



INFORMAL DIALOGUE ON DRUG POLICIES

**An initiative of the Washington Office on Latin America (WOLA)
and the Transnational Institute (TNI)
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The seventh meeting of the Informal Drug Policy Dialogues in Latin America, an initiative of the *Washington Office on Latin America (WOLA)* and *Transnational Institute (TNI)*, took place at the *NH Columbia Hotel*, in Montevideo, Uruguay. The first Informal Dialogue also took place in Montevideo in September 2007. The meeting was supported by Uruguay's National Drug Board (*Junta Nacional de Drogas*, or JND), which helped with the logistics of the event and generously offered its hospitality to the invited members. The meeting was attended by 35 people from 16 countries from throughout Latin America, Europe and the United States, all of whom are actively involved in debates on current policies.

The two days of dialogue were divided into four sessions that centered on the following issues: (1) Micro-trafficking and proportionality of sentences; (2) Challenges to reforming drug policies; (3) Marijuana in Latin America: Has the time come to open the debate?; and (4) Options and debates in international and regional organizations. There was also a discussion on the impact of the decriminalization of drug consumption in Portugal.

The meeting was run according to *Chatham House Rules*, with the goal of fostering a free exchange of ideas and confidentiality. As such, this report maintains the anonymous character of the opinions expressed and omits some points of the tactical debate. In addition to being informal, the meeting's format was as interactive as possible. A series of people were asked to prepare introductions for each of the sessions. The participants did not offer complete presentations but rather brief commentaries to stimulate the roundtable debate. This report is intended to provide an overview of the opinions expressed during the meeting, which together reflect the general tone of the sessions. The content of these pages does not include any conclusions and the opinions expressed in the document do not necessarily reflect the majority opinion of the participants.

Introduction - The representative of Uruguay's National Drugs Board, as host, thanked TNI and WOLA for organizing the event. The representative highlighted the importance of these dialogues given the difficulties involved in drug policy debates. The representatives of WOLA and TNI briefly reported on the origin of the dialogues, which were originally conceived as a way of creating a space for debate and the free expression of opinions, with the initial objective of examining the ten-year review of the U.N. General Assembly Special Session (UNGASS) in 1998 on the global system for drug control. These dialogues offer an opportunity for critical thinking and for generating possibilities for creating new consensus to move forward at both the national and international levels. They also facilitate contact between people working on public policy and representatives of civil society.

The **first session (micro-trafficking and proportionality of sentences)** was dedicated to “one of the worst distortions in drug policy in Latin America.” The criminal response to micro-trafficking has led to an increase in prison populations. Today, prisons throughout the region are filled with people arrested for micro-trafficking. The session began with a brief presentation by a high-ranking official who emphasized that crime and inequality are the two of the greatest problems in the region today and that they need to be combated.

A recent study by TNI and WOLA on drug laws and prisons in Latin America [*please see <http://www.druglawreform.info/es/publicaciones/sistemas-sobrecargados>*] reveals that tough legislation on the books in the majority of the countries in the region has contributed in an important way to the crisis of overcrowded prisons. Among other conclusions, the study found that sentences for drug cases are disproportionately high and laws do not distinguish between low- and high-level crimes.

The Salvadoran experience, highlighted by one of the panelists in the session, shows that while the law at times makes a distinction regarding quantity in cases of possession for personal consumption, there is no distinction in cases of drug trafficking. The decision is in the hands of the judge. The situation is even more complicated when the consumer is also a micro-trafficker. “What do we do when they do this for economic reasons, because they are low-income individuals?” Actions against consumption with harsh punishment help demonstrate police effectiveness, but it is difficult to prove if possession is for consumption or sale. In 2009, the law was changed with the intention of improving policy efficiency. The panelist also mentioned the problem in El Salvador with gangs (*maras*), which have increased their roles in micro-trafficking and as guns for hire, unleashing violence for territorial control in some areas. Work is urgently needed in areas where gangs operate. The panelist proposed sentences that did not include jail time for non-violent micro-traffickers. In the case of consumers, there should be the possibility of medical attention, administrative sanctions and substitution of treatment for prison sentences. Resources would be needed, however, for this to happen in a country like El Salvador. Decriminalization could lead to an institutional vacuum if resources are not made available.

In the case of Brazil, the law approved in 2006 was widely accepted at the time. But while this law represented some progress, it prohibited the use of alternatives to prison sentences in cases involving micro-trafficking; prison — even if for short sentences — became obligatory.

A serious problem in Brazil is that the system is geared toward imprisoning micro-traffickers and does not distinguish between non-violent and violent crimes. The hope was that the prison population would stabilize after passage of the law, but instead it has exploded. In the past four years, while the number of people incarcerated for other crimes has increased eight percent, the number of people jailed on drug charges jumped 66 percent. In 2006, there were 60,000 inmates serving time on drug-related charges; the number in 2010 for this same crime was 100,000. The fact that the 2006 law prohibits alternative sentences for drug-related crimes has contributed to this increase. Another reason is judicial prerogative, with the sentence depending on the judge who hears the case. For example, a drug user in the *favelas* is not considered a consumer, but a trafficker. On the other hand, a consumer in the city is generally seen as a drug user. In other words, people from the poorer classes and Afro-Brazilians are discriminated against beforehand, even if there was no act of violence. The law has also led to an increase in the number of women behind bars.

A positive sign came in November 2010 when the Brazilian Supreme Court handed down a ruling stating that it was unconstitutional to prohibit alternative sentences in drug cases. It is still too early to gauge the impact of the ruling, but it creates the possibility for change.

Another important aspect related to micro-trafficking is the fact that it is stigmatized in public opinion, making it hard to address the issue in an objective manner.

Debate - Two visions of the problem were emphasized during the discussion: One considers harsh anti-drug legislation as primarily responsible for the problem and, as such, maintains that laws need to be reformed; the other sees the problem in terms of the prevailing mentality (stimulated by the mass media and other sectors) that indiscriminately rejects anything associated with drugs and, as such, believes it is necessary to change this mentality. This is the so-called “*Doña Rosa*” factor, the neighborhood lady who reacts to (minor) crime involving drugs, calling the police and demanding that the law be applied. More than the law itself, the problem resides in its interpretation and application: the law of the street, where the police enforce the law erroneously and neighbors react out of fear.

In addition, a conservative and authoritarian point of view dominates the discussion of drug issues. Uruguay, a country with relatively benevolent laws, is a good example of where it is not enough to have good laws to avoid prisons from filling up. This means that a political battle is needed before beginning a fight to reform laws. To win the battle, it is necessary to change the mentality of political stakeholders, journalists and the general public. More necessary than legal reform, then, is “mentality reform.” While only 11 percent of all crimes committed in Uruguay are drug-related, they are the focus of media attention. The media inflates the issues of cocaine paste, *paco*, crime and violence. In Uruguay, *Doña Rosa* calls the media even before she calls the police.

The prevailing association in the region between the issues of drugs, organized crime and violence makes it difficult not to focus on punishment as the principal solution in public policy. Society perceives — or is encouraged to think — that the issue of drugs is a security issue, thus helping to perpetuate the cycle of violence.

Public perception aside, harsh legislation has undoubtedly influenced the growth of the problem given the context of inequality, poverty and exclusion that characterize the region. The poorest and most vulnerable sectors of society are the hardest hit. In addition, the laws are not always clear, which is particularly true for cases of possession for personal consumption and micro-trafficking. This ambiguity allows police officers to have their own interpretation of the law, taking advantage of the situation and extorting the person who has been detained. In the case of Argentina, as a result of the Arriola decision, a detained person must unequivocally show that possession — whether plants or drugs — is for personal use. Simple possession, apart from always criminalizing the consumer, opens the door for drug traffickers and sellers to be detained on that charge. If evidence is not obtained for trafficking — and this is even more difficult once the proceedings are underway — it is possible that sentences can be very low or that the accused is acquitted entirely. Another problem with simple possession is that both the police and judiciary inflate statistics on detainees and legal proceedings. If this were to be repealed, it would expose the lack of will or capacity of the justice system to combat drug trafficking.

The enormous impact of drug laws can be seen frequently today in the fact that often the people being detained do not fit a criminal profile, as in cases of housewives who sell drugs to make ends meet. In the case of men, the majority of those detained for drug trafficking are not part of organized criminal networks, which is why sending them to prison has grave repercussions for them.

This is why it is important for the law to clearly distinguish between quantities of drugs, people trafficking for profit and those doing it to maintain their own consumption habits, and violent and non-violent trafficking. Above all, the law should include dissuasive components and offer the option of treatment instead of prison time.

Drug laws on the books today not only violate human rights, but also criminal and procedural principles in all countries. “The war on drugs distorts the operation of the justice system.” Judges and police officers are interested in going after micro-traffickers. The argument that targeting the small-time traffickers will lead to the major drug traffickers is flawed. Evidence of this is in the fact that the major traffickers are almost never arrested. Another impact of anti-drug legislation is related to the terrible conditions of those incarcerated, the mistreatment inmates suffer and the stigma that follows someone arrested on drug charges, regardless of the amount involved. In many countries, people are incarcerated for simple possession without any other crime being established, and once in jail they acquire criminal skills. This also points to the necessity of alternative sentences. Someone arrested for micro-trafficking can leave prison after three years connected to large-scale trafficking operations.

The panelists suggested several solutions, such as research focusing on the costs represented by burgeoning prison populations. This would also help foster the needs for alternative sentencing policies. Another suggestion is to undertake evaluations to examine if anti-drug laws and policies meet their stated objectives. Regarding the need to raise public awareness, the participants highlighted the importance of showing the human face of those who are

detained; in other words, showing the social cost of these policies on concrete human beings. (*Conclusion of the first session.*)

The second session (challenges to reforming drug policies) began with reference to the debate that has been underway in Latin America for some years on the need to improve legislation. There has been some progress over the years, but there have also been setbacks. What has happened in recent years concerning this topic? What kind of strategy needs to be adopted, taking into account human rights principles? What needs to be done in terms of strategies to better position the issue? What has been the role of the media in creating opinion on the subject?

Ecuador is an example of a country where there have been setbacks. The country had shown that it is possible to move forward on these issues, not only implementing legal measures, but creating the conditions to make legal advances possible. However, security issues and their politicization have presented major challenges to the reform process. The fact that the security issue has become the dominant theme in the political debate has contributed to setbacks in terms of rights. This is why it is important to establish the relationship between the debate on drugs and the political debate. The issue of drugs has been linked to contemporary threats to democratic regimes, including mafias disputing the use of force with states and states being co-opted by money from drug trafficking.

The politicization of the debate on criminality has contributed to a deterioration of conditions within the penal system. A reflection on security within the framework of the rule of law should begin with the premise that security is a public, not private, good, and it should be discussed in these terms. Within the relationship between security and the state, what should be highlighted and differentiated are the phenomena of public conflict, police cases and the uncontrolled advance of intelligence agencies that can lead to major changes in state agencies, including the presidency. Current anti-drug legislation in the region's countries has led to disproportionate levels of spending in relation to the crimes that are being prosecuted.

The media, in general, tends to focus on the scandalous and anecdotal and is not concerned with generating constructive debate on the issue of drugs. "I am myself careful when I write something. I try not to irritate my readers," said one journalist participating in the session. Artistic spaces — such as culture, music and film — offer more possibilities to present an opinion that is not aligned with the hegemonic discourse, and even dare to question it. The media has maintained a line on drugs from a provocative discourse, which has led it to take radical stands on the issue. The media calls for incarceration, compulsive treatment and stigmatization. However, recently there has been a more favorable focus on decriminalization as an idea that needs to be considered.

Debate – In terms of drugs and citizen security, public opinion is important to open up space for reforms. How can we influence public opinion, taking into account the problem of citizen security? What messages can we promote, and how? What are the messages used in terms of security?

The participation of bellicose state agencies continues to increase in the “war on drugs.” This participation has often led to informal practices in democratic terms, and today are part of the legislative agenda in Ecuador. These include drug deals using undercover agents; interception of text messages, e-mails and telephone calls; criminal leniency for providing information, etc. In addition, there is a troubling level of autonomy of these agencies, which in a certain sense violates state sovereignty in dealing with the issue. Ecuador has been condemned several times by the inter-American human rights system for violating constitutional guarantees in the arrest and incarceration of people suspected of drug trafficking.

While more accidents are provoked by alcohol consumption than drug use, this does not change public perception that is tolerant of alcohol, but rejects drugs. This is due in part because of the fears and taboos regarding decriminalization of drugs mentioned earlier.

It is difficult to construct rational arguments in an environment dominated by fear. The issue of decriminalization of drugs is not dealt with in the same way as any other public policy issue. When there is fear, many answer by increasing prison sentences, which in turn only adds to the fear and creates a vicious circle. This is why it is necessary to pursue the issue of criminal policy as a public policy. Today, the only intervention on the part of parliaments in political terms is increasing sentences. And when the only possible response for lawmakers is toughening sentences, this is what they will do. So, it would be more useful to address the issue of drugs from a public policy perspective prior to efforts to bring about legislative reform.

However, as a participant active in national politics stated, the issue of decriminalization of drugs is as difficult for politicians as the issues of abortion and gay marriage. They are very controversial issues and could mean political suicide for any politician, and this needs to be taken into account in developing advocacy strategies. Some politicians have started to argue in favor of the economic benefits that could be obtained by regulating drugs. There are liberal and economic sectors that could be open to supporting this line of thinking, and the economic argument is strong within public opinion.

A challenge in moving forward the debate regarding drug consumption is to help the public visualize people who use drugs and show that there are all kinds of users. This could help counterbalance the negative or marginal images normally associated with drug consumption. Healthy drug users need to come forward to illustrate that not all people who consume drugs are depraved. Work with the media is key, but difficult, because the mass media are large structures that control journalists. When trying to change perceptions, it is important to reach reporters using practical resources, such as providing audiovisual material (in the case of television) so that they do not have to use stock material that tends to be negative.

While it is true that the issue of drug trafficking is complex — because of its links to organized crime, death and violence — there is a social component that needs to be made visible. Distinguishing between the different segments of drug trafficking is essential; in other words, distinguishing between gangs, leaders, micro-traffickers and consumers. Another challenge is avoiding a polarization of the discussion between the false dichotomy of legalization and prohibition. We need to look for alternatives beyond persecution that allow

us to reach problematic drug users. This would be a substantial advance, which would connect consumers to the health system and forms of social inclusion.

A participant asked if there are examples of successful campaigns related to drugs and citizen security. Mention was made of the positive aspects seen in the pardon of drug mules in Ecuador. Recidivism among the *mules* pardoned is extremely low, though the move was never seen as something positive by society. The opposition used the issue for its benefit, stressing that the pardon was unpopular. This led to questions regarding the role of the human rights angle to raise public awareness and promote changes in policies and laws. Given the Ecuadorian experience, it would seem that the human rights approach has not been very successful, so it is necessary to look for other arguments with greater resonance and that include citizen security.

There is little rationality when it comes to the issue of (in)security, which is why it is important to identify a language that can reach people like *Doña Rosa*. What arguments are needed that would mean something to *Doña Rosa*? For people like *Doña Rosa* in Mexico, for example, the image of the micro-trafficker does not exist; all are seen as simply drug traffickers and people who are involved in drugs do not have human rights. In addition to human rights, it is necessary to stress the rule of law and the defense of democracy. Current drug policies go against democratic values. We have reached critical limits that jeopardize democracy.

Ultimately, the drug issue is highly political, particularly with regards to relations between Latin American countries and the United States. Countries in the region maintain that the United States needs to change its mentality toward drugs, and there needs to be pressure to bring about these changes. In the meantime, each country needs to start looking at different levels of autonomy to find alternative solutions. No one perfect set of drug policies will serve all countries. (*Conclusion of the second session.*)

The **third session** focused on the issue “**Marijuana in Latin America: Has the time come to open the debate?**” The moderator briefly introduced the issue, highlighting that while marijuana use is widespread throughout the world, states still have not responded to this situation. The session began with a presentation on the role of cannabis associations in Spain. (The contents of the presentation are found in the TNI report on cannabis social clubs in Spain, <http://druglawreform.info/images/stories/documents/dlr9s.pdf>.) The associations or clubs are self-sufficient, producing enough cannabis for their members’ consumption and distributing it; paying taxes as organizations and sales tax (VAT) and controlling quality and exercising control over the consumption by members. The experience of the clubs has been positive in general. Since the 1970s, Spain has been decriminalizing personal consumption and related actions, and that has served as a legal foundation to create collective crops and supply associations. In other words, it has not been necessary for Spain to renounce international treaties or change legislation for the clubs to operate. They have simply undertaken a broader interpretation of the law, putting themselves in an intermediary position to full legalization. For the cannabis clubs, it is unnecessary to change conventions; all that is needed is opening a space at the national level. The panelist believes that this kind change is

possible within the existing control regime and, within the current context, represents an economic and legal option.

The debate on cannabis requires, more than anything else, information that is not only associated with the risk of drug use, but also on safe consumption. It is not about defending drugs, but defending the right to use them, “because substances are neither good nor bad; the problem is the way they are used.” The vision of drugs is ideological and moralist, and there is a great deal of ignorance promoted by the government.

Today, marijuana represents an icon in the prohibitionist paradigm. Prohibition is a very expensive social policy. Drug trafficking appears with prohibition. Marijuana, in countries like Mexico and Paraguay, is associated with massive criminal activity. There will always be people trying to make a profit on the business as long as drugs are illegal. Problems related to prisons and health care are also associated with the consequences of prohibition. Illegality generates security problems, and in countries like Mexico, they are not only seen as public security problems but also national security threats. Emphasizing the potential reduction in crime that decriminalization could bring is important because of the violence and insecurity caused today by disputes over markets. The debate is complex, because nothing guarantees that the decriminalization of cannabis will translate into a reduction in crime. However, there has not been one single positive indicator of long-term success since the war on drugs was launched. Regulation of marijuana could represent billions of dollars in revenues to countries. These amounts today are being laundered by organized crime, allowing them to penetrate state institutions.

Decriminalization of cannabis needs to be promoted at all levels of society, offering a more pragmatic, efficient and cost-effective approach in contrast to strategies to increase sentences and levels of criminalization. The discussion needs to include everyone and there should be televised public debates. It is important that the most involved countries organize large discussion forums and that governments open national and international debates. This would help to bring together business, religious and other sectors of society to influence the decisions of the United Nations. Some progress has been made on this objective in recent years.

Debate - Could the experience of cannabis clubs be extrapolated to Latin America? There are several doubts. The northern countries frequently have a double discourse on drugs. One participant believes that if a country like Bolivia tried to do something similar it would be harshly attacked by the international community. Nevertheless, a country like Bolivia also offers an important example of the need to foster debate, which is what is currently underway with the amendment on the coca leaf. The process has provided information and stimulated debate, which itself represents important progress.

There is currently an increase in Latin America in the number of people being detained for marijuana possession. Some feel that it is time to start changing the image of drug users as people who are sick or drug traffickers for one of responsible consumers. There is a need to break the negative stereotype of consumers and instead promote the existence of responsible consumers, a change that could be a key element in the fight against criminalization.

While marijuana could have special treatment in local criminal law, or in the way it is dealt with by courts, the issue is more complex at the regional level. At this level, it might be best to talk about tough regulations for production, distribution and consumption. Regulation is also important in terms of health protection. Programs for harm reduction could be promoted within a regulated system. In addition, as the Spanish example shows, regulation eliminates resources for the mafias and thereby benefits society.

The debate that has started recently in Mexico sheds light on the reaction of some sectors to the issue of decriminalizing marijuana. Business, religious and academic sectors are becoming more involved in the debate. This is something that should be taken advantage of.

The discussion also addressed the issue of having to change conventions in order to modify policies. Upholding conventions on human rights, which have a higher hierarchy at the international level and within constitutions, allows for changes in practice without having to modify conventions. (*Conclusion of the third session.*)

Comment from a government official from Portugal: “The Portuguese experience: What lessons learned are relevant to the debate today?” Drugs became the principal social and political problem in Portugal as the country was coming out of a 48-year dictatorship. Due to the introduction of heroin, consumption and addiction took off alongside democracy and freedom. At the start of the 1990s, there were around 100,000 heroin addicts, in addition to a serious AIDS problem, creating devastating consequences for society. What needed to be done?

While there were some judicial and health responses, the problem continued to grow. At the end of the 1990s, the prime minister proposed a change in the paradigm. Something new needed to be found to address the problem. He invited a group of experts to propose measures that would allow for a change in the status quo. This is how a first strategy was designed, which included measures to reduce supply — which involved the police, customs, etc. — but above all measures to reduce demand, promote social insertion, etc. The decriminalization of drugs for humanitarian reasons was proposed, based on the principle that the problem was not that people used drugs, but that they suffered from their consumption. In other words, attention was directed toward problems that could come about from consumption. In this way, the problem came out from under the criminal system and entered an administrative system, which takes into account the individual citizen. Treatment is the same if dealing with cannabis or alcohol, starting from the position that what is important is the relationship that one has with substances and not the substance itself. The agencies that deal with this are under the Health Ministry.

The Portuguese society accepted that the issue of problematic consumption is cross-cutting. The woman looking out of her window no longer thinks about calling the police, but someone who can come and assist the young man (problematic consumer) in the street. A public consensus emerged that this person required help. This was achieved through work with journalists, public debate sessions in all district capitals and open debates with the population and the media to explain the problem. This was undoubtedly important for the policies to be accepted. The network to provide health care to problematic drug users in Portugal is the

strongest in Europe. There are many free centers without limits to access or waiting lists and that are highly accepted by health care professionals and the general public.

Since the implementation of these policies (directed by the health sector), the progress is evident. Statistics indicate that consumption has declined. Problematic use still exists, but there are no longer high numbers of problematic drug users. Advances are seen in all indicators. A record number of people are in treatment (35,000, of whom 40 percent are working, studying or integrated in some manner). Given these results, the serious problem that existed in 1997 is barely talked about and there is no longer political debate.

This issue requires small changes rather than trying to go from one extreme to the other. Trying to change the paradigm by directly moving to legalization is very abrupt. The first thing to do is to think about ways of changing the paradigm little by little and by changing the mentality surrounding drugs. A first step is the acceptance that that drug issue is a public health issue. It is also important not to mix the issue of recreational drug use with medicinal uses, which needs to be fostered among health professional for concrete situations. Using medical use to introduce the issue of recreational use could be counterproductive.

Debate – This year, which marks the tenth anniversary of decriminalization in Portugal, a university is going to research the drop in costs brought about by this policy. What is known for certain is that investment in the judicial system related to these issues has declined and the Health Ministry is more effective. There are still crimes related to drugs — trafficking crimes, because Portugal is a gateway to Europe — but violent crimes related to drugs have diminished. Today, drug-related problems associated with violence are in third place. In terms of economic costs, this policy has resulted in the introduction of close to 1,800 professionals, with half the budget coming from the state and the other half from lotteries. Portugal is currently going through an economic crisis, resulting in a 15-percent budget cut overall. The social terrain is ripe for an upswing in the drugs/violence/criminality problem. The government, nevertheless, has only cut 4 percent from this effort, which means that it is aware of the issue and has only slightly reduced its contribution.

How was this transformation with respect to criminality achieved? In other words, how did *Doña Rosa* stop calling the police when she saw a drug addict from her window? Nothing was done with *Doña Rosa*, but social conditions provoked a change in the attitude of people. The press played a role in influencing the change in public opinion so that *Doña Rosa* realized that the problematic drug user on the street was not worthless, but could be someone's son or nephew, and adopted a more understanding attitude towards them.

The role of the anti-drug police in Portugal was also important. While there was skepticism at first with the reform, over time police officers realized that the law was the best thing that could have happened to them because they could focus on large-scale organized crime. The work of the police is now more effective and the opinion police officers have of young people has changed; the evaluation the police have of the reform is very positive. This is important, because discussions of the Portuguese case tend to focus on the health issue, but the other important impact has been on increasing the effectiveness of police work.

With respect to the risks of mixing recreational and medicinal uses, this has not been the case with the cannabis clubs in Spain. These clubs began clearly with a recreational objective and only later were there requests for medicinal use. It is true, nevertheless, that mixing the two would create fear among the public, which is probably what happened with the referendum in California, where the issue lost credibility when the two sides were blurred. Given that the majority of people are recreational users, the issue will have to be addressed at some point.

Given the security problems in Latin America, applying policies like the one adopted in Portugal will be more difficult. While administrative sanctions worked within the Portuguese health system, Latin America would first have to change the security paradigm for this to be the case, as the issue is clearly seen through a security lens in Latin America.

Decriminalization of consumption does not violate international conventions, which gave Portugal room to maneuver within the conventions when implementing its reforms. And while there were many doubts within the U.N. Office on Drugs and Crime (UNODC), which was initially critical of Portugal, it now recognizes that decriminalization has had positive results. (*Conclusion of this section.*)

The fourth **session** addressed the **options and debates in international and regional organizations**. The session began with a presentation that summarized the history of the conventions from the beginning of the 20th century and how the structures for drug control were constructed. The vision of the drug problem before 1961 was primarily pharmaceutical and the U.S. interest was control of medication. The connection between drugs and security emerged in the 1970s. Latin American countries have accepted this drugs-security framework. The 1988 drug trafficking convention is aimed at attacking the entire drug market, imposing a global prohibitionist model. U.S. economic aid began in this context and not only for producing countries. Agencies, such as anti-drug brigades, were formed in countries where drugs were not a major problem, illustrating the geopolitical importance of the drug issue. The debate intensified ten years later in 1998 with the UNGASS. This debate could have been more critical, but at least it included the issue of human rights in relation to drugs.

The key agencies in the U.N. system on the issue of drugs include: the International Narcotics Control Board (INCB), which monitors application of the conventions, tending to overstep its mandate and evaluating policies beyond its own competencies; the World Health Organization (WHO) and the Commission on Crime Prevention and Criminal Justice are also important in the U.N. system. The same holds true for human rights agencies. At the regional level, there is the Organization of American States' Inter-American Drug Abuse Control Commission (OAS-CICAD), which has a multilateral evaluation mechanism created to counterbalance the unilateral evaluations conducted by the United States. This entity has not been receptive to the importance of harm-reduction practices and civil society participation. The Southern Common Market (MERCOSUR), another possible sphere to influence policies, has a large bureaucracy, which is typical of such bodies, making it difficult to move agendas forward. Similar to what happens in the United Nations, many issues in MERCOSUR end once declarations are signed. With respect to the Union of South American Nations (UNASUR),

there is an integral vision of the drug issue and problems are seen from the reality of different countries and the region as a whole, respecting the norms and sovereignty of each country. However, the action plan on drugs is still in its initial phase.

The debate on drug policy today is no longer limited to institution-building and supply and demand reduction. Increased organized crime has led to an expansion of aspects related to crime, generating important modifications in legislation and strategies.

The second presentation offered a good example of the options and debates in international organizations, providing an explanation of the efforts promoted by Bolivia regarding traditional uses of the coca leaf. The request for an amendment is aimed at eliminating two articles that call for the elimination of coca-leaf chewing 25 years after the convention entered into force. The U.N. secretariat has received Bolivia's notification, which was then passed to the Economic and Social Council (ECOSOC), beginning the 18-month process established in the convention to receive objections presented by any member state. The 18 months ended last January and there were 18 objections. Some of the initial objections, such as those presented by Colombia, Egypt and Macedonia, were withdrawn. Among the remaining objectors, there are eight countries from the European Union, but within Latin America, only Mexico is opposed. The strong backing offered by Uruguay, Ecuador and Spain has been particularly valuable for Bolivia.

The prohibition of coca chewing and its inclusion on the list of harmful substances comes from a study done in the 1950s that is plagued with racist positions. In light of the progress made on the rights of indigenous peoples, this position today is obsolete and the 1961 convention should be updated. More than six million Bolivians *acullican* (chew) coca and drink coca tea. The country's new constitution openly contradicts the convention.

The possible scenarios for Bolivia in the future include: 1) A U.N. conference on the Bolivia's request to amend Article 49; 2) The initiation of the process within the United Nations to reclassify the coca leaf; and 3) Withdraw from the convention entirely.

The drug control system is complex, constructed so that changes are difficult and final decisions depend on the system itself. The concern around the amendment requested by Bolivia has nothing to do with the millions of people who use coca leaves, but with the fact that the amendment represents a challenge to the system and could lead to the possibility of other changes if it succeeds.

The difficulty to bring about change in the international system is what helps to consolidate the fear of opening debate about the conventions. The climate for modifications is still very cold. What can be expected from the debate on the agenda of the Commission on Narcotic Drugs (CND) in March? What are the obstacles and possibilities for modernizing the treaties? The resolutions to be proposed at the next CND meeting (March 21-25) are still unknown, except for a few, such as access to essential medicines and a resolution on the death penalty.

The role of the CND is to provide guidelines to the UNODC for its projects, many of which are in the area of control, focusing on how to improve the application of the law and the

judicial system. The resolution on the death penalty would limit UNODC activities in countries where it is used. The use of the death penalty in drug trafficking cases is something that is in direct conflict with human rights norms. Strenuous debate on the issue should be expected.

Another issue that consistently comes up on the CND agenda is the INCB report. The conservative posture of the INCB has already been mentioned. In its last report, there were once again strong comments against Bolivia, Peru and Argentina regarding coca. The issue of Bolivia's amendment on traditional uses of coca will therefore be brought up, even if ECOSOC does not request the CND's opinion on the issue.

Another concern related to the INCB's 2011 report, and which stems from the coca leaf amendment, is that for the first time there will be a special session on plants and alkaloids aimed at reflecting on the inconsistencies in the way treaties deal with different plants and their derivatives. These differences illustrate the inconsistencies and incoherencies with respect to the treatment of coca. For example, ephedra is not on the list of the conventions, while its alkaloid is included. Why is this not the case for coca? The concern is that these inconsistencies will be used in a negative way and lead to ephedra and other plants being added to the lists. Also troubling is that it is not part of the INCB's mandate to recommend substances that should be added to the lists, as this corresponds to the WHO. This results in tension between the two agencies. Sometimes the INCB offers recommendations that are the exact opposite of those of the WHO.

In terms of the INCB's operations, another important moment this year will be the elections at the end of April, which offer the possibility of changing the character of the INCB. Five new members will be elected, which could substantially alter the board's composition. There are several interested candidates, including Argentina's Patricia Llerena and Germany's Werner Sipp. If elected, they could help change the behavior of the INCB.

With respect to the future of the conventions, this is a symbolic moment because this year is the 50th anniversary of the Single Convention and next year it will be one century since the first convention was approved in 1912. The process to modernize the conventions is not easy, but this is the time to start debate, reflect on the 50 years of the Single Convention and a century of the treaties, and examine the problems and possibilities for improving them. A parallel event on the Single Convention and the issue of coca will be held at the CND, and there is discussion of organizing a major event in 2012.

Contrary to what was expressed earlier by a participant, changing the treaties is an important and urgent issue. The international consensus is breaking down and the cracks within the system continue to deepen, as is evident in the inconsistencies seen in issues like access to essential medicines (such as morphine, which is controlled by the treaties) and in the treatment of plants like coca and cannabis. Some countries have moved from zero tolerance to a harm reduction approach. "The group of countries willing to open debate will be the true friends of the treaties."

Debate – Is it really possible to expand the list of controlled plants? What impact would the referendum in California have had if the proposal on cannabis had been approved? The idea of the INCB is to resolve the problem of inconsistencies by including all plants and not just their alkaloids. But the INCB knows that for now it cannot make this recommendation, so it is asking countries to voluntarily include these plants on their national lists. If the California referendum had been approved, it would have posed a direct challenge to the conventions, which would have served to stimulate debate.

México was the only Latin American country to object to the amendment on the coca leaf. This attitude may have been motivated by pressure from the United States and bilateral problems between Mexico and Bolivia, given Bolivia's position during the recent conference on climate change in Cancún. Also, Morales did not attend Calderón's inauguration. Bolivia continues to hope that some countries, including Mexico, will withdraw their objections. In the meantime, a new objection was recently tabled by Ukraine.

What are the real possibilities of placing these issues on the agendas of UNASUR and MERCOSUR, knowing that to date there are no mechanisms for interaction with civil society and NGOs do not have a formal way of relating to these institutions? There is a great deal of pessimism in this respect, but there is also an attitude that it is worth exploring the possibility of working in these spaces. This is the case, despite the fact that MERCOSUR, when it comes to drugs, has so far limited its work to reproducing what CICAD has said. In relation to UNASUR, the organization is still working on its institutional engineering. Many things have been approved, but nothing is actually working yet. The role that civil society will play in UNASUR is still uncertain, although there does appear to be space for the participation of experts and other sectors, such as local communities. This could be the time to attempt to create a formal space in UNASUR, taking advantage of the fact that some authorities in the organization have said that they agree with the idea that civil society develop proposals on all issues, particularly the drug issue. Nonetheless, it will likely take some time for such participation in UNASUR to materialize. [*Conclusion of the fourth session*].

Translated from Spanish by Lucien Chauvin.