



## INFORMAL DIALOGUE ON DRUG POLICY

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

Lima, 9 – 11 February 2012

The **Eighth Informal Dialogue on Drug Policies in Latin America** was held in Lima, with the support of the Drugs and Human Rights Research Center (*Centro de Investigación Drogas y Derechos Humanos*, CIDDH). The event included 32 participants from ten countries in Latin America and Europe, the United States and international agencies.

The two days of dialogue were organized in six sessions focusing on the following topics:

1. *Drug policy in Peru and its challenges.*
2. *Alternative development theory and practice.*
3. *Harm reduction policies for the drug market.*
4. *The future of reforms: decriminalization of possession and cultivation for personal consumption.*
5. *The legal market for coca leaves.*
6. *Options and debate in international bodies.*

The meeting was governed by *Chatham House* rules to encourage confidentiality and the free exchange of ideas. This report therefore maintains the anonymity of the opinions expressed and omits some points of tactical discussions. Besides being informal, the meeting was also as interactive as possible. Some participants were asked to prepare introductory remarks for each session to stimulate the round-table discussion. This report provides an overview of the opinions expressed during the meeting and reflects the general tone of the sessions. It draws no conclusions, and the opinions reflected in this document do not necessarily represent the majority opinion of the participants.

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### **Session I – Drug policy in Peru and its challenges** (*Analysis of the Peruvian experience.*)

Unexpected political changes in the Peruvian government led to the resignation of the president of Devida (the National Commission for Development and a Drug-Free Life), the government agency that originally supported this dialogue. Devida was created in Peru so that international cooperation agencies would have a partner for dialogue. Devida grew into an institution with the capacity for information gathering and analysis, as well as monitoring of

control of supply, and with its own budget from the government and international cooperation. The proposal for reformulation of the policy of coca eradication (and dialogue with coca growers), proposed by the former director of Devida when he took over the agency, unleashed a controversy among political sectors and the media. His work plan for the coming years was based on a re-evaluation of the concept of “eradication,” taking into account the need for the prior existence of other alternatives for growers and the insertion of this strategy into a broader framework of rural development. This approach to the coca crop problem was not well received by the U.S. Embassy, which initially showed little interest in collaborating with Devida. The former president was attacked by some political sectors and media. He was accused of supporting legalization and of not taking a hard enough line on crime. Nevertheless, his national strategy would later be reviewed, reformulated, modified and resumed by the new leadership of Devida.

**Discussion** – Although they lasted only a short time, the plans proposed by the former Devida president at least created an opportunity for discussion of traditional policies in a country that has been and is impermeable to change. The discussion highlighted the importance of measuring rural development in terms of human development and not only in terms of the coca crop and the number of hectares reduced. Peru currently has no coordinated agricultural policy, particularly in the high jungle region. A large percentage of small farmers have no access to credit or technical support and are therefore potential coca growers. In the countryside, the government’s institutional presence is still largely limited to a military presence, with an emphasis on security to the detriment of social issues. The VRAE is a specific example of the history of neglect by the government and private enterprise, for security reasons. According to the reform efforts, it is especially in complex places like that where intervention by the government and cooperation agencies is needed, in the form of immediate, sustainable economic and social programs, with security being of secondary importance.

Analysis of the Peruvian experience in what was presented, for the first time, as a possibility for a change in policy highlighted a lack of a communications strategy: In those five months, Devida never really sold its plan among sectors of society that were supportive of change. In particular, the issue of money laundering (a key element of the work plan), with which many sectors identified, could have been given more coverage. What happened in Peru also illustrates the difficulty the region’s governments encounter in putting their own public policies into practice; when this does occur (as in this case), the major obstacles that they encounter because of pressure, interference and blackmail from the United States and international bodies become evident. The drug issue is a pressure tool for the United States and with the scope of the change in Devida, Peru has lost its ability to negotiate on drug policy. Meanwhile, the difficulty in establishing a change in policy also responds to the fact that the institutional culture in the continent is weak; as a result, many progressive governments have reversed progress on public policies. This shows how difficult it is to shake off the repressive, militaristic approach.

With its new leadership, Devida could become an agency much more dedicated to prevention, overseeing therapeutic policies and placing less emphasis on coca cultivation. Something similar is happening with agencies responsible for overseeing drug policy in other countries in the region, which tend to lose control over certain aspects and stop responding to the drugs as an integral phenomenon.

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**Session II – Alternative Development (AD) theory and practice: guiding principles and the case of the national parks** (*The topic was introduced by participants from Bolivia, Peru and Colombia, who described the situation in their countries.*)

Policies promoted by the coca growers' federations in Bolivia (such as the "cato") and by that country's national government have not stopped the increase in the area planted in coca. The negative consequence is that coca has also expanded into indigenous territories and national parks, with environmental and social impacts and an impact on security. The government's recent effort to build a highway through the Isiboro Sécure National Park and Indigenous Territory (TIPNIS), without prior consultation of the residents, is now a source of conflict in the country. The indigenous people are not opposed to coca, but they want to protect the natural resources of their territories, which are now being threatened by a growing coca economy and the opening of their protected areas. The indigenous people do not feel supported by the government of a president who is a leader of those federations.

The "San Martín model," the AD program promoted in Peru with international support, provided a context for examining the most common syndromes of AD in general. Syndromes such as an overemphasis on public works (the inauguration of facilities that later are not maintained), monocropping that affects the Andean-Amazonian ecosystem, demand for funds for combating drugs without having a sustainable rural development strategy, etc., exemplify the problems with the implementation of AD in Peru. The environmental problem is currently crucial in Peru. Illicit activities with a strong socio-environmental impact, such as the production and manufacturing of drugs (as well as others, such as informal mining, logging and contraband) frequently occur in natural areas and biological corridors, many of which cross one or two international borders. This problem requires a joint approach by the countries involved. These areas often remain permanently militarized, and, in the cases of Peru and Colombia, the AD that is implemented is carried out within a security framework.

In Colombia, AD is no longer an alternative to illicit crops and has become part of the security strategy for consolidating territory won by the government as part of the military offensive. As a result, Colombia currently has no policy for natural protected areas, where the security model is also implemented. The national government is more interested in consolidating territory and sees ecologically sensitive regions such as the Amazon and Orinoco basins as having great potential because of their petroleum and mineral resources. The presence of illegal and guerrilla groups, which are also interested in controlling territory for economic gain, turns these areas into conflict zones where even the issue of illicit crop production takes a back seat. The state also promotes private investment in all the areas over which it establishes control. Much of this capital comes from drug-trafficking revenues, which are now being reinvested in legal sectors of the economy, through oil palm plantations or mining. In major agricultural regions of Colombia, an elite of illegal origin has become established and is benefiting, ironically, from international cooperation. Finally, the association between AD and security creates an institutional structure disconnected from the Ministry of Agriculture, leaving AD out of rural development policies.

**Discussion** –*About turning AD into a security issue:* Although the war on drugs has failed to contain supply and demand, it has been a successful geopolitical tool. One difficulty in ending the war on drugs is that it furthers U.S. interests. Now that natural resources are a crucial factor, security will continue to trump other interests. This can be seen in the Amazon basin, where indigenous people have questioned the development model and have therefore suffered persecution and repression. It is important that the concept of AD be removed from the

repression/aid model, an issue that has been under discussion for years. Latin American countries should unite around this and discuss it in sub-regional bodies to seek common solutions.

*About AD and rural development:* As long as small farmers see coca as an alternative, the situation will not change. Rural poverty in countries such as Colombia has pushed large numbers of landless farmers toward parks and indigenous reserves. The displacement of small farmers into parks is a result of a lack of a comprehensive rural development policy. Bolivia has a vision of sustainable, participatory AD accompanied by coca. In that country, a number of established coca growers use social control mechanisms to guarantee a certain set area of cultivation per grower.

*About “guiding principles” for AD:* In November 2011, the government of Thailand sponsored a workshop, in collaboration with the government of Peru and the United Nations, to develop and approve a draft of “*Guiding Principles*,” with an emphasis on rural development and consolidation of livelihoods before implementing eradication. It is important to note which countries support these principles. One weakness of the “guiding principles” mentioned during the discussion is that they can be very limited in the face of complex situations, such as armed conflict in which coca and opium support war economies, as in Afghanistan, Burma and Colombia. The document on guiding principles should therefore consider these cases specifically, since they are related to the security issue. The presence of natural resources in certain areas also gives the issue of AD in those areas particular characteristics. AD is not what it was 15 or 20 years ago; it is important to acknowledge the changes if the “guiding principles” are to be efficient and have a real impact in rural areas. One key point is to propose a clear and holistic concept of “territory,” which sees land not only as a potential area for production, but which also takes into account the cultural, social and environmental dimensions that are currently ignored.

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**Session III – Harm-reduction (HR) policies for the drug market.** (*HR approaches to drug supply are relatively new. The goal of this session was to comment on initiatives and experiences in the region. The topic was introduced by participants from Mexico, Venezuela, Brazil and the United States.*)

The policy of military escalation of the drug strategy has increased harm in Mexico. Before, success was measured by the number of hectares eradicated; now it is by the number of deaths. The war has led to human rights violations in both police and military actions. The military rejects the accusations and military courts are an obstacle to investigation. The involvement of military forces has led to even more corruption than usual. One perverse effect has been the desertion of members of the military to the ranks of drug traffickers, who pay more. The relationship between legitimate authority and citizens has been affected. There is a widespread belief that more severe punishment is needed, ignoring minimal procedural guarantees and the rights of those involved, given that impunity is the main problem in the judicial system. Some suggestions for mitigating the harm caused by the intervention of security forces in Mexico are to: **1.** Focus efforts on the most violent sectors; **2.** Give local powers greater autonomy, so they can better control the flow of weapons; **3.** Promote a stronger role for political parties in developing drug policies; and **4.** Take advantage of the influence of new stakeholders in the debate (a business class concerned about its interests; local governments; and the church).

In Venezuela, a crackdown on drug-related crime has led to an increase in the prison population as police operations have increased, with efforts focused on street-level trafficking. However, the perverse effects of drug policy on the supply side depend not only on the nature of these policies, but also on underlying structural problems in society. There is also a relationship between the supply and the increase in violence (violent crimes by users under the influence; crime related to disputes over markets, etc.); it is therefore important to be careful about the type of support provided, because there is a risk that the public will not understand.

In Venezuela, the relationship between drugs and violence, underscored by crime-fighting rhetoric, is unclear. The security police oscillate between denial of the problem (it is part of the pro-government media agenda to distract attention) and an ideological stance that considers criminals the public enemy. There is no direct evidence that violence from street-level trafficking is a result of supply control policy or, in other words, that the policy accentuates violence. More detailed comparative studies are needed to explore the relationship between drugs and violence in different areas and make appropriate HR proposals. Debate over HR approaches to supply control should also be accompanied by a broader debate about an inclusive, democratic security policy.

Brazil's experience shows that it is possible to make a positive HR intervention in the drug market. With the emergence of the drug market in the 1980s, Rio de Janeiro saw territorial control of areas of the city, with armed borders. Rio is a city of marked contrasts, where the state has ignored marginal zones in implementing public and security policies. In this context, the government implemented policies of confrontation; however, this approach was devastating for the city and came under sharp criticism. The next step therefore was to target areas where the state would regain control and ensure a permanent police presence, using a new model, Police Pacification Units (*Unidades Policiais Pacificadoras*, UPP), in several specific shantytowns in the city. The police's role was not so much to fight drugs and drug traffickers as to guarantee the residents' basic rights. In the 1990s, there was no presence of the state in the shantytowns. Now there is an initial effort at intervention by the state, with public support, in one-third of the shantytowns/violent urban areas in the city. Although drugs are still sold and crime still occurs, as in other urban areas, the level of violence has been substantially reduced which has brought these areas back into the state. Residents of those shantytowns know they have a police force that, while not free of problems, can perform its duties when there is a need.

Brazil's urban policy goes beyond police matters. This is a new interpretation of the role of police in strengthening civic life. It is a clear example of supply-side HR. Combating drugs does not have to be the priority of public security policy. Ensuring people's basic rights is most important. In Rio, many people take a positive view of this new police mission, because they believe the goal is peace, not war, and it serves a positive purpose even where there are armed boundaries. The results so far have led to a change of attitude on the part of conservative and progressive sectors. If continued in this way (greater presence of the democratic state, interlocution with the state, and an urban social and economic agenda), with a process of social inclusion, the results will be good.

The concept of HR has great potential on the supply side. It is a broad, flexible concept in which drug policy can be considered from new perspectives, knowing that the harm caused by drug policy may be greater than the harm associated with the market itself. In the public mind, illicit drugs and crime are joined, but the situation is actually more complex. In fact, there are

illicit markets without high levels of violence. The goal of supply-side HR is to minimize harm from control policies. Policies could influence market behavior and lead those involved to see violence as a disadvantage, identifying the most violent actors (who are a minority) and allowing them to see the consequences of their behavior. Many studies show that there are approaches that work and experiences in the United States could serve as the basis for further exploration. One example is the experience of U.S. cities that use market-intervention approaches whose main goal is not so much the interruption of the market as restoration of the community. This has demonstrated that it is possible for illicit markets to exist without high levels of violence. In the United States, many of the markets that used to be most violent are no longer on the street, but operate behind closed doors. This has more to do with technology than police tactics, but it has helped make the environment healthier, and it has met with greater tolerance, because there is no disorder in the streets.

**Discussion** - Several participants emphasized the issue of citizen security and how to change the association between drugs and crime that prevails in public opinion.

For those making public policy on drugs, addressing citizen security is unavoidable. Completely aside from the relationship between drugs and crime, citizen security is not a police matter; it is a political issue, just as military defense is a political issue, not a military problem. “If we do not implement HR, we are leaving the problem to the military.” On the other hand, it is true that social violence has increased significantly, and the public expects a response.

The establishment of police forces specializing in drugs is also a way of implementing supply-side HR. Bolivia offers an example. The police specializing in drugs have mapped small-scale dealing in La Paz. The intention is to displace traffickers and keep them from concentrating in specific places. There is still much to be done in this area, however, to change public opinion about the relationship between illicit drugs and crime. Experiences of other ways of achieving “normal” levels of crime, with which it is possible to live, could also be explored.

Despite some good examples, such as those mentioned in the presentations, there are still many challenges and much confusion regarding this issue and its relationship to the concept of citizen security. More studies are needed to clarify the different contexts in which violence occurs, as well as a good strategy for communicating with the public.

To implement a progressive security policy, it is crucial to better understand how drug markets differ and the great diversity of drug trafficking. This information is not measured only with statistical data on the numbers of kilograms confiscated. Policies must distinguish between situations created by the actions of international groups and actions of small-scale neighborhood dealers.

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**Session IV – The future of reforms: decriminalization of possession and cultivation for personal consumption.** (*What is happening in Latin America: progress and backsliding. The topic was introduced by participants from Uruguay, Argentina and Ecuador.*)

In Uruguay, drug policy reform has been under way for seven years. The process began with identification of the drug problem in the country and the region, and the aspects that most affect citizens. Drugs do not affect upper and lower classes equally; inequality and poverty

play a role. Another key factor is the fragility of governments, the political system, public services and health-care services. Uruguay began by regulating tobacco and alcohol, which were unregulated licit substances with a high prevalence of consumption. For illegal drugs, the starting point was that consumption is not penalized in the country. Legal inconsistencies between national legislation and prohibitionist policies that forbid acts leading up to consumption, which as noted is not illegal, were highlighted. Some politicians have demonstrated willingness to regulate marijuana markets for cultivation, possession and personal use. If a marijuana law is approved, one major challenge will be to establish regulations without ignoring the risks related to its use. One positive aspect in this regard is that in Uruguay, 30 percent of the population now indicates that it is in favor of legalizing marijuana; that is the highest percentage in the region.

In Argentina, unlike Uruguay, the law penalizes possession for personal consumption and provides for accompanying educational measures. This has been a subject of debate for a number of years. The 2009 Arriola ruling noted the unconstitutionality of penalizing personal consumption. The problem is that since that ruling, there have been a series of conflicting decisions from both the Federal Chamber of Cassation and various federal appeals courts. In practice, the Arriola ruling has led to inconsistencies in the criteria used by the judiciary when handling causes related to possession of drugs for personal consumption. In many cases, the decision is not applied, it is not clear when it should be applied, and there is disparity in the criteria -- for example, when harm to third parties is shown, or when the quantity is excessive or different drugs are involved. In short, the Arriola decision does not resolve this entire situation.

In Argentina, the climate is conducive to reform. The courts have been critical of drug policies, have said that the strategy of criminalizing the addict has aggravated the problem, and have proposed discussion of non-compliance with international agreements. There are nine pieces of draft legislation in the country, some focusing more on crops, others on consumption, but a common denominator is non-penalization. Although the Arriola decision sets an important legal precedent -- because it is an attempt at reforming the law, which is what is needed -- more work must be done with the media, political sectors and public opinion. The Secretariat of Programming for the Prevention of Drug Addiction and the Fight against Drug Trafficking (*Secretaría de Programación para la Prevención de la Drogadicción y la Lucha contra el Narcotráfico*, SEDRONAR) has new leadership that is more open to change.

Ecuador is an example of setbacks in reforms. Until recently, the news was good: the new Constitution stipulates that consumers not be penalized, there is little repressive intervention by the state, a pardon of low-level offenders was implemented, and proportionality is being taken into account. But now the prisons are full again. Three years after the pardon, for example, a 70-year-old woman is in jail for possession of 20 grams of marijuana, all because the law was not reformed and there is still no differentiation between small-scale dealing and wholesale trafficking.

Drug policy in Ecuador is considered erratic and does not respond to the security situation; the homicide rate has increased. The president wants to reform the Constitution to allow more intervention by the executive branch, and he has introduced draft legislation to change the criminal code and criminal procedures. The proposed changes would increase penalties, introduce socio-educational measures and allow imprisonment as of age 10. The president has presented a bill to the Legislative Assembly that would allow the Armed Forces to play a role

in domestic security at the direct request of the president. The measure is controversial, a sign of how much the government has changed. The part of the code related to drugs has positive aspects, such as the proposal to differentiate between small-scale and large-scale trafficking, determining the amounts used for personal consumption, and incorporating different articles for drug “mules” and drug traffickers. But conservative sectors (the church and the right) oppose decriminalization of small amounts for personal consumption. In addition, there is a proliferation of rehabilitation clinics that offer very poor services.

**Discussion** – Although good drug legislation is an important step forward, legislation is only a first step and good implementation is not guaranteed. A change in legislation is not automatically followed by a change in practice. It may take a long time for even the most progressive law to be reflected in practice. Brazil is a good example. In 2006, the law decriminalized consumption, but four years later, the prison population had increased by 10 percent. Although the law was progressive in decriminalizing consumption, pitfalls in its implementation have made it harsher than before. These are the kinds of problems created by partial reforms. Besides, what use is decriminalization if there is no health-care infrastructure to assist problematic users? Advances in legislation would take root more solidly if there were a communication strategy to win public support.

The region is marked by the paradox of progressive governments with policies that are not very progressive. Governments such as that of Brazil (where a top official was forced to resign for defending a modest proposal on alternatives to incarceration for small-scale traffickers) prefer to focus on socio-economic issues and do not want to waste political capital on controversial issues. As a result, they sometimes take very conservative positions on drug policy to win support and avoid alienating certain groups. That is not easy to change.

With regards to security, neither Venezuela nor Ecuador has progressive policies. As a result, although *chavismo* has solved urgent problems, it has failed in the areas of crime and security. The response has been to deny the problem and return to a punitive approach. The rationale draws on the concept of *lumpen*: Because the criminal is a product of capitalism and selfishness, a heavy-handed approach is justified. This coincides with the prohibitionist approach promoted by Washington. The right still has a monopoly on the issue of security with regard to drugs. This can be seen even in the definition of “personal consumption,” with amounts that are not realistic, are not consistent with users’ practices, and feed police corruption.

One thing that is common throughout the region is that the security forces have appropriated these issues for a long time, because drug policy authorities have allowed them. Drug policy makers should be able to combine security with other aspects, such as the quest for peaceful coexistence. This is crucial for the development of good drug policies.

This also reflects the lack of debate between the left and society. Today it is possible to discuss drugs without being seen as evil, but this is still a new debate, with little history or accumulated information in societies. Initiatives such as that of the Global Commission on Drug Policy and similar programs have created a venue. To bring about change, however, besides appropriate legislation, it is necessary to create a new mentality -- a critical mass of academics, opinion leaders and the like who create a climate conducive to reform. Health care cannot be reformed without reforming the people who work in the sector, and education cannot be reformed without the teachers. One idea could be to invite the police to create more support for a policy agenda of decriminalization of consumption.

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**Session V – The legal market for coca leaf: options for its normalization.** (*The topic was introduced by participants from Bolivia, England and Holland.*)

President Morales has asked to reserve the right to allow traditional coca chewing in his country, as well as the broader consumption and use of the coca leaf in its natural state, and the cultivation, trade and possession of coca leaves in the quantities necessary for these legal uses. The country has withdrawn from the 1961 Convention and expects to return as a member within the established time frame, with a reservation. At the national level, Bolivia seeks to establish a system of government registration and control of coca production for which the producers would be responsible, with consensus on the amounts that can be produced and an agreement not to grow coca in national parks. Although there is currently control of coca markets, coca leaves are diverted for production of cocaine.

For various reasons, Bolivia has delayed publication of the results of the comprehensive study of demand for coca leaves. The reasons appear to be political and economic. The study has not considered demand and consumption outside the country. For example, it has not calculated consumption in Argentina (which is considerable), a country where coca is also protected by law for chewing or for herbal tea. The coca leaf triples in value once it crosses the border and produces revenues. Those who profit from those revenues prefer that there not be much discussion of the topic.

For centuries, the Western world has had a “schizophrenic relationship” with the coca leaf. That relationship has gone through various phases. The current phase is defined by the 1961 Convention, in which Coca-Cola is the only company authorized to commercialize the leaf. All other uses had to be gradually eliminated. But consumption of natural coca products has increased. Five years ago, DEVIDA carried out a study in Peru that concluded that use of the leaf was disappearing. Experience, however, contradicts that conclusion: Consumption of the leaf persists in Bolivia, Peru, Argentina and, to a lesser extent, in Colombia, northern Chile and among some indigenous groups in the Brazilian Amazon. If Brazil wanted to, it could join the Andean countries and defend the precedent for coca use (*ipadú*) in its territory. Coca is not disappearing, although traditional use is a practice of older people; there is practically no traditional use among young people. But apart from traditional uses, non-traditional uses, such as tea and coca flour used by middle-class people for cooking, are on the upswing. These have a large market in northwestern Argentina to Córdoba and Rosario. In this country, coca is not associated with indigenous groups, but is consumed by middle- and upper-class people. But there are no statistics about this non-traditional flow of the leaf. It is necessary to begin documenting these new uses to counteract the idea that coca is disappearing. The existence of a market for modern uses is a challenge. The importance of coca as a pharmacological product could also be highlighted. Coca has potential for use in treatment of problematic cocaine users. In the area of HR, the Andean region has limited itself to reproducing European models. With potential therapeutic use, coca now allows the Andean region to offer its own perspective on HR.

Real options in the region and worldwide for commercialization – as well as political mobilizing in support of Bolivia’s proposal – could be viewed from several standpoints. These include countries that already have a certain level of consumption of coca leaves (or products); countries where there is a potential market for coca; and countries that have communities of immigrants from Andean countries. (For example 200,000 Bolivians live in

Spain and this population represents a large market that currently behaves like an illegal economy.) It could be argued that these people have a cultural right to coca. For these groups of countries, the possibility of allowing the importation of coca leaf (tea) through mechanisms such as bilateral agreements could be explored.

There are also several options for supporting Bolivia in its challenge to the international drug-control system – even if only in the case of the coca leaf. The natural allies are the different countries in which legislation recognizes consumption. Bolivia could also mobilize support through groups with ideological affinity, such as ALBA, the G70 or the non-aligned nations.

**Discussion** – Unfortunately, the results of the study of legal demand in Bolivia (seven studies, one quantitative and six qualitative) are still not known, although they were to be released in 2009. The studies were carried out to determine the amount of leaf necessary for consumption. According to some rumors, the Bolivian government's great concern is that it did not demonstrate the need for the 20,000 hectares established for the market for legal uses. The delay in publication of the results of the study has irritated international delegations, especially European countries that funded much of the research; that is not beneficial to the Bolivian government, because it is losing credibility. Bolivia should expedite the study and provide the international community with clarity.

Argentina could carry out its own study of consumption in the Salta region. This has been discussed before, but no action has been taken because of the Argentinean government's concern that the issue (coca leaf consumption) could constitute a problem with the INCB. If they wanted, Bolivia and Argentina could formalize the transportation and marketing between the two countries. That is not easy right now, because although the leaf is legal, importing it is not. Various countries could also be encouraged to establish bilateral agreements to benefit their indigenous populations on both sides of the border. Bilateral and regional alliances are a good way to encourage commercialization.

One commercialization option that could be explored could draw on the proposal that was once made about the purchase of Afghan opium as the solution to the problem. The fear then was that purchase would encourage increased production. Coca could be a different matter, because it has many more uses than cocaine. Given the economic crisis in Europe, legal coca in Europe could be promoted as a source of income. But the problem of commercialization of coca remains the risk that it will be diverted, although there are economic reasons that contradict this. Marihuana has other known uses, but it has not been possible yet to promote them. As long as the coca leaf is proscribed, it will be very difficult to encourage its international commercialization. At the same time, trade in plants is controlled by large multinational companies.

Many plants with medicinal potential (such as ayahuasca and peyote) are not prohibited by international treaties when used for traditional or cultural purposes. Rhetoric about “renewed appreciation of the value of the coca leaf” to encourage its commercialization is weak, therefore, as it only makes sense if coca is limited to cultural uses. When it moves out of that sphere, oversight is not the only reason why the rhetoric becomes problematic. For example arguments about the “virtues” of the coca leaf are weakened by failure to take into account the agrarian problem in the areas where it is produced, where the local rural economy is affected. Coca is not only a “virtuous” plant; it also competes in the marketplace. As tea or flour, coca has little commercial potential, unless it can be proven to be useful for biofuel.

A more realistic possibility is the potential therapeutic use of coca as a detoxifier or an innocuous substitute in cases of problematic cocaine use. In countries such as Uruguay (with problems of *paco* consumption), where there are not adequate treatments, this could be a response from an HR standpoint. But there are not yet scientific studies that demonstrate this potential, although talks are beginning with some European governments to launch a pilot project with problematic users of cocaine.

**Session VI - Options and discussion in international and regional bodies.** (*Topic introduced by participants from Uruguay, Venezuela and Brazil.*)

There are deep cracks in the UN oversight system. This has made some progress possible, expanding venues for debate and the possibility of establishing alliances with multilateral bodies. There have also been setbacks. The international oversight system is very resistant to change; discussion about drugs is defined by the political interests of all countries, not just the United States. The prohibitionist sector also includes China, the Arab countries and Sweden. Outside of Vienna, however, there are various venues that countries can take advantage of to promote democratic debate and change their policies.

Multilateral bodies can be used to: 1) Defend the right to discussion, which is being suppressed; it is still difficult to have a debate. 2) Propose common actions among countries with politically similar ideas; this is not yet occurring. Discussion of the conventions is one opportunity. It would have been better if Bolivia had taken that step after reaching consensus with friendly countries, in coordinated action with other countries. The battle against the conventions does not only include the coca problem; other issues could have been raised at the same time. 3) Some battles cannot be fought in the drug arena, but could be addressed in the context of human rights or within the WHO. Discussion could be and coordinated in the OAS' Human Rights Commission. Although bodies such as UNASUR, MERCOSUR and CELAC do not yet have institutions solid enough to back such action, they have a strong political agenda that could provide a framework for thinking about agreements on drugs.

One of these is CICAD, an entity in which there are also cracks that could be used to advantage. If Latin American countries coordinated within CICAD, their influence could be increased. Right now, CICAD is strongly controlled by the United States, its major funder. Multilateral bodies responsible for health ignore other aspects of the drug problem, such as supply or trafficking, social problems, marginalization, and poverty. The Pan-American Health Organization (PAHO) is currently trying to introduce a health-related approach to drugs within a broader framework of the right to health. There is increasing interest in HR issues. Policies should also reflect the serious impact of consumption on public health.

From a geopolitical standpoint, outside Vienna, the impact of Bolivia's action on its relations with other countries has been insignificant. The real repercussions of Bolivia's response to the conventions merit further evaluation. For example, it withdrew in June, but in January, Bolivia, the United States and Brazil signed an agreement to cooperate on border control. So it is not true that Bolivia's withdrawal has made it a pariah. Although withdrawal and returning with reservations is somewhat unusual for the 1961 Convention, it is not odd in the practice of international law.

What are the real hazards of challenging the system of control? To what extent is the reaction concentrated only in Vienna, without affecting relations between countries in general? Having

clarity about this would contribute to continued review of the treaties and justify changes from the domestic standpoint, while ensuring respect for other resolutions by international bodies. This implies playing a more active role in organizations that deal with human rights, AIDS, etc, where positions are not as rigid as they are in Vienna. Limiting this matter to Vienna does not make sense for two reasons: 1) The officials working there have an interest in maintaining the system that employs them; they are not interested in change. For that reason, there is frequently a distance between the positions countries express in international bodies and those that they take in other spheres. 2) The positions and actions taken in these international bodies do not parallel domestic positions and actions. In other words, international bodies, as producers of international law, are one thing, but national interests are another. It is more important to insist on changes in the domestic sphere (which could be expanded), which could challenge the system, than to challenge the system from within. A good example of this is the process currently under way in Latin America to decriminalize possession for personal consumption. When this becomes reality in many countries in the region, it will have taken on a regional nature and its influence will be undeniable. Similarly health-related HR policies should be proposed at the regional level, based on national experiences, and not the other way around. Nor should countries expect to begin policy change in international bodies and then move to the domestic level.

**Discussion** – One-third of the members of the 1961 Convention must oppose the reservation in order for its validity to be denied. Bolivia said that if that occurred, it would not return to the Convention. Although this issue in itself is not very important to most of the countries, some are concerned about the integrity of international treaties, fearing that the use of this mechanism could set a precedent. It is important to work with governments in Latin America that are willing to support Bolivia, especially the countries of the Andean Community (*Comunidad Andina de Naciones, CAN*), a forum of which Bolivia has not taken advantage to build support. Good diplomatic and communication strategies are needed to create a positive climate and neutralize the opposition. A first step could be to talk with friendly countries so they do not object. One strong argument is the (supposed) universal nature of the conventions. Without Bolivia, the convention would lose its universality.

Within the framework of the 55th CND, the Vienna NGO committee is organizing a formal civil society hearing and will seek the support of some governments. Nevertheless, the climate of fear in Vienna led many countries to reject Bolivia's withdrawal from the 1961 Convention and return with a reservation out of concern that it could set a precedent. The fact that this could keep other countries from wanting to take similar action still weighs heavily.

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