.

Prohibition in Argentina. Contradictions and resistance

In authorizing the importation of only 190 metric tonnes, the 1958 decree stipulated that imports should decrease at a rate of 10 MT per annum, so that in 1977 they would finally reach zero. The stated ideal in no way matched Bolivian figures for this period, which show that Bolivia continued to export at levels which - given the increase in population - remained in line with the average 500 MT of the 1940s. The years 1968-1973 held an average of 637.5 MT (worth US\$ 673,640 at the time), while 1973-1976 yielded an average of 832 MT (worth US\$ 1,008,000). Maximum and minimum figures were 515 MT in 1970 and 910 MT in 1974.²⁰

Clearly, Argentine norms began to be increasingly directed against coca chewing, although when signing the 1961 Single Convention on Narcotic Drugs - whose article 49 stipulates the total prohibition of coca leaf chewing within a timescale of 25 years - the government in Buenos Aires presented a formal reservation.

Reservation to article 49: "The Argentine Republic reserves the rights conferred in the first paragraph, section c) 'chewing of the coca leaf' and section e) 'trading of the narcotic drug mentioned in section c for the mentioned purposes". (*Signed 31st July 1961*)

The coca leaf, despite being legally imported into the country, was included in a 1974 list of narcotic/psychotropic drugs prohibited in Argentina.²¹ In March 1976 a military junta came to power and initiated what it would call a "process of national reorganization". Shortly afterwards the promise of zero coca, originally declared in 1958, began to be taken seriously.²² Actual prohibition was only decreed in 1978.²³ In October 1979 the Argentine government formally withdrew its reservation to the abovementioned article 49 in a statement to the General Secretary of the UN.

This measure created large-scale resistance from the local upper and middle classes. There was also communication within the military government between ministers worried about

the effects of the prohibition. The arguments had nothing to do with consumer rights but instead were concerned with the correct functioning of social order.

At this time an informal market had already been established, where on several occasions prices doubled overnight. These high prices removed coca from the reach of the peasant farmers of Jujuy and Salta (except those who lived close to the border). The purses of the middle and upper classes allowed them to meet the increased prices and habits of consumption did not change for the well off sectors. Such an informal market produced large profits. This was what gave the military authorities cause for concern - the threat of "corruption" within the security forces, as well as disrespect for the principle of obedience. For any government, and especially a military dictatorship, breach of the norms it has promulgated makes it look ridiculous, thus affecting the legitimacy of the entire legal regime.²⁴

Argentine depenalization of the coca leaf

As it is not possible to examine in detail all of the consequences of the prohibition of coca (such as the harm to those who were detained for simple possession - the first arrest happened in 1975), we will look at subsequent developments.

In 1986, after more than two years of constitutional democracy, a new national law on narcotics began to be discussed in Congress. From the beginning, the question of the illegality of the coca leaf was part of the discussion. In general the members of parliament who showed themselves to be in favour of legality stressed the ancestral nature of its consumption, or the fact that coca aided working in difficult conditions, as well as highlighting its digestive qualities. Implicit in this latter preoccupation (although not obvious for someone unfamiliar with the region) was a distinction between consumption by rural workers of indigenous tradition, and the forms current among the urban middle classes: coca chewing at the dinner table after copious weekend meals. Jiménez Montilla of Tucuman made the distinction between 'vice' and 'habit': "It's a common habit in the northern provinces and does not represent a vice". He was referring to

“the traditional coca chewing of the people of Salta, Jujuy, and why not admit it, of the whole of the Republic” (Argentina 1989).

The deputies and senators didn't deal with the subject again until August 1988. In this same year the international community finished negotiating the Convention against Illicit Traffic in Narcotics and Psychotropic Substances. From the beginning of 1989 Argentina experienced a major economic and political crisis. The Law on Narcotic Drugs 23.737 was approved in the Chamber of Deputies at the beginning of this year (the last months of government by the Radical party) and ratified in the Senate during the first months in office of the Justicialist (Peronist) party. The deputies who upheld the general guidelines of the approved law were Lorenzo Cortese, of the Radical party, and Alberto Lestelle, of the Justicialist party. The latter was then named national Secretary of drug control and trafficking by president Carlos Menem.

These legislators wanted no kind of “Argentine anomaly”, only that coca be considered another narcotic drug. Faced with the resistance of the deputies from the Northwest they put forward a compromise: for possession of drugs a sentence of “one to six years in prison” could be given and a sentence of “one month to two years in prison” if it were proved that possession was for personal use. “If it is a case of possession of coca leaves in their natural state for chewing or use as a tea, in the traditional coca chewing zones as is the ancestral customs of these places”, the judge could reduce the said sentence “to the legal minimum, or complete exemption”. The report from the Chamber considered this a lenient measure: “Maintaining the illicitness and prohibition of coca chewing creates the possibility of resolving borderline cases in traditional zones where tradition is maintained and thus ensure that, gradually, the cultural norms of the wider country are internalized.”²⁵ These ancestral zones would be progressively made “smaller”.

At this point a few deputies from the Northwest (both Radical and Justicialist) vigorously challenged the legitimacy of a measure designed to impose a reform of the traditions of the people of this region. As we see it, this was a decisive step: to speak from the point of view of the consumer.

Deputy Enrique Paz from Jujuy was pictured chewing coca in the Buenos Aires press, reiterating the same arguments that had been made in the Chamber. On a different occasion J. Castiella from Salta put himself in the position of the consumer, which had not been explicit in his previous statements.

“How to explain to the northerner who has seen his father and grandfather chewing coca that this practice is now considered a crime? I wish to declare here publicly that this deputy has been chewing coca since he was twenty years old... on turning twenty this deputy graduated as a lawyer, was twice elected provincial deputy, and twice delegate to the constituent assembly and national deputy. He married the love of his life, has three beautiful children, is 47 years old, in great health, and if any scientist from Buenos Aires is capable of detecting any sign of idiocy this deputy would be grateful to anyone who could point him out. (Applause. Various deputies surround and congratulate the speaker)”. (Reunion 65^a, 7830-33)

Deputy Martínez Márquez from Jujuy expressed something similar: “With equal sincerity as that displayed by our colleague from Salta, I am also going to say that I consume coca leaves... not only in my province but also here in Buenos Aires. And I've done so since my days as a secondary school student. Before taking any amphetamines... we preferred to use coca leaves that are not harmful to health and helped us study at night. This is what thousands of students do throughout the Argentine northwest. In this part of our country there are nearly one million citizens who chew coca leaves...” (Reunion 65^a, 7848-49-)

Finally, the law was passed in September 1989, including this article, no. 15: Possession and consumption of coca leaves in their natural state destined for the practice of coca chewing or as a tea will not be considered possession or consumption of narcotic drugs.²⁶

With this legislation the Argentine government turned its back on its international obligations. As a party to the Single Convention of 1961, and having withdrawn its reservation to article 49, the 25 year time frame for the prohibition of coca leaf chewing was to have run out in 1989. From this date onwards the International Narcotics Control Board (INCB) has indicated

Study on the legal demand for coca leaf in Bolivia

In May 2004 the cocalero trade unions of the Tropic of Cochabamba and Carlos Mesa's Bolivian government negotiated an end to the conflict around the eradication of coca and the forced interruption of intermediary coca markets in the region. The compromise reached was to undertake a study to determine the size of the national market, fixed by law in 1988 as the harvest of 12 thousand hectares. Eduardo Rodríguez' government accepted in July, following the agreement signed by Mesa, "a temporary pause in the eradication of 3,200 hectares of coca, until completion of a study on the country's real demand for traditional consumption". This was how the destiny of the 'cato' policy – a peasant demand to allow each family a right to grow 1600 square metres of coca plants – became paired up with that of the study on legal demand. Right from the start, exportation of coca for legal use was also mentioned in defining the scope of the said study. The minister of Agriculture, Guillermo

Ribera Cuéllar, for example, in an interview in October 2005, had argued that the study had to define "traditional use, *akulliku*, export for medicines, all forms of legal use". After tough negotiations on the terms of reference, however, the inclusion of this item was rejected. In December 2005 the EU decided to allocate 420 thousand euros to Morales' new government, to "develop an investigation in a responsible, transparent and scientific way". Only at the end of June 2007 were the terms of reference finally approved; and in December an agreement that added further funding from Brussels was signed, with the promise that results would be presented two years later. In July 2009 the National Statistics Institute (INE) launched the first National Inquiry into the Use and Consumption of the Coca Leaf. It also employed consultants to draw up a series of eight studies, whose results should already have been published. The EU and various donor countries have expressed their discontent at the delay, and Bolivia's government has promised publication of their findings in August 2013.

in several annual reports its displeasure at Argentina's breach of treaty obligations in this matter.²⁷

Demand for coca in Argentina and its implications for the Bolivian debate

In the 1920's Bolivia exported 10 per cent of its production. Most of it went to Argentina and a small proportion to northern Chile. But imports from Bolivia were not the only source of supply; through the then quite new railway system Peruvian coca was also able to enter Argentina.²⁸ As we have already seen, the legal importation quota was 500 tonnes in 1947, and 910 tonnes in 1974.

By 1997, through indirect evidence - such as the number of authorized coca vendors in the Argentine-Bolivian border towns of Villazón and Yacuiba - we calculate that no less than 2,000 tonnes per annum of Bolivian coca²⁹ were entering Argentina informally. This is a very cautious figure. Later estimates, based partially on the methods used previously, suggest that Argentine demand is even greater.³⁰ This is not surprising, given that in the provinces of Salta and Jujuy alone there are two

million people, equivalent to 20 per cent of the population of Bolivia, where coca consumption amongst the middle and upper classes is still fairly rare - apart from a recent expansion of coca consumption in Santa Cruz.

The relevance of demand in NWA for the production of coca in Bolivia is difficult to estimate, due principally to the fact that there are no exact figures on Argentine consumption. Neither, at the Bolivian end, is it easy to establish uniform criteria to calculate yield per hectare. The production rates per hectare used by UNODC have risen considerably over the last decade. Whilst in 2003 this rate was estimated at 1,798 kilograms of dry leaf per hectare, in 2011 it was 2,764 kg/hectare for the Tropic of Cochabamba zone. For the Yungas valleys of La Paz the estimated yield per hectare in 2003 was 936 kg, whilst in 2011 it stood at 1,314 kg/hectare. Lastly, Argentine demand is supplied by leaves that come from various Bolivian regions, and there is no way of determining precisely in which region each packet of leaves originates.³¹

Bolivia's drug law (Ley 1008) establishes, in article 4: "The legal use and consumption of coca leaf is understood as the social and

cultural practices of the Bolivian people in traditional forms such as ‘*acullico*’ or chewing, and medicinal and ritual uses.” Also: “The executive power will periodically determine the quantity of coca necessary to supply demand for traditional consumption and that established in article 5. This must not exceed the production equivalent to an area of 12,000 hectares of coca cultivation, taking into account the yield of the traditional zone” (art. 29).³² It is obvious that in establishing the limit of 12 thousand hectares they did not consider the true extent of Argentine demand. The study on legal demand for the coca leaf in Bolivia, the results of which are to be revealed shortly (see the following section), do not include dependable figures on this traditional export market, despite repeated attempts at including this rather crucial variable in the terms of reference negotiated with the European Union.

Border Rent

As soon as the possession and consumption of coca was legalized in Argentina in 1989, a few civil servants from the NWA provinces suggested the logical necessity of implementing some kind of legal importation system. However, this idea did not come to fruition. Thus a curious phenomenon

appeared: whilst possession and consumption is legal, and small-scale trading is totally public - in the city of Jujuy coca is sold mainly from street kiosks near to popular food and clothes markets; in Salta, in kiosks or small shops that sell fizzy drinks, sweets, cigarettes - these small-scale retailers are obliged to get their supply from the informal market. The existing situation leaves to chance and all kinds of corruption a market which is artificially inflated, and deals with million-dollar figures on a monthly basis. This phenomenon could be described as a *border rent*, a special kind of *rent of situation*, and engenders an extraordinary commercial profit, well above average rates of return. This situation arises because the price of coca increases as soon as it moves away from the international border, its Bolivian street value more or less tripling (in Jujuy) or quadrupling (in Salta).³³

An informal coca market also exists in other parts of Argentina, although one characterized by patchy supply, very limited in time and place. Whilst middle class Argentine citizens are unlikely to encounter problems when consuming coca in Buenos Aires, the situation of the Bolivian immigrants, mainly humble workers, is an entirely different matter. This has been revealed recently by the case known

Attempts at bilateral legalisation between Bolivia and Argentina

In 1948 Argentina and Bolivia signed a bilateral treaty with the sole purpose of regulating the coca leaf trade. The participants in the treaty were a state body for Argentine foreign trade, the Argentine Institute for the Promotion of Trade (IAPI), and a board of Bolivian coca growers, from the *Sociedad de Productores de Yungas* [Society of Growers of Yungas], named Cocalivia, Corporación de Productores de coca de Bolivia [Bolivian Board of Coca Growers]. It was agreed: 1) that Argentina would buy five hundred tonnes per year and that the supply would be regular (never less than forty tonnes per month); 2) the supply had to be of top quality (a kind known at the time as “*hacienda*” coca); 3) the Bolivian party had to commit to improved packaging and present new containers made especially for the Argentine market.³⁴ New attempts at bilateral agreements were

made many years later, shortly before the assumption of the Evo Morales government, when attempts at including the subject of the coca leaf trade in the bilateral agenda with Argentina were renewed. In June 2004 the then deputy Dionisio Núñez made a request to the Argentine authorities to legalize the sale of coca from Yungas in northern Argentina. The Bolivian government, through the Dirección General de la Coca (DIGECO), proved willing to help with the management of this. In 2007, when various small-time coca traders were arrested in Argentina, leaders of Morales’ MAS party requested a solution to the problem of illegal trading from the joint Argentine-Bolivian trade commission, when signing contracts with Nestor Kirchner’s government for the purchase and sale of Bolivian gas. The estimated size of the trade according to official sources of the time (Dirección General de la Coca, DIGECO, 2000) was around two thousand tonnes.

as “IMS” - involving a person arrested in their home in the suburbs of Buenos Aires at the beginning of 2006. This person was imprisoned for more than a year, on the decision of judge Carlos Ferreiro Pella and public prosecutor Alberto Gentili of the suburb of Lomas de Zamora, accused of infringing the law on narcotic drugs because of possession of 5 kg of coca leaf. The raid evidenced procedural improprieties and abuse (“they broke everything”). The prisoner suffered a harsh prison sentence despite the protests of the Bolivian government and national and provincial human rights groups in Argentina. Shortly afterwards, the police from this same district held three women in prison for several weeks. Each of these women possessed quantities similar to the first case (one Buenos Aires newspaper said they had discovered “cocaine”). Only in April 2007 were the prisoners released.³⁵ On average, each of them was in possession of three and a half kilos of coca, a quantity that satisfies the monthly need of no more than fifteen habitual consumers.

Conclusions

Coca consumption in NWA dates back to the 18th century. Although coca chewing was initially restricted to peoples with an indigenous culture, as in the rest of the Andean world, by 1920 this practice had already taken root in every social class in NWA including professionals and business men, the only groups able to meet the inflated prices which prevailed during times of prohibition.

In 1989 the defence of the coca leaf mounted in the National Congress by deputies from Salta and Jujuy (both Radical and Justicialist/Peronist), led to the Cortese-Lestelle law, which includes a coca-framed exception to the rule of penalisation of possession of narcotic drugs for personal consumption, enshrined in article 15. If these deputies hadn't spoken out for the use of coca, if it hadn't been for the fact that the habit was rooted in Argentina's upper classes, the age-old peasant consumption of coca leaf would have remained condemned by the law. Traditional forms of consumption in rural parts of NWA and the western Chaco are still in existence, with characteristics that are more similar to those of other indigenous Andean traditions, such as the use of *llijta* instead of bicarbonate of soda.

However - and this is where the strength and dynamism of coca consumption is again revealed - new trends have constantly been emerging over the past few years. More than one urban consumer has been replacing bicarbonate of soda with *llijta*, now somewhat more available in the cities. Often it is sold pre-ground, to mix with bicarbonate, since this chemical product remains the dominant alkali in Argentina. Amongst the reasons for this change is the often cited fact that it avoids the negative effects of sodium (contained in bicarbonate) on arterial pressure. Other recent innovations have arrived from the north. One practice in the tropical regions of Peru and Bolivia is that of adding to the coca leaf mixture a condiment, *chamairo* (*Mussatia hyacinthina*). The novelty of widespread coca chewing in Santa Cruz has recently produced the apparition of a mixture of bicarbonate and chamairo, known in the market as “chamabico”. This mixture has already arrived in northern Argentina. Another new feature is that many people prepare their *acullico* by adding leaves of stevia (*Stevia rebaudiana*), a natural sweetener. This phenomenon also seems to originate in Bolivia.

Such observations clarify some of the details of scientific method. What is the correct unit of analysis for measuring the phenomenon of drug consumption? We maintain that it shouldn't be the chemical units used in laboratory situations, but rather the individual consumption curve, that which an individual actually ingests, the *acullico*. This prevents us from falling into mistaken comparisons on three points: the total quantity of alkaloids absorbed, the speed at which they are assimilated, and the quantity of coca nutrients available to the human organism.

Cocaine-content tends to be the measurable yardstick for the coca leaf, and thus coca is condemned outright, for being the natural excipient of cocaine. Since the bio-available cocaine content of coca leaves rarely exceeds 0.5%, we propose an inverse approach: let us define the ideal cocaine dose according to that which is produced by coca in an *acullico*. If a strong dose of cocaine (100 mg.) can only be produced by a huge *acullico* of nearly 20 grams - something that is impossible to put in your mouth - a regular *acullico* of 3 grams only releases 15 mg. of cocaine. It is also important to understand that, unlike the rapid absorption of cocaine when sniffed, or the ultra-rapid,

even more risky absorption that is produced by smoking or injecting, the cocaine in an *acullico* is absorbed very slowly – 15 mg. spread over an hour, on average. We believe that the UNODC and the INCB are maintaining a form of fetishism of the chemical molecule, one that ignores the qualitative differences in the speed of absorption of the coca alkaloids.

Taking the *acullico* as a unit of analysis also allows us to put into perspective a few exaggerated claims about the nutrients actually obtained from coca, exaggerations established through laboratory analysis on samples weighing one hundred grams – a quantity well in excess of normal consumption (10-20 g. daily). These claims are well meant, but in practice they discredit their authors in the eyes of public opinion. This is not to deny that the regular use of coca may have significant benefits as a food *supplement*, in particular for its content of phosphorous, calcium, iron and vitamin B₂, a feature of note in populations with nutritional deficiencies.³⁶ In NWA and throughout the Andes, coca is chewed before or after food, but it is definitely not viewed as a food itself.

All of the above allows us also to demand some clarification from the Bolivian and Argentine authorities. Attention must be drawn to the sheer scale of Argentine coca imports, and to the border rent which appears to remain forever in the hands of the ‘backyard’ of security forces, and other networks of a similar kind. Transparency requires a credible estimate of the share of the Bolivian coca crops destined for the Argentine market, even if current Bolivian legislation does not allow for this to determine the extent of legitimate coca cultivation. In short, it is high time that a new bilateral agreement be established between these two countries, with the aim of regulating legal imports of the coca leaf.

Notes

1. Ricardo Abduca is an anthropologist, University of Buenos Aires (Facultad de Filosofía y Letras, Instituto de Ciencias Antropológicas, sección Etnohistoria. / Universidad de Jujuy, PICTO 151).
2. The expression “mascar” or “masticar” (chew) is only a vague way of describing coca consumption. Here we will use common expressions from Northwest Argentina: *coquear*, or *coqueo*, as well as *acullico*, (from the Quechua *akulliku*) to name the individual dose of coca leaves actually consumed.
3. Henman, A., Metaal, P. (2009), *Coca Myths*, TNI Drugs and Conflict, Debate Papers Nr.17, <http://www.tni.org/briefing/coca-myths>
4. We'll linger on the case of northwest Argentina (NWA). This region, that before the conquest was more densely populated than present day and that experienced the first and most intense Spanish colonial wave, retains various characteristics typical of the rest of the Andean world. It was occupied by the Incan empire and the Quechua language was widespread and is still spoken in certain settlements. Coca is one of the attributes, perhaps most the notable one today, of these historic ties. The region is diverse, with more interregional social and cultural variety than in other of the country's regions. One sub-region is of particular interest, that of the provinces of Salta and Jujuy, home today to over two million people; in the rest of NWA consumption is less. There is also intense consumption in the West of the Chaco region, and pockets of coca consumers can be found throughout the country, mainly amongst the migrant population of NWA.
5. Abduca, R.G. (2009), *Acerca del concepto de valor de uso: signo, consumo y subjetividad. La hoja de coca en la Argentina*. Thesis, Universidad de Buenos Aires. And, Abduca, R.G. (2011) *El consumo argentino de hoja de coca. Los porqués de una anomalía histórica y su vigencia actual*. Actas de la XXIVº Reunión Anual de Etnología e Historia. La Paz, MUSEF. www.200.87.19.77:8180/musef/items-by-author?author=ABDUCA%2C+RICARDO+GABRIEL
6. See: Garcilaso de la Vega, el Inca (1609), *Comentarios Reales de los Incas*, Caracas, Bibl. Ayacucho, 2 vol., 1976; ed. A. Miró Quesada. - Henman, A.R. (1981), *Mama Coca*, Bogotá, Oveja Negra. pp. 18-20. - Flores Galindo, A. (1990), *Buscando un Inca*, en S. Stern (comp.) *Resistencia, rebelión y conciencia campesina en los Andes. Siglos XVIII al XX*, Lima, IEP. - Von Tschudi, J. (1846), *Travels in Peru, on the Coast, in the Sierra...* Nueva York, Barnes, cap. XV, 97 y ss, 1854. - Cárdenas, M. (1952), *Aspectos psicológicos del coqueo*, in: William E. Carter, (comp.), *Ensayos científicos sobre la coca*, La Paz: Juventud, 1996.
7. Italian doctor, anthropologist and politician residing in Salta in the 1850's. His first written document about coca that appeared just a few months before the isolation of cocaine, soon became a work of reference at the time.

8. Mantegazza, P. (1870), *Rio de la Plata e Tenerife. Viaggi e studi*, 2^a ed., p. 372, Milan, Brigola. - Martin de Moussy, Victor (1862), *Description géographique et statistique de la Confédération Argentine*, p. 145, Paris, Didot.
9. The largest city in northwest Argentina, south of Salta.
10. González Arrili, B. (1920), *Cómo degenera la raza. La coca*, Buenos Aires, Nosotros, año XIV, N° 139, pp. 509-511, dic. 1920. However, today's coca consumption in cities shows a definite masculine tendency.
11. Mantegazza, op cit., Alvarado, (1977). - Alvarado, C. (1977), *Prohibiting coca is "ungrateful, unjust and antisocial" claims Doctor Carlos Alvarado*, El Tribuno, 9-4-1977, Salta.
12. Abduca, R. op cit. (2009, 2011)
13. The dark leaves that have a high alkaloid content are considered more "picantes" (bitter) and are not the most popular on the Bolivian market.
14. Anónimo (1923), *La Aduana Nacional del Sud y el nuevo pueblo de Villazón*. Villazón, La Verdad, p. 31.
15. Argentina, 1924 a Law 11.309 [on alkaloids and narcotics], y 1924 b. Chamber of Senators, Parliamentary records, 18th Sept, 1924.
16. Argentina, 1924 b., op cit.
17. Abduca, R. (2009) op cit.
18. Ibid
19. Conservatives elected in fraudulent elections (before 1943), military (1943-46), peronismo elected in free elections (1946-55).
20. Abduca (2009). Personal elaboration based on W. Carter y Mamani, M. (1986), *Coca en Bolivia*. La Paz, Juventud. p. 123. They have estimated that Argentina represented 97 % of destination of Bolivian exportation.
21. Argentina (1974-75), Secretary of Public Health, Resolution 162/74, Boletín Oficial, 20-10-75.
22. The records we consulted in local newspapers show that the start of effective prohibition of coca possession to have been in around April 1977.
23. Argentina (1978), Decree n° 648; 17-3-78; Official Bulletin, 22-3-1978.
24. Argentina, (1977) Ministry of the Interior, *Informe Di Pasquo, ms.*, Abduca (2009) op cit.
25. Argentina, (1989) Chamber of Deputies, Meeting 61°.
26. Argentina (1989) c, Law N° 23.737. Possession and trafficking of narcotic drugs, 1989 c. However, the law, in its art. 30°, on "drugs in infraction" destroying oneself by incineration, mentions "the vegetal species *Papaver somniferum L.*, *Erithroxylon coca Lam.*, and *Cannabis sativa L.*".
27. See for example, "La ONU le pidió a la Argentina que prohíba todos los usos de la coca", in *El Tiempo Argentino*, 3 March, 2011. <http://tiempo.infonews.com/notas/onu-le-pidio-argentina-que-prohiba-todos-los-usos-de-coca>
28. Republic of Bolivia, Supreme Decree of June 26th 1923. - Morales, J.A. (1929), *Monografía de las provincias de Nor y Sud Yungas*, Departamento de La Paz. La Paz, Imprenta Ayacucho. - Abduca (2009), op cit.
29. We've reached this estimation by noting the significant number of small-time coca leaf sellers legally registered in the three frontier crossings from Bolivia to Argentina. These vendors are allowed sell up to 225 kilos per month. A recent report by the UNODC points out the following: "We have detected a rising demand for coca leaf for "akullicu" in the border populations of Yacuiba and Bermejo in the Tarija region. The same tendency has appeared in the border area of Villazón in the Potosí region", UNODC/ Estado Plurinacional de Bolivia, 2012, *Monitoreo de Cultivos de Coca 2011*, p.32, sept 2012. Curiously, not once is Argentina mentioned as a destination of these leaves.
30. Orduna, V. (2001), *Coca clandestina... No estaba muerta, estaba en Argentina*. Revista Pulso, Semanario, La Paz, Bolivia, (3) 118, 1-11-2001.
31. Amongst other methodological difficulties, we must also take into account the disjointed region in which coca is grown, in the mountainous, transitional areas between the Andes and Amazonia, as well as the fact that is a very intensive labour crop, which means the yield can vary a lot even in the same micro-region. On these complications see Spedding, A. et al., (2005) *Kawsachun coca. Economía campesina cocalera en los Yungas y el Chapare*, La Paz, PIEB. pp. 149-152.
32. Republic of Bolivia, (1988), *Law 1008, the coca and controlled substances regime*.
33. The Bolivian sociologist Silvia Rivera considers Argentinian coca consumption, partly based, as she kindly mentions, on work developed in Bolivia since the end of the 1990's by Ricardo Abduca. Rivera says: "Abduca has called this system of calculated exploitation based on international border legislation (and its violation) a 'frontier rent', a sort of colonial rent that is charged to tourists and to migrants on account of the existence of an international border, but in practice, on the basis of racial and national stereotypes which were the result of a combination of power-knowledge relations. Commercial earnings, illegal exactions, legal constraints and subtle or overt forms of racism created a series of economic opportunities for actors with unequal access to power (such as gendarmes, or frontier policemen, vs.

smugglers or prospective illegal migrants” (Rivera 2005: 32). We disagree with this interpretation. In fact a) although in other works we’ve mentioned these type of exactions and racist abuse, when we speak of *renta de frontera* in previous work we were referring to the kind of precise economic phenomenon described above; b) the manuscript that circulated in Bolivia mentioned by professor Rivera, quoted as “c. 1994”, was written in 1998; c) neither were we suggesting a rent associated with *frontier*, a border as an expanding front, but rather with a *borderline*: it is the spatial line between two different social regimes which makes possible a type of “situation rent”, that in English we’d call *borderline rent*, a type of differential rent.

34. Argentina-Bolivia, (1948), Bilateral Treaty. “Contrato de compra-venta de hojas de coca... celebrado entre la Corporación de Productores de Coca de Bolivia, S.A. (Cocalivia) y el Instituto Argentino de Promoción del Intercambio (I.A.P.I)” [Contract of buying-selling of coca leaves... signed by the Bolivian Board of Coca Growers, S.A. (Cocalivia) and the Argentinian Institute for the Promotion of Trade], March 6, 1948.

35. Argentina, (2007) Poder Judicial de la Nación, Fallo de Sobreseimiento de I.M.S. Rtro. S.III T.51 f. 178/185, La Plata, April 19 2007.

36. Henman, Metaal, op cit.

Other references

Argentina, 1958), Ministry of Social Action and Public Aid, Resolution 81/58.

Argentina, 1986 a 1989 a, Chamber of Senators, Parliamentary records.

Argentina, 1986 a 1989 b, Chamber of Senators, Parliamentary records.

Republic of Bolivia, Supreme Decree of June 26 1923.
Rivera, Silvia, 2005, *Invisible Realities: Internal Markets and Subaltern Identities in Contemporary Bolivia*. SEPHIS/SEASREP, Ámsterdam/Quezón City.

TNI Drug Law Reform Project

The project aims to promote more humane, balanced, and effective drug laws. Decades of repressive drug policies have not reduced the scale of drug markets and have led instead to human rights violations, a crisis in the judicial and penitentiary systems, the consolidation of organized crime, and the marginalization of vulnerable drug users, drug couriers and growers of illicit crops. It is time for an honest discussion on effective drug policy that considers changes in both legislation and implementation.

This project aims to stimulate the debate around legislative reforms by highlighting good practices and lessons learned in areas such as decriminalization, proportionality of sentences, specific harm reduction measures, alternatives to incarceration, and scheduling criteria for different substances. It also aims to encourage a constructive dialogue amongst policy makers, multilateral agencies and civil society in order to shape policies that are grounded in the principles of human rights, public health and harm reduction.

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