

Testimony
of
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Domestic Policy Subcommittee
Oversight and Government Reform Committee
Wednesday, July 21, 2010
2247 Rayburn HOB
10:00 a.m.

**“International Counternarcotics Policies:
Do They Reduce Domestic Consumption or Advance other Foreign Policy Goals?”**

First, let me express my gratitude to Chairman Kucinich, ranking member Jordan, and the Domestic Policy Subcommittee for inviting me to contribute to this badly needed hearing on international drug supply reduction programs. I congratulate you for holding it and look forward to a good discussion.

A big part of my work at the Washington Office on Latin America is monitoring U.S. assistance to Latin America and the Caribbean, and since 1997 I've worked, at WOLA and previously at the Center for International Policy, on a program that does just that.¹

In Latin America, monitoring U.S. assistance means monitoring U.S. counter-drug programs. We've found that in the ten years between 2000 and 2009, the United States gave Latin America and the Caribbean about \$20.8 billion in assistance, both military and economic aid. Of that amount, fully \$9.9 billion — 48 percent — went through counternarcotics accounts in the State and Defense department budgets. Of the \$9.2 billion in military and police aid during this 10-year-period, \$7.8 billion — 85 percent — was paid for by counternarcotics programs.

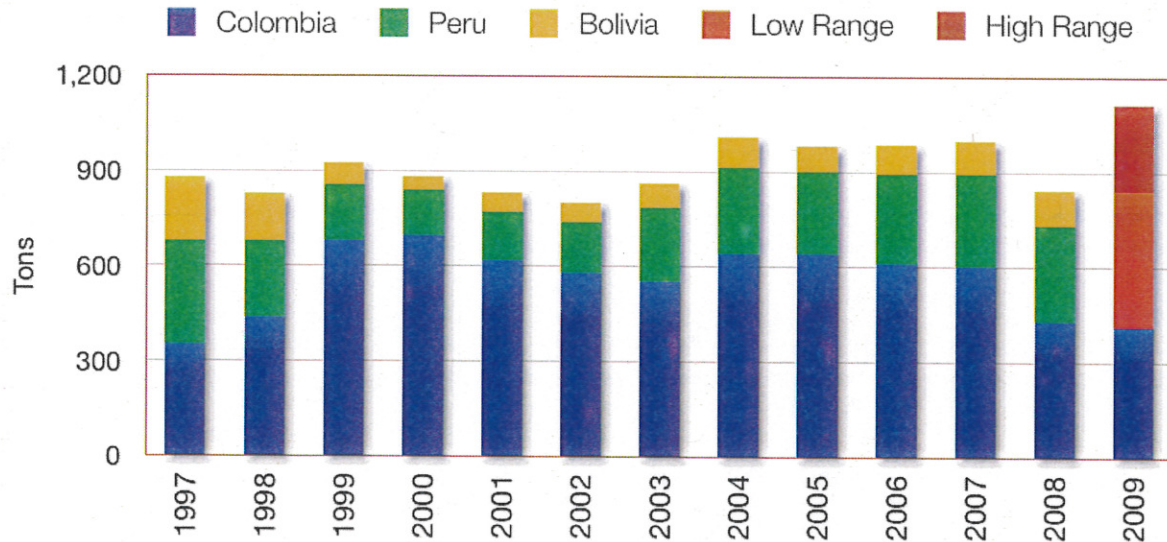
During the 2000s, a lot of aid money was spent to reduce drug supplies. But have these aid programs, in fact, helped to reduce drug supplies?

The answer is a clear “no.” My testimony will focus on cocaine, the only illegal drug in the United States that is supplied entirely from Latin America. By every measure, these ten years of aid to the region **did not reduce cocaine supplies**.

- **Tons:** in 1999, according to the UN Office on Drugs and Crime, the region produced 925 tons of cocaine. In 2009, the same agency just reported, cocaine production was about the

same: a range between 842 and 1,111 tons of cocaine.² The Southern Command's estimate is higher: "between 1,250 and 1,500 metric tons of cocaine."³

Andean Cocaine Production is Unchanged

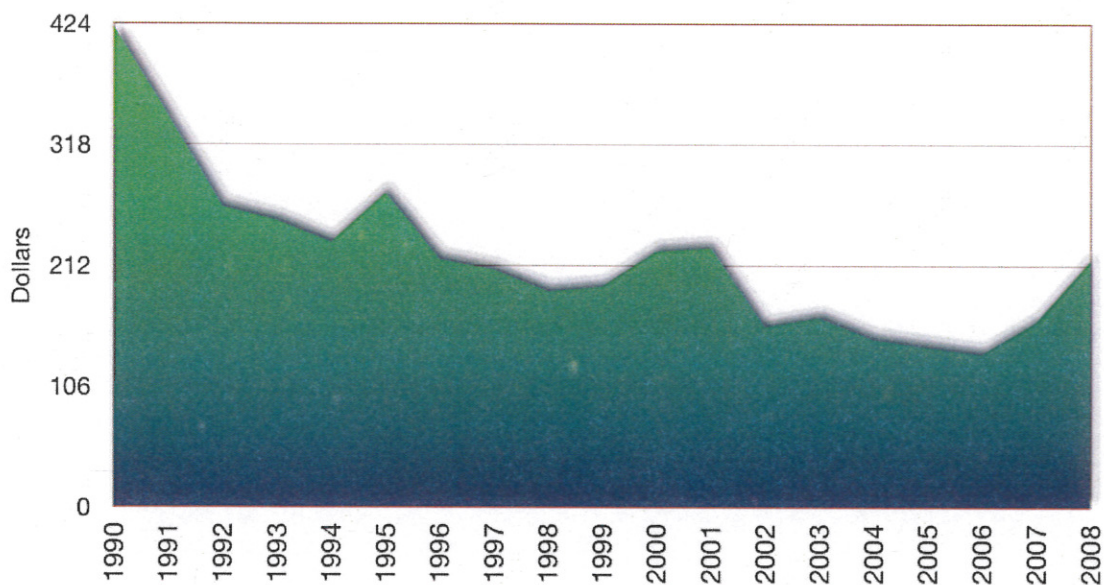


	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Colombia	350	435	680	695	617	580	550	640	640	610	600	430	410
Peru	325	240	175	141	150	160	230	270	260	280	290	302	0
Bolivia	200	150	70	43	60	60	79	98	80	94	104	113	0
Estimated Range													842-1,111
Total	875	825	925	879	827	800	859	1,008	980	984	994	845	842-1,111

Source: UN Office on Drugs and Crime.

- **Street price:** In 2000, according to the UNODC's *World Drug Report*, the average purity and inflation adjusted price of a gram of cocaine on U.S. streets was \$224. By 2008, that price was \$216.⁴ If price is the measure of how well supply is satisfying demand, then cocaine supplies are satisfying demand as well as ever.
- **Related violence:** The past ten years have seen an important reduction in drug- and conflict-related violence in Colombia. Though the war continues and violence levels remain very high, the Colombian people have paid for this progress with lives and resources, tripling their military and police budget and nearly doubling the size of their security forces. However, decreased violence in Colombia has been offset by a sharp rise in drug-related homicides in Mexico. Today, Mexico is the center of gravity for groups involved in illegal drug transshipment, which is by far the most profitable link in the drug trafficking chain.

Purity and Inflation Adjusted Street Price of a Gram of Cocaine, United States



1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
421	343	263	251	232	275	217	208	189	193	224	227	158	166	147	140	134	162	216

Source: UN Office on Drugs and Crime, *World Drug Report 2009*.

In the past year or two here in Washington, there has been more recognition that our strategy isn't reducing drug supplies. As a result, our strategy has been shifting — tentatively, but in an interesting direction.

This is not the first such shift; in fact, it's the latest in a series of them. But for the first time in memory, we are not hearing proposals for get-tough military and police offensives in the region. Instead, we are hearing more discussion about strengthening civilian governance, justice, and economic opportunity.

The Obama administration is launching, or re-launching, several big new aid programs in the region: the Colombia Security and Development Initiative, the "new" Mérida Initiative in Mexico, the Central America Regional Security Initiative and the Caribbean Basin Security Initiative. Official publications and statements about these programs seem to show a recognition that stopping drug trafficking and related violence requires more than just tough-looking eradication programs and military offensives. There is far more discussion of establishing a civilian state presence to create economic opportunity in historically ungoverned zones where the drug trade prospers, and more recognition that judicial institutions are central to the effort.

"Our counternarcotics efforts must apply all available tools to ensure improvements are permanent and sustainable by regional allies," reads the 2010 National Drug Control Strategy

published by the White House Office of National Drug Control Policy. “These efforts must include complementary assistance programs, such as those focused on sustainable alternative development and strengthened prevention, treatment, and law enforcement and judicial capacities.”⁵

The policy may be moving, tentatively, in two critically important and badly needed directions. The first is helping partner nations to build a strong civilian government presence in stateless zones. The second is doing so with a strong judicial system in place to limit corruption and human rights abuse.

Of course, there may end up being a broad gap between the principles laid out in official documents and the way programs actually get carried out in practice. Still, this is encouraging. The United States should be moving quickly in the direction of encouraging capable civilian governance with strong judicial systems.

Colombia and Mexico

To illustrate why a shift toward civilian governance and rule of law is important, my testimony will focus on the two countries that have been by far the largest U.S. counter-drug aid recipients, accounting for over 70 percent of all military and police aid to the hemisphere between 2008 and 2010: Colombia and Mexico.

These are two very different countries. Mexico, which has 2 ½ times Colombia’s population, has just barely transitioned to democracy from one-party rule. Colombia has had uninterrupted elections since 1958, open to all parties after 1974. Mexico has no serious rural insurgency or pro-government paramilitaries. Colombia has fought an internal armed conflict with two leftist guerrilla groups and several right-wing paramilitary groups since 1964.

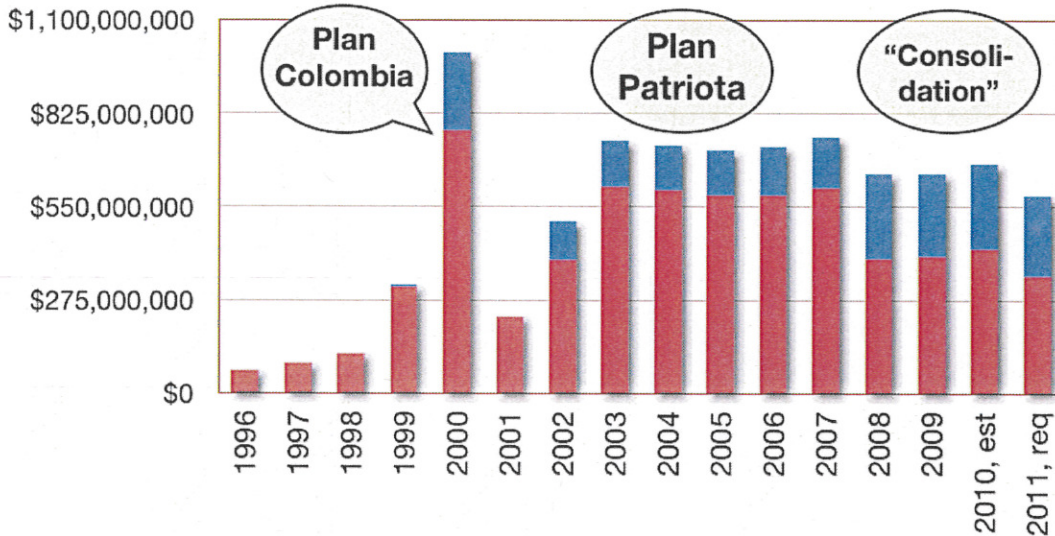
However, both countries do have similarities. They are among the world’s most unequal economically, with more than a third of their people living below the poverty line. Both have weak judicial systems; while Colombia’s is more solidly institutionalized, it continues to produce very high rates of impunity for serious crimes. And both are beset by narco-trafficking organizations who prosper not just by carrying out brutal acts of violence, but by corrupting, infiltrating and penetrating the governments that are supposed to be confronting them.

Colombia: a strategy that has gone through several iterations

Since the 1980s, at least 90 percent of the cocaine consumed in the United States has been either produced in, or transshipped through, Colombia.⁶ Over these years, the nature of the narco-trafficking challenge has changed, and U.S. supply reduction strategy in Colombia has gone through several iterations. One thing has been stubbornly constant, however: the supply of cocaine coming from Colombia.

U.S. Aid to Colombia

■ Military and Police Aid ■ Economic and Social Aid



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010, est	2011, req
Military and Police Aid	64,468,000	85,562,950	115,181,000	309,712,877	771,540,855	223,940,217	388,550,141	625,627,707	594,244,588	578,921,737	581,832,053	601,601,918	393,708,387	398,956,048	421,907,048	340,870,758
Economic and Social Aid	618,000	0	520,000	8,750,000	231,356,000	1,350,000	116,500,000	138,700,000	134,479,000	134,713,000	142,955,000	143,723,970	251,470,000	243,500,000	252,040,000	238,574,232

Source: www.justf.org/Country?country=Colombia.

Late 80s-early 90s: cartels

During the late 1980s and early 1990s, the focus was twofold: on interdicting cocaine flows and on taking down the Medellín and Cali cartels, which dominated the cocaine trade at the time. In 1989, Congress made the Defense Department the single lead agency for overseas drug interdiction, and since then the U.S. military has actively sought to detect and monitor the planes and boats bringing the illegal product to the United States.

Meanwhile, the State Department and the DEA supported the Colombian National Police's campaign to decapitate and dismantle the Medellín and Cali cartels. At the time, the focus was on creating specialized, elite police intelligence and anti-drug units, with some attention to improving judicial and prosecutorial capacities. Colombia also appears to have chosen to fight the cartels sequentially, confronting Cali only after first dispatching Medellín. Colombia's armed forces played a supporting role, but generally avoided taking on the counternarcotics mission during this period. As a result, U.S. aid to the Colombian military was rather modest. Most of our "hard side" aid went to the Colombia's National Police, which led the campaign to capture Pablo Escobar and to force the collapse of the big cartels.

Mid-to-late 90s: fumigation

By the mid-1990s, both the Medellín and Cali cartels were taken down. This momentous change in the criminal underworld, however, barely registered as a blip in U.S. cocaine supplies. Meanwhile, though U.S. interdiction began reducing the number of aircraft carrying illegal drugs from Colombia, traffickers quickly adapted by turning to the sea, using so-called “go-fast” boats and other craft.

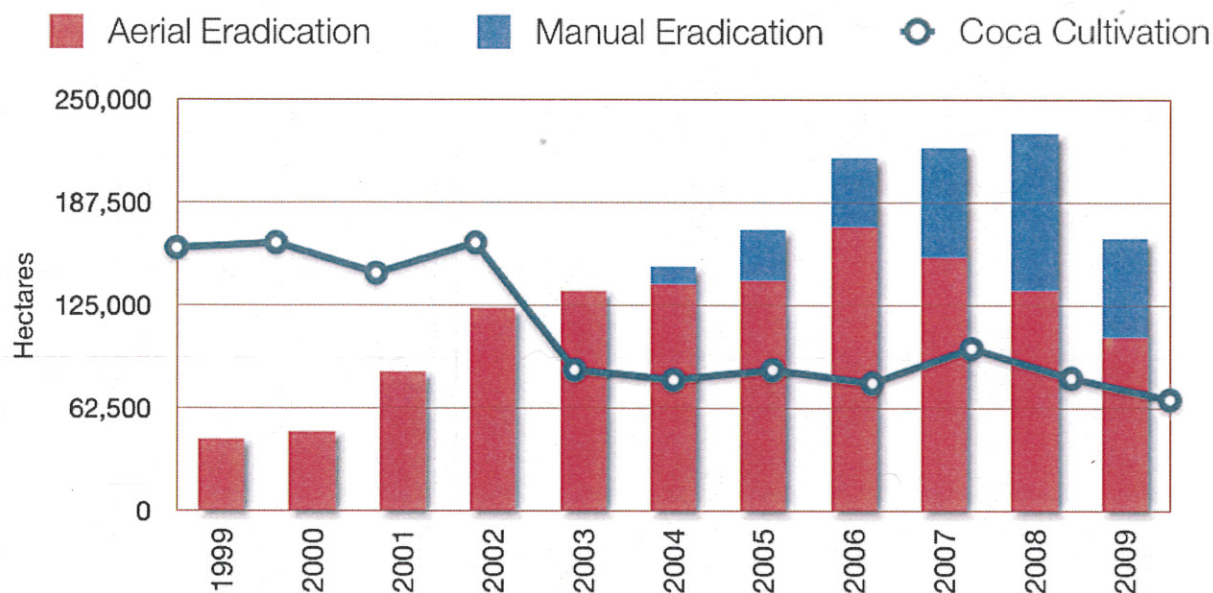
The Clinton administration decided to shift strategy, putting far more focus on eradicating crops. Starting in 1994 and intensifying after 1996, the U.S. government launched an ambitious program of aerial herbicide spraying over Colombia’s fields of coca, the plant used to make cocaine. The reasoning behind this decision was that in the entire chain of cocaine production, from the Colombian countryside to the United States’ streets, the link at which the product is most exposed — and easiest to find and eliminate — is when it is in the form of a field of plants.

Between 1994 and 1999, the United States supported Colombian police and contractors’ spraying of the herbicide glyphosate over 100,000 hectares of coca-growing areas (1 hectare = 2½ acres; aid to Colombia’s military remained minimal during this period). This spraying, which is not allowed in Bolivia or Peru, was not accompanied by any effort to establish a government presence on the ground in the affected areas. In fact, during this period the Clinton administration was in the process of closing down its USAID mission in Colombia. As a result, the coca-growers — most of them smallholding peasants with families — never saw the face of a representative of their government, only a plane overhead, anonymously spraying herbicides.

This did not work. Coca-growing peasants, with no other options in ungoverned zones, replanted quickly. In Colombia, the second half of the 1990s was a time of rapid increases in coca-growing. By 1999, Colombia accounted for 72% of all Andean coca-growing and 74% of cocaine production.⁷

Amid this rapid growth in cocaine production, guerrilla and paramilitary groups quickly filled some of the vacuum left by the cartels, and began to grow very wealthy by producing and transshipping cocaine. The FARC and AUC tripled or quadrupled in size between the early and late 1990s. By the end of the decade, both groups were killing thousands of innocent civilians each year. The FARC was kidnapping thousands, making the country’s roads impassable, and winning key battles against military units in the countryside.

In Colombia, “Eradication” Hasn’t Eradicated Coca



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Aerial Eradication	43246	47,371	84,251	122,695	132,817	136,555	138,775	171,613	153,133	133,496	104,771
Manual Eradication	0	0	0	0	0	10,991	31,285	42,111	66,805	95,731	60,544
Coca Cultivation	160,100	163,300	144,800	163,300	86,000	80,000	86,000	78,000	99,000	81,000	68,000

Early 2000s: Plan Colombia

In Washington, the Clinton administration and leaders of the U.S. Congress grew increasingly concerned. The result was Plan Colombia, which began with a \$1.3 billion emergency supplemental appropriation, three-quarters of it military and police aid, in mid-2000.

Plan Colombia more than doubled the size of the fumigation program, but it also included some new elements. Plan Colombia was the first major outlay of aid to Colombia’s armed forces since the Cold War, as the U.S. government helped set up a counternarcotics brigade in Colombia’s Army and a riverine brigade in its Navy, while donating dozens of helicopters. On the other hand, it also represented a revival of USAID assistance, which made up about 20 percent of the aid package. The largest USAID program was a series of crop-substitution projects, most of them carried out by private contractors in very insecure zones, with little Colombian government involvement. Most of these early-2000s programs failed.

Plan Colombia included little focus on justice and impunity, other than programs to help speed judicial procedures. The U.S. government began ramping up aid to the Colombian military amid a flood of serious allegations that the armed forces were closely collaborating with the

paramilitaries, who at the time were responsible for about ¾ of mass killings and dealing hundreds of tons of cocaine.

Because of these concerns, U.S. appropriations under Plan Colombia included human rights protections. Among them was the “Leahy Law” restricting aid to military units worldwide that violate human rights with impunity, and Colombia-specific conditions freezing some military aid until the State Department could certify that Colombia’s armed forces were severing links with paramilitaries and cooperating with human rights investigations. The State Department generally viewed these conditions more as an obstacle to be overcome than as a tool to secure human rights improvements; certification documents during the early 2000s were remarkably weak, and vetting of units for Leahy Law compliance was minimal.

Mid-2000s: “Plan Patriota”

When Plan Colombia began, many critics worried that the United States was involving itself in a long, complicated internal conflict. The Clinton administration assured them that since assistance was flowing through counter-drug accounts, the military aid package would stick to the counter-drug mission without mutating into a counter-insurgency commitment. This distinction did not hold for long. In 2002, U.S. foreign aid law changed to allow all counter-drug aid to Colombia to be used to fight guerrilla and paramilitary groups.

The largest non-drug operation supported with U.S. assistance was “Plan Patriota,” a 2004-06 Colombian military offensive in a vast area of the country’s south that had historically been a FARC stronghold. Almost 20,000 troops, advised and logistically supported by U.S. personnel and contractors, remained in expeditionary mode for months at a time, pursuing guerrillas and solidifying the military presence in town centers.

Plan Patriota knocked the FARC off-balance, dealing them a serious blow in an area they had long controlled. However, it resulted in the capture of few top leaders, and the military found it impossible to expand its control from the towns to the countryside, where the guerrilla presence remained abundant. Part of the problem was that Plan Patriota was an entirely military strategy: it lacked an effort to bring the rest of the government to areas that had been “re-taken” from the FARC. The troops were alone; when they had to re-deploy out of a zone, the guerrillas moved back in.

The mid-2000s was also a time of grave human rights scandals in Colombia. The AUC went through a partial demobilization process that reduced violence, but also resulted in revelations of extensive military-paramilitary collaboration at a time when U.S. aid was pouring in, as well as revelations that hundreds of local politicians and members of Congress, most of them government supporters, had been aiding and abetting the death squads. The presidential intelligence service, the DAS, was found to have been plotting with paramilitaries to kill labor and human rights activists, while wiretapping and spying on everyone from opposition

politicians to Supreme Court judges. And the Army stands accused of killing as many as 2,000 civilian non-combatants during the 2000s, in many cases falsely presenting their bodies as those of armed-group members killed in combat. Still, Colombia passed muster in the State Department's regular human rights certifications.

For all of its flaws, "Plan Patriota" was at least a partial recognition that Colombia needed to address its drug and violence problems by establishing a government presence on the ground: that vast "ungoverned spaces" could no longer be dealt with simply by spraying herbicides from a safe altitude. At this time, however, "government presence" almost entirely meant a *military* presence, and — as the scandals indicated — very little was being done to address the country's climate of impunity.

By 2007, UNODC statistics showed less land area cultivated with coca in Colombia. However, the agency was finding coca-growing to be slowly increasing once again, and no major change in the number of tons of cocaine Colombia was producing (from 680 tons in 1999 to 600 tons in 2007). Plan Colombia and Plan Patriota were proving to be poor anti-drug strategies.

Late 2000s-present: "consolidation"

2007 was the year that the Colombian government, with U.S. support, began a pilot program in La Macarena, a longtime guerrilla rearguard about 200 miles south of the capital. On paper, the program, called "Integrated Action" or "Consolidation," sought to apply some of the lessons of Plan Patriota's shortcomings — and of the U.S. Army's newly published counterinsurgency manual — by putting more emphasis on winning over the population and establishing a civilian state presence.

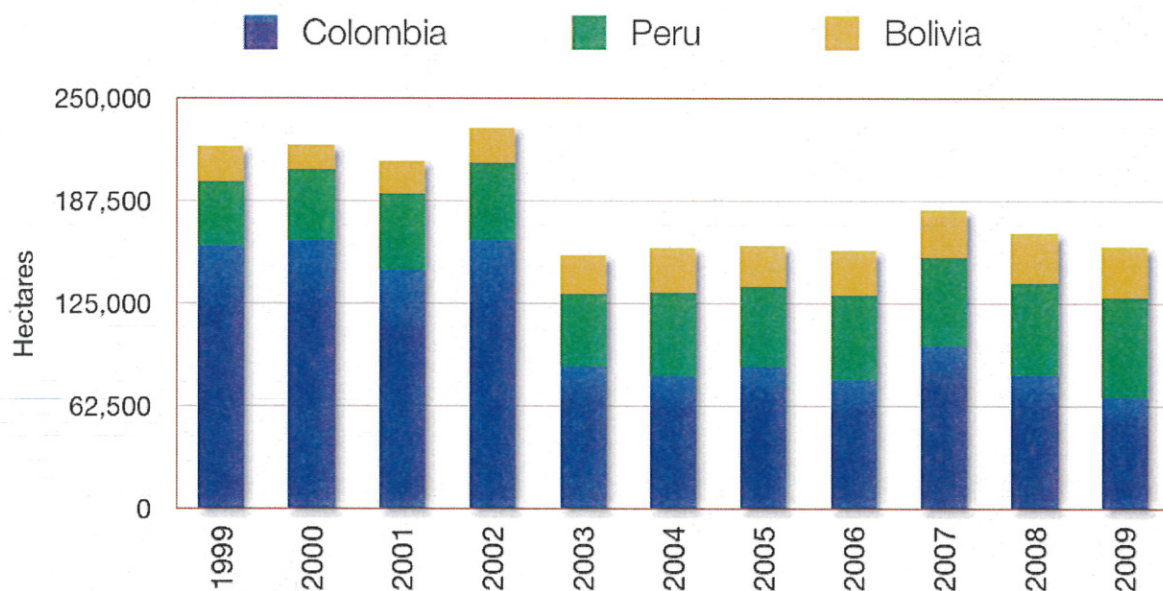
Here, and soon after in several other ungoverned zones around the country, the "Consolidation" plan has sought to introduce a government first through military force and then, in a phased, coordinated way as security conditions allow, by bringing in other, civilian government agencies. In La Macarena this has meant a beefed-up military presence, but also a large investment in infrastructure, development and food-security projects in "secured" areas.

"Consolidation" has a counternarcotics component. In La Macarena, this has principally been deployments of teams of manual eradicators, who pull coca plants out of the ground rather than fumigate from aircraft. The combination of manual eradication with better control of the territory has brought a sharp drop in coca-growing in La Macarena, which in turn has contributed to important post-2007 reductions in Colombia's overall coca-growing measures. In 2009, both aerial and manual eradication dropped by a combined 28 percent in Colombia, and fumigation was down by 39 percent from 2007 — yet coca-growing did not increase. UNODC, in fact, found a 16 percent single-year drop in 2009. It also estimates that Colombia's total cocaine tonnage dropped by 9 percent from 2008 to 2009, and almost a third from 2007 to 2009.

(Unfortunately, these reductions have been almost completely canceled out by measured increases in Bolivia and especially Peru. The “balloon effect” — the metaphor refers to squeezing part of a balloon, only to see the air expand elsewhere — remains fully operational as illegal drug suppliers work to meet a constant global demand.)

With all the caveats about the difficulty of measurement, the folly of extrapolating trends from short-term data, and the possible emergence of lagging indicators, the “Consolidation” concept is the first iteration of U.S. policy that has actually brought a reduction in Colombian cocaine supplies. The idea of bringing in a full state presence and governing territory with more than just a military occupation is showing promise.

In the Andes, Coca Cultivation is Steady since 2003



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Colombia	160,100	163,300	144,800	163,300	86,000	80,000	86,000	78,000	99,000	81,000	68,000
Peru	38,700	43,400	46,200	46,700	44,200	50,300	48,200	51,400	53,700	56,100	59,900
Bolivia	21,800	14,600	19,900	21,600	23,600	27,700	25,400	27,500	28,900	30,500	30,900
Total	222,599	223,300	212,901	233,602	155,803	160,004	161,605	158,906	183,607	169,608	160,809

Source: UN Office on Drugs and Crime.

This is not to say that “Consolidation” doesn’t have serious flaws, or even that it is beyond danger of failure. Civilian ministries and government agencies have been very slow to arrive in “consolidation” zones like La Macarena; if that does not change, the government presence could resemble martial law, with soldiers playing a host of non-military roles. The justice system is almost totally absent, making it difficult to denounce, investigate or punish abuse or corruption. In some areas, the plan depends on cooperation from local politicians who may have a history of

collaboration with narcotraffickers and armed groups. In regions where land tenure lies at the heart of the conflict, land titling has been proceeding with excruciating slowness.⁸

And too often, manual eradication isn't being coordinated with food-security or development aid. When that happens, leaving coca-growing families with no way to feed themselves does great harm to the government's "hearts and minds" effort. As in Afghanistan's poppy-growing areas, it is counterinsurgency in reverse.

Mexico: a very long way to go

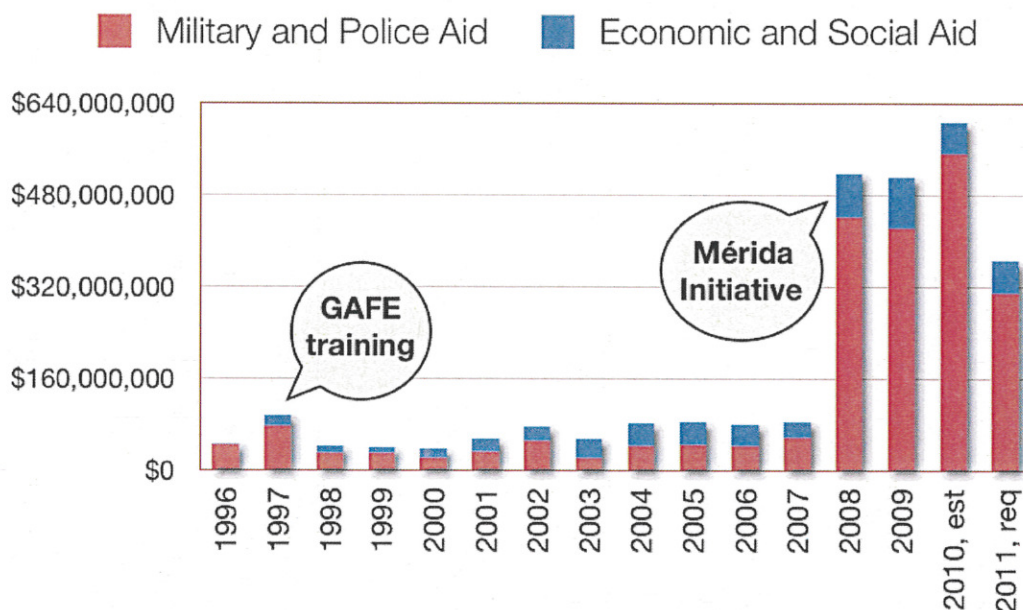
With its drug-related violence worsening for years and defying attempts to control it, Mexico often gets compared to Colombia. If anything, though, Mexico resembles the Colombia of twenty years ago, the heyday of the Medellín and Cali cartels.

Control of Mexico's drug-trafficking routes is disputed between at least seven principal cartels (Sinaloa, Beltrán Leyva, Gulf, Zetas, La Familia, Tijuana, Juárez) who occasionally cooperate and are frequently at war.⁹ All of them seek to co-opt and infiltrate the government, including the country's multitude of state, local and federal police forces. (Colombia, by contrast, has a single National Police force.) When that fails, they seek to get their way through intimidation and terror, just as Colombia's cartels did two decades ago, when their leaders faced the threat of extradition to the United States.

Many observers, then, recommend that Mexico adopt an anti-cartel strategy similar to that taken in Colombia during the governments of Virgilio Barco (1986-1990) and César Gaviria (1990-1994).¹⁰ They call for creating elite and highly vetted security-force units, sophisticated intelligence capabilities, and at least a portion of the justice system equipped to handle the problem. While Colombia's success against the cartels did not translate into success against cocaine supplies, it did at least weaken the big cartels that bore some resemblance to those Mexico faces today.

However, at least until very recently, Mexico was not following Colombia's early-1990s example. U.S. anti-drug cooperation in Mexico has had more than its share of setbacks, some of them embarrassing. In the late 1990s the U.S. government granted Mexico 72 Vietnam-era helicopters, which Mexico returned a few years later complaining of their very poor condition.¹¹ At the same time an ambitious U.S. Special Forces training program helped Mexico's Army create an elite corps of Air-Mobile Special Forces or GAFEs; some of these GAFE agents allegedly left military service and became founding members of the Zetas, who were once the Gulf cartel's feared private army and are now one of Mexico's largest criminal syndicates.¹² Meanwhile U.S. policymakers had to endure the embarrassing 1997 revelation that a top partner, Mexican "drug czar" Gen. José de Jesús Gutiérrez Rebollo, was in the pay of, and passing U.S. secrets to, the Juárez cartel.

U.S. Aid to Mexico



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010, est	2011, req
Military and Police Aid	42,968,117	75,244,000	27,567,000	27,636,135	20,110,891	30,256,054	45,911,195	19,673,473	41,530,303	43,085,121	39,885,915	55,163,435	439,707,991	419,938,127	550,000,000	306,370,277
Economic and Social Aid	2,741,000	20,068,000	12,632,000	10,467,000	17,312,000	22,680,000	25,700,000	33,198,000	39,651,000	39,593,000	37,523,000	28,663,000	75,807,000	89,361,000	51,458,000	55,925,850

Source: www.justf.org/Country?country=Mexico. 2010 amount is a rough estimate pending data in the July 2010 release of the International Narcotics and Law Enforcement Affairs Program and Budget Guide.

All the while, the problem worsened. As law-enforcement efforts battered Colombia's cartels, Mexico's narcos took control of the lucrative transshipment routes between Colombia and the United States. An estimated 90 percent of the cocaine entering the United States now goes through Mexico.¹³ Since December 2006, when Mexican President Felipe Calderón was inaugurated, drug-related violence has claimed nearly 24,000 lives in Mexico, while narcotraffickers have spawned parallel industries of kidnapping for ransom, extortion and contraband.¹⁴

Unlike Colombia's early-90s anti-cartel approach, President Calderón tried something that Colombia did not: he sent tens of thousands of Army troops into the cities and border zones under cartel influence, where they have been operating alongside the population, at times working with national police and often supplanting local police. The argument was that Mexico's police were outgunned and, in many jurisdictions, too corrupt to carry on the fight.

The U.S. government has generously aided President Calderón's strategy; since 2009 Mexico has actually surpassed Colombia as the hemisphere's number-one U.S. military and police aid recipient. In dollar terms, the vast bulk of aid under the Mérida Initiative has gone to Mexico's security forces, especially its army and navy. (It is perhaps more accurate to say it

“will go,” because most military hardware has yet to be received; in fact, as of May 2010 only \$159.2 million in Mérida aid, including training funds, had actually been delivered.¹⁵) However, a significant amount, especially training and equipment, is going to customs and migration agencies and to the justice system.

Three and a half years later, though, the militarization strategy has proved unsuccessful. Not only do drug flows remain robust, but violence levels continue to increase. Worse, with combat-trained soldiers operating alongside the population, complaints of human rights abuse have risen sharply. The Mexican government’s human rights ombudsman (CNDH) received 182 complaints of military human rights violations in 2006; by 2009 that number had risen to 1,791 and, in the first 6 months of 2010 the CNDH received more than 2,200 more.¹⁶ Almost none of these abuses is being investigated or prosecuted aggressively; nearly all cases, if they even become cases, are tried in Mexico’s military court system. Of the most serious human rights complaints, the military justice system has brought only one to a guilty verdict during the entire three and a half years of Calderón’s government.

The State Department must take this reality fully into account when it decides, probably this August, whether to certify that Mexico’s human rights performance is improving. The data show very clearly that it is not.

Faced with disappointing results so far, the Obama administration and the Calderón government are promising a significant shift in strategy. Now that appropriations from 2008 through 2010 have “front-loaded” most of the military and police hardware, the plan — often called “Mérida 2.0” — appears to be to shift resources in a less lethal direction, helping Mexico to reform its civilian security sector and its justice system. The Calderón government is shifting gears as well; as of April, for instance, the Army was significantly relieved of its primary role in Ciudad Juárez — the most violent city in the continent, perhaps the world — and replaced with the Federal Police and “new” municipal police force. The government is promising new programs to improve state services and provide economic opportunity in the embattled city.¹⁷

These efforts are promising on a rhetorical level. The “new” Mérida strategy appears to be moving away from the militarized direction of Calderón’s first three years, which did not bring a hoped-for reduction in violence. The strategy includes four pillars of assistance: “disruption and dismantling criminal organizations, institutionalizing the rule of law, building a 21st century border, and building strong and resilient communities.” This appears to recognize that the state presence needed in narco-trafficking zones is more than just a military presence. And the shift towards institutional reform, including implementing Mexico’s judicial reform, indicates that there is more focus than before on reducing impunity. This new direction is brand-new and barely under way, so its performance is still impossible to evaluate. But the rhetoric, at least, indicates that learning is taking place.

Lessons for U.S. Policy

The experience of U.S. cocaine supply-reduction efforts in Colombia and Mexico is frustrating. But it also offers some compelling lessons for how to go forward from here.

The first is that the United States must do far more than it is currently doing to reduce our own demand for illegal drugs. Most research points toward expanded access to treatment as the most effective way to do this. The new National Drug Control Strategy seeks to place a greater priority on drug treatment programs; let's hope that this translates into greatly increased resources in future budgets.

In Latin America, the subject of this hearing, the lessons point toward many initiatives that can be brought together in two broad categories: strengthening states and reducing impunity. While these sound a bit like academic jargon terms, they deserve a closer look.

Strengthening states

Colombia and Mexico make clear that counternarcotics efforts cannot prosper in a vacuum of government presence. Whether that vacuum is a wild jungle coca-growing area or a gang-ridden urban slum, drug trafficking — as well as other types of organized crime, and even insurgency — will prosper without a state in place to provide a series of public goods that U.S. citizens are fortunate enough to take for granted.

These go beyond just security. Past U.S.-funded programs have confused “state presence” with “military presence.” Of course, as early alternative development programs in Colombia found, it is futile to set up ambitious economic-aid programs in insecure zones. But military occupations also fail when the civilian part of the government fails to show up: the part that provides public goods like property rights, equal protection under law, farm-to-market roads, access to health, education, clean water, a stable financial system.

Bringing civilian agencies to an ungoverned zone means quickly carrying out activities that bring tangible improvements to the population's well-being. Putting alternative livelihoods in place — focusing on development first — can not only “jump-start” the establishment of a civilian state presence, it can make unnecessary the kind of confrontational forced eradication programs that undermine the popular support on which the state presence depends.

The governments of Mexico and Colombia claim to want to go in this direction, and are increasing their own investment. The “Consolidation” plan in Colombia appears to get this — on paper at least. But moving from military to civilian governance is proving difficult and slow.

The only obstacle to these programs' civilianization should be security. Any other reason — especially civilian agencies' lack of budgets, capacities, coordination or political will — is inexcusable and must be remedied immediately.

Impunity

Strengthening state presence alone — even civilian state presence — is not enough if it doesn't include the presence of a strong and credible judicial system. Human rights abuses are a big risk in historically lawless areas where force is being applied. Meanwhile narcotrafficking and other criminal organizations are constantly seeking to corrupt government representatives, both civilian and military, and if the risk of detection and punishment is low, officials will easily be corrupted.

If a government acts abusively or corruptly toward the population, and does so without fear of judicial punishment, then the population will not support that government. If a judicial system is in place to ensure that nobody is above the law, quickly and transparently investigating and trying even those with money and guns, then the state presence will be seen as legitimate and will be far more likely to take root. Human rights concerns would also recede; if abuses are being systematically tried and punished, then conditions in U.S. law would not pose an obstacle to aid flows.

In Colombia, the “Consolidation” plan has done little so far to bring the country's overstretched, underfunded but relatively professional judicial system into new, previously ungoverned areas. In Mexico, a thorough overhaul of the judicial system appears to lie at the heart of President Calderón's plans and the “new” Mérida aid framework, although only 13 of Mexico's 31 states have even begun taking steps to implement a judicial reform law passed in 2008. It remains to be seen whether this goal will actually get the vast resources and political backing it deserves. The same goes for community-based violence prevention programs, which are badly needed and should be expanded significantly.

When the United States does provide judicial aid, this must go well beyond capacity-building programs or transitions to oral trial systems, though those are important. Judges, prosecutors, investigators and witnesses need credible guarantees of their own security. Judicial, prosecutorial and investigative bodies need greatly increased manpower to reduce caseloads. And investigators badly need technology: databases, data security, crime labs, DNA and forensic abilities, and much more. The U.S. government can help the region's justice systems meet all of these needs.

The U.S. government role

This “strengthening states without impunity” framework may be the best approach for reducing illegal drug supplies — or at least for moving illegal drug supplies into nations that have weaker states and greater impunity. However, there is little specifically “counternarcotic” about trying to help partner nations establish strong civilian states and justice systems.

In fact, this is a direction that the past twenty years of U.S. drug policy has sought to avoid taking. Put plainly, it is “nation-building.” It is costly and requires a long-term commitment. It depends on a shared vision, energy and willingness to sacrifice on the part of local elites. (If local elites are not interested in governing their territory, the best the United States can hope to do is contain the problem through heightened interdiction — not forced eradication, which has proven to be counterproductive.)

This sort of commitment is daunting, and for years the U.S. government sought cheaper shortcuts that appeared to offer greater “bang for the buck,” with aerial herbicide fumigation the classic example. Today, however — whether in Afghanistan, Colombia’s “Consolidation” zones, or northern Mexico — it is becoming ever more apparent that there are no shortcuts.

But if the goal is to help build strong civilian states without impunity, is the U.S. government “set up” to help? The agencies that provide the greatest amount of aid to Latin America, the State Department’s International Narcotics and Law Enforcement Affairs bureau and the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats, are counternarcotics agencies, not governance-and-development agencies. And one of the principal White House offices providing policy direction, the Office of National Drug Control Policy, is also limited to a narrower counter-drug mandate.

These agencies, plus the Drug Enforcement Administration, have important contributions to make in roles ranging from interdiction to foreign demand reduction to assistance in taking down organized crime. But in a “strengthening states without impunity” environment, their role must be part of a much bigger effort, and not the bulk of the effort as it has been for the past decade. The ironic but unavoidable reality is that, in order truly to reduce drug supplies, the supply-reduction agencies’ role may have to be reduced to a supporting role subordinated to a larger, more complex, longer-term governance effort.

The natural lead agency for civilian governance aid would be the U.S. Agency for International Development, which already implements such assistance worldwide. Judicial reform assistance is the purview of USAID and the Department of Justice. In Colombia, Mexico and elsewhere, such aid in the past has often been channeled to USAID and USDOJ first through the State Department’s International Narcotics Control and Law Enforcement (INCLE) account; this practice is unnecessary, however, and adds an extra layer of bureaucratic approval that slows delivery of aid.

If the U.S. government moves in this direction, what will happen? Expanding the amount of governed territory and strengthening the rule of law in Colombia and Mexico could, over the course of several years, make those countries less hospitable to cocaine supplies (among other benefits ranging from an improved human rights climate to an improved investment climate).

But demand for cocaine, in the United States and globally, is likely to remain stable. The “balloon effect” dictates that supply will likely move to other countries with weaker governance and greater impunity. Already, recent reductions in Colombian cocaine production are being undercut by increases in ungoverned territories of Peru (particularly the Ene and Apurímac valleys) and Bolivia (especially the Yungas de La Paz). Pressure applied in Mexico is causing criminality to worsen in the smaller, weaker states of Central America.

We must be vigilant about where the trade is migrating, and start working proactively with those governments to strengthen their own capacities. Again, ONDCP and other counter-drug agencies will have an important role to play. But from now on it must be a supporting role, in terms of both policy and resources.

¹ To see this program, and see how the statistics in the next paragraph are derived, visit “Just the Facts,” www.justf.org, the regional security monitoring website maintained by WOLA, the Center for International Policy, and the Latin America Working Group.

² UN Office on Drugs and Crime, “Divergent coca crop cultivation trends in the Andean countries” (Vienna: UNODC, June 22, 2010) <<http://www.unodc.org/unodc/en/frontpage/2010/June/divergent-coca-cultivation-trends-in-the-andean-countries.html>>.

³ United States Southern Command, “Posture Statement of General Douglas M. Fraser, United States Air Force, Commander, U.S. Southern Command, Before the 111th Congress House Armed Services Committee” (Washington: U.S. House of Representatives, March 18, 2010): 8 <http://armedservices.house.gov/pdfs/FC031810/Fraser_Testimony031810.pdf>.

⁴ UN Office on Drugs and Crime, *World Drug Report 2009* (Vienna, UNODC: 2009) <<http://www.unodc.org/unodc/en/data-and-analysis/WDR-2009.html>>.

⁵ United States, White House Office of National Drug Control Policy, *The President’s National Drug Control Strategy 2010* (Washington: ONDCP, 2010): 77 <<http://www.ondcp.gov/publications/policy/ndcs10/index.html>>.

⁶ United States, White House Office of National Drug Control Policy, “Targeting Cocaine at the Source” (Washington: ONDCP, 2008) <http://www.whitehousedrugpolicy.gov/publications/international/factsht/target_cocaine_src.html>.

⁷ UN Office on Drugs and Crime, “Divergent coca crop cultivation trends in the Andean countries” (Vienna: UNODC, June 22, 2010) <<http://www.unodc.org/unodc/en/frontpage/2010/June/divergent-coca-cultivation-trends-in-the-andean-countries.html>>.

⁸ For a fuller discussion of “Consolidation,” see:

Adam Isacson and Abigail Poe, “After Plan Colombia: Evaluating ‘Integrated Action,’ the next phase of U.S. assistance” (Washington: Center for International Policy, December 2009) <<http://justf.org/content/after-plan-colombia>>.

Coletta A. Youngers and John M. Walsh, “Development First: A More Humane and Promising Approach to Reducing Cultivation of Crops for Illicit Markets” (Washington: Washington Office on Latin America, March 2010) <http://www.wola.org/index.php?option=com_content&task=viewp&id=1073&Itemid=33>.

⁹ See the interactive map of approximate cartel territory posted recently to the website of National Public Radio at <http://www.npr.org/templates/story/story.php?storyId=126890893>.

¹⁰ See, for instance, Robert C. Bonner, “The New Cocaine Cowboys,” *Foreign Affairs* (July/August 2010) <<http://www.foreignaffairs.com/articles/66472/robert-c-bonner/the-new-cocaine-cowboys>>; Vanda Felbab-Brown, *The Violent Drug Market in Mexico and Lessons from Colombia* (Washington: Brookings Institution, March 2009) <http://www.brookings.edu/~media/Files/rc/papers/2009/03_mexico_drug_market_felbabbrown/03_mexico_drug_market_felbabbrown.pdf>.

¹¹ Associated Press, “Mexico returns helicopters to U.S.” (October 5, 1999) <<http://www.helis.com/news/1999/mexret.htm>>.

¹² Alejandro Suverza, “‘Los Zetas’ se salen de control,” *El Universal* (Mexico City, January 12, 2008) <<http://www.eluniversal.com.mx/nacion/156964.html>>.

¹³ United States, Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report* (Washington: Department of State, March 2008) <<http://www.state.gov/p/inl/rls/nrcrpt/2008/vol1/html/100777.htm>>.

¹⁴ Cable News Network, “Government: More than 22,000 dead in Mexico drug war” (April 14, 2010) <<http://news.blogs.cnn.com/2010/04/14/government-more-than-22000-dead-in-mexico-drug-war/>>.

¹⁵ U.S. Senate, Committee on Foreign Relations, Common Enemy, Common Struggle: Progress in U.S.-Mexican Efforts to Defeat Organized Crime and Drug Trafficking (May 18, 2010): 23 <<http://www.justf.org/files/primarydocs/100518mx.pdf>>.

¹⁶ Washington Office on Latin America and six other organizations, Memorandum to the U.S. Department of State (May 26, 2010) <<http://www.wola.org/media/Mexico/2010/Merida%20Memo%20May%202010%20FINAL.pdf>>.

Agence France Presse, “Quejas contra militares han aumentado 300% en este año: CNDH” (July 8, 2010) <<http://www.jornada.unam.mx/ultimas/2010/07/08/aumentaron-300-denuncias-en-mexico-por-dh-contra-militares-cndh>>.

¹⁷ Ken Ellingwood, “Mexico takes different tack on Juarez violence,” The Los Angeles Times (Los Angeles: July 12, 2010) <<http://www.latimes.com/news/nationworld/world/la-fg-mexico-juarez-20100713,0,249625.story>>.