



James A. Baker III Institute for Public Policy  
Rice University

## Moving Beyond the “War on Drugs”

Drugs, Democracy, and the Andean Crisis

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PRESENTED AT THE DRUG POLICY CONFERENCE  
RICE UNIVERSITY - APRIL 10-11, 2002

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## **Drugs, Democracy, and the Andean Crisis**

Drug trafficking has tremendous consequences in Latin America: distorting local economies, fueling political violence, and corrupting and weakening local and national governments. Drug use, which had previously been a minor concern in Latin America, has become a serious problem in some major urban areas. As the world's largest consumer of illicit drugs, the United States also suffers the consequences of drug abuse and drug-related violence. Thus, there is no question that the United States has a legitimate interest in working with its neighbors in Latin America to develop effective drug control policies. Yet, the United States has imposed a hard-line law enforcement drug control strategy on source and transit countries in Latin America, an approach that has not been successful to date and has caused significant collateral damage. This paper will provide an overview of the impacts of current international anti-drug efforts and the debate in Washington about funding for such efforts. The paper will further examine two cases in which U.S. policy has exacerbated the effects of the drug problem, social conflict in the coca-growing regions of Bolivia, and environmental destruction associated with drug cultivation and eradication in Colombia.

### **Dictating the Terms: Militarization of the “War on Drugs”**

The U.S. government's “war on drugs” has forced Latin American security forces to take the lead in combating illicit drugs. Through the annual drug certification process, the United States essentially issues a report card on other countries' performance on bilateral counternarcotics agreements. Those countries, which are “decertified” for noncompliance, are subject to a cut-off of all assistance with the exception of anti-narcotic and humanitarian aid, as well as other sanctions. Clinton Administration officials considered the annual ritual to be a “major source of foreign policy friction,” as many leaders resented the unilateral judgment, which did not address the United States' demand for illicit drugs. The certification process was reformed slightly in 2001, largely due to the vocal opposition of Mexican President Vicente Fox, though it remains a key mechanism to ensure that other countries comply with the U.S. approach to drug control.<sup>1</sup>

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<sup>1</sup> Certification legislation was reformed slightly in 2001 in order to streamline the process, focus on countries that are out of compliance, and base the certification on international counterdrug standards.

This diplomatic and economic pressure has allowed the United States to impose militarized anti-drug strategies throughout Latin America and has made difficult any serious multilateral debate about alternative means to deal with the hemisphere's drug problem. The U.S. government prefers the military as their partner in drug control in certain countries, such as Mexico, where there were concerns about widespread corruption in the national police force. Millions of dollars in training and equipment for security forces in Latin America place those forces in a central internal-security role just as fledgling democracies in the region are trying to rein them in and limit their role in domestic affairs.

This policy has also led to an increase in human rights violations, and, in some areas, has exacerbated existing political violence because the United States has allied itself with security forces involved in atrocities against civilians. For years, the United States provided counterdrug aid to Peru's National Intelligence Service (SIN), despite its role in death-squad activities and a 1992 presidential coup. Widespread corruption within the SIN was a major factor in President Fujimori's dramatic fall from power in 2000. In Bolivia, U.S. assistance to the Bolivian military and counterdrug police has generated a series of conflicts between coca-growers and security forces, increasing violence and abuses in the coca-growing region. In Colombia, the United States continues to provide military hardware, training, and intelligence to the Colombian military despite overwhelming evidence that sections of the Colombian military collaborate closely with illegal, right-wing paramilitary groups that are responsible for the majority of human rights violations in the country.

### **Fueling Failure**

In the past decade, the United States has spent more than \$25 billion in efforts to curb the flow of drugs to this country. These efforts aim to curb illicit drug consumption by driving up the price of drugs through limiting their availability. The United States has implemented two strategies to achieve this goal: interdiction programs aimed at seizing drugs while in transit; and eradication programs, which attempt to eliminate drug production at its source by destroying drug labs and attempting to eliminate illicit crops used to make drugs. These efforts have not had the desired

impact on price, availability, or purity of illicit drugs. The White House Office of National Drug Control Policy reports that cocaine is still readily available in the United States and at higher purity and lower prices than ever.<sup>2</sup>

The Andes region is the principal source of cocaine entering the United States, and after Colombia entered into the heroin trade, it became an important supplier of the drug to the eastern United States. Since 1989, when the first Bush administration launched its Andean Strategy, there has been an increasing focus on source-country drug-control. Bush's initiative, a \$2.2 billion five-year-plan to stop cocaine at its source, marked the first attempt by the United States to involve Andean militaries in the "war on drugs."

U.S. efforts to attack cocaine at its source in the Andes region have resulted in minor reductions of overall coca cultivation and major shifts in production. In the past decade, the State Department reports a 16% decrease in coca cultivation (though their most recent report notes some resurgence in Peru and Bolivia and does not include data for Colombia). In the late 1990s, the United States reported significant coca reductions in Peru and most dramatically in Bolivia where the government succeeded in reducing cultivation by 70% between 1997 and 2000. At this same time, coca cultivation in Colombia increased 150%.<sup>3</sup>

U.S. officials attribute the decreases in Bolivia and Peru in part to the success of a U.S.-funded aerial interdiction program known as the "air bridge denial," which began in 1993 under the Clinton administration, blocking important drug trafficking routes between northern Peru and Colombia.<sup>4</sup> This made it far more costly for traffickers to transport coca paste from Peru and Bolivia to Colombia - where it is refined into cocaine - because they had to move to land and water routes. During this same period, there were also major changes in drug trafficking organizations in Colombia due to the breakup of the Medellín and Cali cartels in the mid-1990s, which led to creation of smaller vertically-integrated drug production and trafficking networks in Colombia.

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<sup>2</sup> ONDCP, Annual Strategy Report, 2001.

<sup>3</sup> State Department International Narcotics Control Strategy Report, March 2001.

<sup>4</sup> This program suspended in April 2001, after an American citizen, Veronica Bowers, and her infant daughter were killed when their plane was erroneously shot-down as a suspected drug trafficking flight.

Because of the constant demand for illicit drugs and the enormous profits they reap, drug traffickers and producers have responded to U.S. interdiction and eradication efforts by shifting production and creating new trafficking routes. A policy that results in such dramatic shifts is not only ineffective, it is dangerous and spreads the corrosive effects of the illicit drug industry to other regions. As drug production and trafficking move to new areas, so do the criminal networks and political violence associated with the illicit drug trade. In addition, as one evaluates the shifts in coca production in the late 1990s, it is important to consider that the negative environmental impacts of drug cultivation and production shifted to new areas as well.

An annual country-by-country review of U.S. military assistance to Latin America conducted by the Latin America Working Group and the Center for International Policy raises another important issue regarding the U.S. response to the ever-changing drug industry. The report notes that the focus of U.S. military training and provision of equipment responds to changes in the drug industry and each administration's priorities. The organizations express concern that U.S. efforts are increasing military strength throughout Latin America, giving little thought to fact that as the "war on drugs" moves to a new front, it leaves in its wake heavily equipped and trained forces with no clear mission and often no secure structure of civilian oversight.<sup>5</sup>

Though there are many indications that the United States should take a step back and reorient its source-country counternarcotics programs, the tendency of both the Clinton and Bush administrations has been to add more resources to these programs. According to the White House Office of National Drug Control Policy, between 1994 and 2001 spending on international drug control increased by 175%, and spending on interdiction increased by 68%, while spending on treatment programs, deemed to be the most cost-effective method of drug control, increased by only 41% during that same period.<sup>6</sup>

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<sup>5</sup> Latin American Working Group and the Center for International Policy, *Just the Facts*, 2001.

<sup>6</sup> Office of National Drug Control Policy Website, [www.whitehousedrugpolicy.org](http://www.whitehousedrugpolicy.org).

## The Current Debate

In recent years, the annual consideration of counterdrug budget requests has generated significant debate in Congress regarding the efficacy of U.S. anti-drug efforts and their impact on human rights. In 2000, the Clinton administration approved a \$1.3 billion emergency aid package, the bulk of which was to support Plan Colombia - a strategy developed by the Colombian government in consultation with Clinton officials - which would combat drugs and strengthen Colombian government institutions. The Plan was also designed to focus on advancing peace negotiations between the Colombian government and the two main guerrilla groups in Colombia, the FARC (the Revolutionary Armed Forces of Colombia) and the ELN (the National Liberation Army). The centerpiece of U.S. assistance for Plan Colombia included equipment and training for Colombian military battalions to lead a “Push into Southern Colombia,” and to provide military support for anti-drug planes that spray herbicides over coca and poppy crops, the basic materials used to produce heroin and cocaine. The largest expenditure in this aid package was \$328 million to provide 60 Blackhawk and Huey helicopters to the counternarcotics battalions and to the Colombian National Police.<sup>7</sup>

The 2000 U.S. assistance package also included funding for social and economic programs in Colombia, such as alternative development, aid for the displaced, support for the attorney general’s office, as well as funding for counterdrug efforts in neighboring countries. Eighty-five percent of the funding provided to Colombia by the U.S. in 2000 was earmarked for security forces. In addition, international funding for Plan Colombia fell short of requests, largely because donors like the European Union (E.U.) were uncomfortable with the military approach emphasized by the United States. This, coupled with delays in delivering social and economic aid, has meant that of all the proposed programs under the original Plan Colombia, the bulk of the programs that have been implemented to date are those counterdrug operations financed by the United States.

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<sup>7</sup> The Clinton Administration thwarted Congressional intent by invoking a national security waiver, which allowed the Administration to deliver the military aid to Colombia in 2000, despite the Colombian government’s failure to meet any of the human rights requirements stipulated in the foreign operations law.

In 2001, the Bush administration attempted to address some critics of Plan Colombia's military emphasis in its presentation of the Andean Regional Initiative (ARI), a proposed \$882 million aid package that continues U.S. support for Plan Colombia, and anti-drug aid to Brazil, Bolivia, Peru, Panama, Ecuador, and Venezuela. The Administration highlighted the fact that they were providing additional resources to neighboring countries in order to deal with the likely spillover of drug production and political violence. The budget allocations for Peru, Bolivia, and Ecuador were more than double the amount the United States spent on counternarcotics programs in those countries prior to the launch of Plan Colombia. Governments in the region have been public in their concerns about the spillover effects of Plan Colombia and have stepped up lobbying efforts in Washington for increased aid. The Administration also noted that they were working towards a more balanced approach by proposing a fifty-fifty split between social and economic assistance and aid to security forces in the State Department's budget. However, including resources channeled through the Department of Defense budget, more than 70% of the U.S. aid to Colombia in 2002 was earmarked for security forces once again.

The ARI became the most controversial aspect of the 2002 U.S. foreign aid debate with members of Congress, which raised concerns about human rights, the failure to implement alternative development programs, and claims of health and environmental damage caused by aerial defoliation programs. The House of Representatives defeated an effort by the administration to remove the limit on the number of U.S. military personnel and contractors allowed on the ground in Colombia by agreeing to an overall cap of 800 individuals and allowing the administration more flexibility regarding the breakdown between private contractors and military personnel. The Congress trimmed roughly \$100 million from the original request and, once again, conditioned aid to the Colombian military on progress on human rights.<sup>8</sup> The debate revealed bipartisan recognition that alternative development assistance had arrived too slowly, and that such programs are critical to curbing the spread of illicit cultivation and to ensuring that local populations are not displaced due to the loss of livelihood. Despite the administration's pronouncements regarding the safety of aerial defoliation programs, they opposed efforts by the

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<sup>8</sup> The Bush Administration certified that the Colombian government had met Congressional human rights requirements and approved the delivery of military aid in May 2002. The decision was contested by Human Rights Watch, Amnesty International, and the Washington Office on Latin America in a report detailing the Colombian



Senate to withhold funds for the purchase of chemicals until they could certify that they were being used according to the manufacturer's and the Environmental Protection Agency's guidelines.

Many within the U.S. government have argued for years that the United States should play a more direct role in assisting the Colombian government's counterinsurgency efforts. Because members of Congress have feared that the United States will be drawn into Colombia's civil conflict, U.S. assistance has been limited to counterdrug programs to date. Since September 11, policymakers have been quick to highlight the need to step up efforts to attack the illicit drug trade - a key source of funds for terrorist organizations. The main armed actors in Colombia, the FARC, ELN, and AUC (the United Self-Defense Forces of Colombia) are all designated as terrorist organizations by the U.S. State Department, leading hardliners such as Senator Zel Miller (D-GA) to argue for anti-terrorist assistance for Colombia, "the most dangerous country in the world." Though administration officials have been careful to distinguish the Colombian case from those terrorist networks with international reach currently being targeted militarily by the United States, they have included FARC in the same category with terrorist organizations such as the Al Qaeda network because they profit from the drug trade. Colombia President Andres Pastrana visited Washington in mid-November 2001, urging members of Congress to eliminate the anti-drug restrictions on U.S. military aid.

The Bush administration responded to the request by including "counter-terrorism" assistance for the Colombian military as part of a broader 2002 emergency supplemental budget request of \$27.1 billion to support the "war on terrorism." The request includes \$35 million for Colombia in counternarcotics police assistance, funding for anti-kidnapping units, and foreign military financing. The bill proposes that the mission of U.S. aid be expanded to "a unified campaign against narcotics trafficking, terrorist activities, and other threats to national security." The request has been approved by the House of Representatives and awaits Senate approval. The 2003 budget request for the ARI totals \$731 million. Of that, the Administration has earmarked \$439 million for Colombia, more than half of which is directed at Colombian security forces.

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government's failure to comply with the standards and cut ties between the military and paramilitary forces. See the Human Rights Watch website, [www.hrw.org](http://www.hrw.org).

The proposed aid to Colombia includes \$98 million to train and equip a Colombian military brigade to protect the Caño Limón pipeline, a move long advocated by Occidental Petroleum, a Los Angeles-based company whose operations are constantly interrupted by guerrilla attacks.<sup>9</sup> The package is likely to be approved by the fall of 2002, though it will come under fire from those in Congress who oppose U.S. military involvement in Colombia's civil war.

### **The War on Drugs in Bolivia: Igniting a Cycle of Social Conflict**

Though Congressional debate regarding international drug control spending has focused primarily on Colombia, the collateral damage of the "war on drugs" is perhaps most apparent in Bolivia, where there are no murky lines between counterdrug and counterinsurgency operations. Bolivia is a highly indebted country, heavily reliant on international aid. U.S.-Bolivia relations are focused almost entirely on the drug issue and are driven by the annual drug certification process. Though U.S. objectives toward Bolivia also include strengthening democratic institutions and promoting economic development, anti-drug objectives normally overshadow these other important U.S. interests.

Bolivia is the poorest country in the Andes region and has the largest indigenous population. It is important to understand that coca, the base plant that is processed with a series of chemicals to make cocaine, has tremendous cultural importance in Bolivia. Coca has been grown in the Andes for thousands of years, and is still used today in Bolivia and Peru for rituals, ceremonies, and in products such as teas, toothpastes, and wine. It is most commonly chewed by peasant farmers, miners, and laborers in order to stave off hunger and drowsiness during the work day. The traditional use of the unprocessed coca leaf is not addictive, nor does it take on psychotropic properties until it has been processed into cocaine.

Coca is still legally sold in Bolivia for traditional purposes. Bolivia's current counternarcotics legislation, the Law of Coca and Controlled Substances (known as Law 1008), has been in effect since 1989. Passed under strong pressure from the United States, the law designates certain regions as legal zones for coca production for traditional purposes and stipulates that other areas

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<sup>9</sup> Center for International Policy website, [www.ciponline.org/colombia/aid03.htm](http://www.ciponline.org/colombia/aid03.htm).

be subject to eradication of crops destined for illicit use. Eradication efforts have been focused primarily in the Chapare region, though, in recent years, the Bolivian government has begun to attempt coca eradication in the Yungas de La Paz, a region in which coca was traditionally thought to be destined primarily for traditional use.

The principal coca-growing region, the Chapare, is home to approximately 35,000 coca-growing families who make a subsistence wage from growing coca. The growers have a highly organized confederation of unions, and the unions have a tremendous level of influence in the region and are capable of mobilizing massive protests. Because of their resistance to U.S.-imposed coca eradication efforts, the drug issue is a dominant issue of the national debate in Bolivia.

U.S. officials have heralded Bolivia as a counterdrug success because during 1997-2000, the Banzer government in Bolivia succeeded in reducing coca cultivation by about 70%. The Banzer government achieved such dramatic results through an aggressive U.S.-financed anti-drug effort, called the “Dignity Plan” in which the government promised to remove Bolivia from the coca-cocaine circuit by 2002. It involved the Bolivian military in the eradication efforts, a proposal that had been rejected by several previous Bolivian administrations. Even after the Banzer government declared in 2000 that it had eliminated all excess coca in the Chapare region, both Bolivian and U.S. government officials asserted that a continued military presence in the Chapare region would be necessary for an indefinite period in order to secure the region. The Bolivian government also carried out a successful law enforcement effort to interdict precursor chemicals used to make cocaine. By limiting the supply of key chemicals, they forced traffickers to use alternate substances, which decreased the quality and price of Bolivian cocaine.

In March 2002, the State Department reported that Bolivia had experienced a resurgence in coca cultivation as farmers replanted crops, and eradication efforts were suspended due to social conflict.<sup>10</sup> They also noted that traffickers had adjusted to the limited supply of chemicals, and that Bolivia was becoming a key trafficking route for Peruvian cocaine. It now appears that the Bolivian government’s December 2000 announcement regarding the elimination of all excess coca in the Chapare region was premature. The government admitted shortly after the

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<sup>10</sup> State Department, International Narcotics Strategy Control Report, March 2002

announcement that it had discovered an additional 600 hectares of coca, that, during 2001, an additional 6,000 hectares were eradicated, and at least 4,000 more remain.<sup>11</sup>

In examining the lessons from the effort in Bolivia, it becomes clear that a key question is whether the Bolivian eradication “success” can be sustained. There are already early indications that long-term success will be elusive. Though the jury may still be out on whether these programs are effective in the long-run, there is overwhelming evidence that U.S.-funded anti-drug efforts in Bolivia are causing tremendous social unrest.

U.S.-funded anti-drug efforts in Bolivia disproportionately target the poor as efforts focus on peasant coca farmers, rather than those who are profiting most from the drug trade. Coca farmers do not get rich from cultivating coca, yet they continue to grow the crop despite the legal consequences associated with it because it is preferable to many of the other crops that could be grown in the region for several reasons. Coca can be harvested four times per year and grows in poor soils not suited for other products. There is a secure market for coca that allows farmers a steady subsistence wage, and coca can be easily transported to the market. Alternative crops take several years of lead time in order to produce a profit (two years for pineapple, eight years for citrus, 10 years for forestry projects), and, in many cases, farmers have found insufficient or incredibly volatile markets for the alternative crops they were instructed to grow.<sup>12</sup> Farmers also report the lack of processing facilities and transportation as an impediment in switching to alternative crops.

A Government Accounting Office study, released in February 2002, found that eradication efforts in Bolivia in the late 1990’s had outpaced alternative development assistance, “leaving peasant farmers with bare fields and no immediate source of income.”<sup>13</sup> Though the U.S. Agency for International Development stepped up assistance programs, the State Department

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<sup>11</sup> Andean Information Network/Washington Office on Latin America, Bolivia Brief, Spring 2002.

<sup>12</sup> Interviews conducted by Gina Amatangelo for WOLA, November 2000.

<sup>13</sup> GAO Report, Drug Control, Efforts to Develop Alternatives to Cultivating Illicit Crops in Colombia Have Made Little Progress and Face Serious Obstacles, February 2002.

reports that programs have assisted 16,167 farming families<sup>14</sup>, slightly more than half of the 35,000 families in the region that have been impacted by forced eradication.<sup>15</sup>

It is by no means an easy undertaking to transform the economic base of a region that has been driven by an illicit economy. However, after two decades of international investment in alternative development programs, Bolivia only exports 7% of alternative development crops, and poverty in the region remains a serious concern.<sup>16</sup> The U.S. State Department continuously points out that Chapare residents are better off than the rest of the peasants in the country, reporting that those families receiving USAID assistance earned an estimated income of \$1,700 per year from licit crops although the national average per capita income was \$1,000. Such arguments must be considered in light of the fact that 80% of the Bolivian population lives under the poverty line and that extreme poverty and rising malnutrition exist in the Chapare region. According to the Andean Information Network, there is a 40% rate of childhood malnutrition in the Chapare region and an infant mortality rate of 180 deaths per 1,000 children. Observers in the Chapare note that there has been an increased use of coca as an appetite suppressant in the region due to economic difficulties and lack of food security. During recent conflicts, many of the wounded have shown signs of acute malnutrition.<sup>17</sup> If eradication efforts are to be sustainable, measures of economic development and the provision of basic human need must be central in the U.S. and Bolivian governments' evaluation of success.

During the same period of eradication success and increased economic hardship for the farmers, the Bolivian economy went through a severe recession, which many attributed to the loss of up to \$700 million in illicit income from the drug trade.<sup>18</sup> There was widespread conflict in September and October 2000, and coca growers, national unions, and indigenous groups coordinated nationwide protests, all placing separate demands on the Banzer government. Demands from the coca growers focused on improving alternative development, rejecting a

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<sup>14</sup> State Department International Narcotics Strategy Control Report, March 2002.

<sup>15</sup> Andean Information Network/Washington Office on Latin America, Bolivia Brief, Spring 2002.

<sup>16</sup> Presentation by Kevin Healy, George Washington University, State Department conference, "Lessons Learned from Bolivia's Counterdrug Success," August 2001.

<sup>17</sup> Presentation by Kathryn Ledebur, Andean Information Network, State Department conference, "Lessons Learned from Bolivia's Counterdrug Success", August 2001.

<sup>18</sup> Presentation by Eduardo Gamara, Florida International University, presentation, State Department conference, "Lessons Learned from Bolivia's Counterdrug Success", August 2001.

permanent military presence, and securing respect for human rights. A particularly contentious demand was that each family in the Chapare be allowed to grow a minimal amount of coca, which, they asserted, would be for traditional consumption.

The coca growers wreaked havoc in the country by shutting down major highways for more than a month. Food supplies rotted on trucks, and commerce ceased for weeks, having tremendous economic consequences for the country. The Bolivian military responded with excessive use of force, firing indiscriminately into crowds of protestors. Human rights groups on the ground reported that two civilians were killed, 78 wounded, 48 illegally detained, and 16 tortured during this conflict in 2000. Five members of the security forces and one of their wives were later found dead.<sup>19</sup> While coca growers were tried for the deaths of the security forces, no serious official investigations were conducted into the civilian deaths.

One of the key issues in the conflict has been the presence of the military and a subsequent increase in human rights violations. Current estimates suggest that there are 4,200 soldiers in the Chapare at any given time. Members of the U.S.-funded anti-drug police and the joint military-police task force carry out massive anti-drug sweeps where hundreds of individuals may be detained at a time. The security forces systematically carry out arbitrary arrests, and Amnesty International has documented that detainees are frequently beaten or tortured while in detention and then later released.<sup>20</sup> Arrests often deliberately target those individuals who are involved in union activity. Security forces are rarely held accountable for their actions, and the State Department has reported that forces in the region operate in a climate of “near total impunity.”<sup>21</sup> Despite this, the U.S. State Department has consistently failed to invoke the Leahy Law, a U.S. provision, which prohibits funds to security force units credibly alleged to have committed human rights violations until the individual responsible has been brought to justice.

In September 2001, the cycle of conflict and violence in the Chapare region again came to a head. The coca producers began to surround the security forces’ eradication camps in order to impede the troops’ access to fields where coca had been replanted. The growers asserted that

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<sup>19</sup> Andean Information Network website, [www.scbbs-bo.com/ain](http://www.scbbs-bo.com/ain).

<sup>20</sup> Amnesty International, “Bolivia: Torture and Ill-Treatment”, August 18, 2001.

they had adopted this aggressive strategy in response to the failure of alternative development programs to assist the families affected by eradication. They also cited concerns regarding the government's failure to comply with previous agreements signed with the growers' federations. They demanded demilitarization of the Chapare region and economic compensation for individual victims of the conflict.

On December 6, 2001, a group of peasants piled rotting alternative crops on the side of the road in Chimoré to protest the lack of markets for their goods; security forces arrived and sprayed tear gas on the retreating group. Eyewitnesses report that members of the security forces then detained and shot the leader of the Chimoré union, Casimiro Huanca, twice. He died that day. Soldiers also detained and shot another peasant in his right leg at close range, and he subsequently had to have his leg amputated. The individual responsible for the shootings, Jose Eladio Bora, was identified by a military investigation though no civilian investigation was conducted, and Bora has not been suspended from duty or tried. The State Department accepted the Bolivian official's version of the events, which claimed that Bora was acting in self-defense, though other available evidence contradicted this assertion. Despite the fact that 10 coca growers have been killed by security forces in the region since September 2001, the State Department has determined that suspension of funds to the units involved is not warranted in any of the cases.

In addition, the treatment of individuals detained on counterdrug charges has been a long-standing concern for human rights advocates. Law 1008 has been criticized by international human rights organizations as several of its provisions violate international standards for fair trials. The law establishes a parallel legal process for drug offenders by creating separate "controlled substance courts" in which the defendant's rights are restricted and the police's powers are expanded in the preparation of evidence for trial. The law requires that those detained on drug charges be held without the possibility of bail until the time of their trial. Until the law was reformed in 1996, individuals would be held in prison even after they had been acquitted while the case was appealed to two higher courts, establishing a process in which the

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<sup>21</sup> State Department Annual Human Rights Report, Bolivia, 2000.

accused was guilty until proven otherwise.<sup>22</sup> Recent judicial reforms have afforded defendants provisional liberty, though detainees assert that judges often deliberately set bail so high that defendants must remain in prison for months or even years until their case winds its way through the clogged Bolivian court system.<sup>23</sup>

Amnesty International recently reported that prison conditions in Bolivia amount to “cruel, inhuman, and degrading treatment.” Without provision of basic needs from the government, prisoners must rent their cells or sleep on an open patio. An Amnesty delegation discovered as many as 35 people of the same sex sleeping on the floor without beds or blankets. Inmates obtain food and necessities through internal prisoner cooperatives or family assistance. Conditions in holding cells in the coca-growing region are also reported to be overcrowded and inhumane, and individuals held on drug charges have reportedly been beaten and tortured.<sup>24</sup>

It is clear that in the coming years, coca will continue to be replanted in the Chapare region despite the presence of the military because of the lack of viable alternatives and the extreme poverty that persists in the region. In addition, as long as the Bolivian and U.S. governments continue to pursue a strategy based on forced eradication carried out by security forces, the conflict and violence in the region will continue to mount.

### **Environmental Impacts of Drug Production and Aerial Eradication**

Drug production and eradication efforts have a detrimental impact on the environment in Bolivia, Peru, and Colombia where coca is grown and cocaine is manufactured. International attention to the resulting environmental impact has centered on Colombia where the effects are most dramatic due to dramatic shifts in coca cultivation and U.S.-funded chemical eradication programs.<sup>25</sup>

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<sup>22</sup> Jacqueline Williams, “Waging the War on Drugs in Bolivia,” Washington Office on Latin America, February 1997.

<sup>23</sup> Interviews conducted by Gina Amatangelo for WOLA in November 2000.

<sup>24</sup> Amnesty International, *Bolivia: Torture and Ill-treatment*, August 18, 2001

<sup>25</sup> Aerial eradication programs are prohibited by law in Bolivia and Peru.



Colombia is home to more bird species than any other country and is an incredibly biodiverse region that includes rare flora and fauna such as the Amazon River dolphin. Deforestation occurs because of illicit crop cultivation. Slash and burn techniques increase soil runoff and pose threats to biological diversity in the Andean rainforests. The State Department estimates that 5.9 million acres of rainforest have been affected in the last 20 years.<sup>26</sup> It has also reported concerns about the improper use of highly toxic herbicides in the eradication of illegal crops, which can contaminate soil and water systems.

Drug processing laboratories introduce large amounts of toxic chemicals (kerosene, acetone, sulfuric acid, ethyl ether) into the local environment, often into nearby streams. These are referred to as “precursor chemicals,” which are used to process coca into cocaine. The Colombian government estimates that, in the past 20 years, approximately one million tons of such chemicals have been introduced, threatening plants, rivers, and posing serious health risks to animals and humans that are exposed to the chemicals.<sup>27</sup> The U.S.-backed policy prescription to reduce coca cultivation in Colombia has heightened environmental concerns in the region.

The United States funds aerial eradication programs in Colombia, spraying a chemical herbicide called glyphosate over the coca growing regions. The chemical is commercially packaged by Monsanto as Roundup in the United States. Because Roundup is commonly used on residential lawns throughout the United States, many lawmakers have been skeptical that the program posed environmental and human health risks. However, there is no independent oversight on the concentration and type of chemicals sprayed in Colombia. Glyphosate is being mixed with other chemicals including cosmoflux, which is used to help the substance stick to the leaves of the plant. No studies have been done to evaluate the impact of this combination of chemicals. The World Wildlife Fund compares the potential environmental impact of aerial spraying in Colombia to Agent Orange in Vietnam, and it has recommended that the United States suspend funding for such programs pending further study.

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<sup>26</sup> U.S. State Department, *Environmental Consequences of the Illicit Coca Trade*, June 28, 2001

<sup>27</sup> *Ibid.*

A study by the U.S. General Accounting Office demonstrated that during the years that the Colombian government increased spraying with U.S. assistance, Colombian coca cultivation more than doubled. Spraying efforts have not diminished coca production or even limited expansion. The programs have merely succeeded in shifting production from the Guaviare region to the Putumayo region of southern Colombia.<sup>28</sup> The shift in coca production due to spraying multiplies the harmful impacts of coca production as peasants move further into virgin forests.

Local authorities report that the application of herbicide in Colombia does not adhere to manufacturer guidelines. Monsanto suggests that the chemical not be sprayed at a height above 10 meters; in Colombia, the chemical is dropped from 50 meters or higher.<sup>29</sup> Monsanto also reports that Roundup can be harmful to aquatic animals, and the Colombian National Ombudsman's office reported that water supplies are contaminated in the Caqueta and the Putumayo areas because of the spraying.

The current aerial applications of glyphosate are imprecise, and the wind causes the chemicals to drift. Possibly the most high-profile example of spraying inaccuracy occurred when Senator Wellstone and his staff were inadvertently sprayed during a 2001 demonstration of the aerial eradication program. The Ecuadorian government expressed concern regarding the drift from spraying near their shared border with Colombia and requested a 10-kilometer buffer zone in which no spraying would occur. The inaccuracy of spraying is a serious concern for local farmers because glyphosate kills other vegetation including delicate species and food crops.

The Human Rights Ombudsman in Colombia has reported widespread destruction of food crops because of spraying herbicides in southern Colombia. These unintended consequences of spraying directly undermine U.S. interests as some of the crops that have been destroyed were part of international efforts to provide alternative crops to coca farmers. Within Colombia, there is growing opposition to spraying; the National Human Rights Ombudsman's office called for an immediate suspension of spraying in February 2001, and four of the governors from the southern

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<sup>28</sup> General Accounting Office website, [www.goa.gov](http://www.goa.gov).

states most affected by these programs have traveled to Washington to express their opposition to the policy.<sup>30</sup>

U.S. officials continue to insist that the chemicals are safe<sup>31</sup>, and, in response to efforts within the Colombian Congress to prohibit the spraying programs, the U.S. Ambassador to Colombia warned the Colombian government that suspension of aerial eradication efforts would jeopardize future U.S. aid.

## **Conclusion**

U.S. efforts to limit the availability of drugs in the U.S. have proven to be costly and ineffective. These programs fail to demonstrate meaningful progress toward counternarcotics objectives, and anti-drug efforts undermine other important U.S. objectives such as promoting respect for human rights, the rule of law, and political stability throughout the Andes region. Rather than continuing to pursue a policy that increases the harmful impacts of drug production and trafficking, the United States should promote a serious, multilateral debate about alternative approaches to drug control in the hemisphere. Anti-drug efforts in Latin America should be reoriented toward strengthening the ability of civilian institutions to deal with the corrosive impacts of drug production and trafficking, thereby increasing the capacity of governments throughout the hemisphere to reduce the harm caused by drug abuse and drug-related violence.

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<sup>29</sup> Amatangelo and Clark, *Citizen Action Guide to International Drug Control Policy*, Washington Office on Latin America, May 2001.

<sup>30</sup> Karen De Young, "Colombian Governors Protest Crop Spraying," *Washington Post*, March 13, 2001.

<sup>31</sup> State Department Fact Sheet on Aerial Eradication of Illicit Crops, November 6, 2000.