

Drugs, Politics and Society in Latin America and the Caribbean

Co-edited by Beatriz Caiuby Labate & Thiago Rodrigues

Abstract: This book is a collection of studies on drug policy in several Latin American and Caribbean countries, including México, Brazil, Guatemala, Colombia, Peru, Uruguay, Jamaica, and Argentina. The chapters analyze the specific histories of drug policies in each country, as well as particular phenomena and case studies related to these themes throughout the continent. It presents conceptual reflections on the origins of prohibition and the “War on Drugs,” including the topics of human rights and religious and cognitive freedom. Further, the collection reflects on the pioneering role of some regional countries in changing paradigms of international drug policy. This work will be an important, current, and well-researched reference for all those interested in drug policy in Latina American and the Caribbean from a Latin American and Caribbean perspective.

Editor's biographies:

Beatriz Caiuby Labate has a Ph.D. in Social Anthropology from the State University of Campinas (UNICAMP), Brazil. Her main areas of interest are the study of psychoactive substances, drug policy, shamanism, ritual, and religion. She is Visiting Professor at the Center for Research and Post Graduate Studies in Social Anthropology (CIESAS), in Guadalajara, and Adjunct Assistant Professor at the Drug Policy Program of the Center for Economic Research and Education (CIDE), in Aguascalientes, Mexico. She is also co-founder of the Nucleus for Interdisciplinary Studies of Psychoactives (NEIP), and editor of NEIP’s website (<http://www.neip.info>). She is author, co-author, and co-editor of twelve books, one special-edition journal, and several peer-reviewed articles. For more information, see: <http://bialabate.net/>

Thiago Rodrigues is Full Professor of International Relations at the Institute of Strategic Studies of the Fluminense Federal University, in Rio de Janeiro, Brazil. He has a PhD in international relations from the Pontifical Catholic University of São Paulo, Brazil, with a research partnership at the Institut des Hautes Études de l’Amérique Latine of the Sorbonne University, Paris. He is a researcher and member of the Núcleo de Sociabilidade Libertária (Nu-Sol/PUC-SP) and associate-researcher of the Regional Coordinator of Economic and Social Research (CRIES), Buenos Aires, Argentina. Rodrigues is one of the founders of the Nucleus for Interdisciplinary Studies of Psychoactives (NEIP), Brazil. He has published the books: “Política e drogas nas Américas” [Politics and Drugs in the Americas] (2004); “Guerra e Política nas Relações Internacionais” [War and Politics in International Relations] (2010) and “Narcotráfico: Uma Guerra na Guerra” [Drug Trafficking: A War into a War] (2012), among other titles. His fields of interest are: drug trafficking and security; Latin American security; non-state actors and global security; post-structuralist international relations (IR) theory.

Table of contents

Preface – The Transformations of the Prohibitionist Paradigm of Drugs: Latin America and the Caribbean in the Center of the International Debate - Henrique Soares Carneiro

Introduction – Drugs, Politics and Society: Different Perspectives from Latin America and the Caribbean - Beatriz Caiuby Labate & Thiago Rodrigues

1. Drug Policies and Prohibition in the Americas

Thiago Rodrigues & Beatriz Labate

Starting at the beginning of the 20th Century, and continuing to today, the prohibition of some psychoactive drugs has encouraged the rise of the strongest illicit economy in the world, producing serious political and social consequences in Latin America. This chapter seeks to present a brief analysis of prohibitionism in the Americas in order to understand the politico-historical process of the construction of the notion of "drugs" as a question of public health, of public security, and—since the 1970s and the declaration of the "War on Drugs" by the United States—as a problem of national and regional security that can mobilize armies, police, and large scale economic and social projects across the continent.

Keywords: Latin America, Drug Policies, Health, Security, Drug Traffic

2. A History of Mexico's Drug Policy in the Twentieth Century

Fernanda Alonso

This paper will analyze the origins of the Mexican prohibitionist regime of the twentieth century, tracing elements parallel to those occurring in international events. It seeks to recreate the outlook around drug use in early twentieth century Mexico and then describes the first attempts at regulation and drug policy as such. The use of primary sources of Mexican law is particularly important in compiling a historic account of the goods these laws protected and the expected ends achieved during the institution of the national prohibition regime; in particular, the criminalization of users. A detailed analysis will be provided of the evolution of the Federal Criminal Code, the main provision of the Mexican drug policy since its inception in 1931, and its reforms relating to drug crimes,. In order to understand the reasons for the existence of the current drug policy, we will analyze the different preambles to the laws, the opinions, and the legislative discussions that led to the creation of "drug

crimes," criminal and administrative sanctions, and the classifications of licit and illicit substances

Keywords: Mexican Drug Policy, Drug Crimes, Mexican Federal Criminal Code, Mexican Prohibition, Mexico and Drugs

3. Drug Policy and Alternatives of Reform: Perspectives from Guatemala

Corina Giacomello

Since coming to power in January 2012, the president of Guatemala, Otto Pérez Molina, has stood out internationally for his critiques of the universal system of drug control. The head of state has highlighted the impact of prohibition on transit countries; namely, the rise of violence and the diversion of public resources to counternarcotic activities and interdiction measures that could have been used for social programs. Nevertheless, he has remained distant from the national conversation and his government's actions in national drug policy differ from his narrative at the international level. At the president's request in January 2013, the Beckley Foundation presented some proposals of reform—among them, legislative reform and the legalization of currently illicit poppy cultivations—which would help widen the spectrum of rights and reduce the criminalization of secondary and more vulnerable subjects. In this chapter, I analyze and problematize these proposals.

The chapter concludes that despite these indications, a change in drug policy not only seems unlikely in the short term, because of structural and institutional conditions, but even if enacted, it would hardly be sufficient to reduce the levels of violence in the country.

Keywords: Guatemala, The Beckley Foundation, Otto Pérez Molina, Drug Policy Reform, Violence

4. Of Beggars and Kingpins in Honduras

Adrienne Pine & David Vivar

This chapter analyzes the past four decades of drug trafficking in Honduras, with a particular focus on the evolution of the juxtaposition of the majority poor population with the figure of the drug trafficker. We argue that the centrality of drug trafficking to state power in Honduras is inextricable from the neoliberal impoverishment of the population and the ongoing usurpation of democracy both by internal (Honduran) and external (primarily U.S.) actors. Illegal drug trafficking has played a central role in shaping the nature of power in Honduras, but it has also required a constant redefinition of the powerless as the enemy; from communists and terrorists in the 1980s to gang members and criminals in the 1990s and early 2000s, and back to terrorists and communists following the birth of the resistance movement with the June 2009 coup that ousted president Manuel Zelaya. Today's post-coup Honduras is a narco-state in which many see the drug trade as their only hope for class mobility. While poverty itself is criminalized, an elite military and political class controls the drug trade and enjoys impunity for its crimes..

Keywords: Coups d'etat, Iran-Contra Affair, Ramón Matta Ballesteros, Neoliberalism, Manuel Zelaya, Cocaine Coup

5. Drug Policy and Human Rights in Costa Rica: Extent and Limitations

Ernesto Cortés Amador & Giselle Amador Muñoz

Although the central drug control discourse in Costa Rica is the "War on Drugs," in the last decade there have been some significant changes in the law that show the possibility of incorporating a human rights approach in drug policy. This chapter presents a background of the impact that drug policies in Costa Rica have had on vulnerable populations, especially drug users and small traffickers. We present a historical analysis of drug control legislation in Costa Rica, with special emphasis on the decriminalization of drug use, emergence of the public health approach, and harm reduction, and incorporate criteria of proportionality and gender specificity for women who have introduced small amount of drugs to prison. Finally, we identify some challenges of including the human rights approach in Costa Rica's political control of illicit drugs.

Keywords: Drug policy, Social Control, Human Rights, Social Vulnerability, Public Health

6. Drug Criminal Policy in Colombia

Rodrigo Uprimny Yepes & Diana Esther Guzmán

This paper analyzes Colombian drug criminal policy and assesses its impact on human rights from a socio-legal perspective. The first part describes the evolution of this policy from the early twentieth century to the present, and shows that there has been a progressive hardening of a punitive approach, which is usually the result of reactive measures to violent episodes and international pressures. These measures , have weakened basic criminal guarantees over the years and have had very important negative institutional and personal impacts. In the second part, the authors analyze , the factors that have boosted this evolution, as well as the scope and limits of the policy and its impact on human rights in Colombia.

Keywords: Drug Criminal Policy, Prohibitionism, Human Rights, Violence

7. Drug Policies in bolivarian Venezuela

Andrés Antillano & Keymer Ávila

In this paper we will review the drug policies of the Venezuelan Bolivarian government (1998-2013). We will briefly describe the nature and magnitude of the drug problem in the country, and point out the policies instituted during this period. Despite the leftist and anti-imperialist discourse, the country has continued and

deepened the US model of the “War on Drugs,” increasing the criminalization of the poor, weakening democracy, and eroding sovereignty. We propose that there are several hypotheses which explain this paradox of the Bolivarian government’s anti-drug policies: certain prejudices and ideological discourses on this issue are consistent with the leftist rhetoric; the corporate interests of the military find an important source of legitimacy and power in the fight against drugs; drugs are used as justification for the increase in crime; and the government is attempting to avoid the risks of being treated by both foreign powers and internal adversaries as complacent on drug trafficking.

Keywords: Bolivarian Revolution, Venezuela, Drugs, War on Drugs, Venezuelan Drug Policies

8. Hegemony Against Drugs and Citizen Revolution: A Report of Drug Policy in Ecuador 2007-2013

Daniel Pontón C. & Carolina Duque

This article will examine the drug policies in Ecuador during the presidency of Rafael Correa Delgado between 2007-2013. Even though they were intended to establish a progressive view on the issue, the scope of these reforms was limited by the constraints of the new dynamics of international drug trafficking and the lack of a coherent internal political agenda. The text discusses drug policy in Ecuador from the perspective of controlling supply and demand based on quantitative and qualitative evidence on the issue. As a conclusion, the course of public policy against drugs in Ecuador is still far from being an alternative to the current international political hegemony. The policies, so far as they have been established, are important; however, it is necessary to establish greater programmatic focus on the issue. Otherwise, one thing would be said and another would be done.

Keywords: Citizen Revolution, Drug Policy, Hegemony, Supply Control, Demand Control

9. The Efficiency of Peruvian Drug Policies in Terms of Relations with the USA (1978/2013)

Ricardo Soberón Garrido

This paper seeks to identify the various effects U.S. drug control policies have had over time on Peru, as the main producer of coca and cocaine base. Far from the original plan provided for in the international conventions of the League of Nations and the United Nations—such as ensuring these substances will be available for medical and scientific use—strategies, budgets, and anti-narcotic mechanisms driven by the U.S. in the Andean region have influenced the major political, economic, diplomatic, and military objectives of this country. On this basis, four great paradoxes of how to address this complex problem are developed and analyzed in this paper.

Keywords: Bilateral Relations, National Security, Illicit Crops, Interdiction, Geopolitical Interests

10. National Drug Policy in Bolivia: A Transformation Marked by Continuities

Theo Roncken & Gloria Rose Marie de Achá

The election of Evo Morales as Bolivia's new president aroused great expectations. Starting in January 2006, his government designed a strategy for the consolidation of the transformational process that had been initiated by the country's social movements. At international events, Morales presents himself as critical towards inequities that affect the establishment of peaceful relations among the people and nations of the world. Within its own territory, the Morales administration emphasizes the need for a sustained effort to transform and "decolonize" the new Plurinational State. However, Bolivia and its people carry the historical weight of a complex mix of dependencies that conflict with the proposed transformational process and are thus becoming more visible. In this chapter, we will review contradictions that have manifested themselves in Bolivia's recent history in the context of the design and implementation of the governmental strategy on drugs. We will observe how the Morales government's focus on drugs reaffirms Bolivia's historical commitment to the dogmas and prejudices of prohibition. While implementing a strategy that seeks a worldwide reconsideration of the values of the coca leaf, the authorities never departed from coca reduction (eradication) as a strategic priority. Thus, new dynamics of exclusion, social division, and violent confrontation have been triggered. The governmental approach to drug production and demand reflects the same repressive bias. The least analyzed and discussed problem is the business of drugs and its various impacts. Without opening up a sincere public debate on these issues, the opportunities for bringing along structural change are nonexistent.

Keywords: Decolonization, Repressive Approach, Transformational Process, Coca Eradication, Coca Leaf Reassessment

11. Genealogy of the “Drug Problem” in Postdictatorial Chile: Discourses and Practices of Governmentality on Risk

Mauricio Sepúlveda Galeas

This paper addresses the problem of drugs in Chile from a genealogical and discursive perspective, using the concept of governmentality as an analytical category. Meanings, uses, and senses of the notions of risk and harm in drugs are analyzed in the government of in Chile between the years 1990-2013. This involves knowing how these categories have been problematized in the field of drugs. The paper also explores how changes in the problematization affected and continue to affect the responses of government, and how relationships were forged by producing assemblages between political rationalities and government technologies, through which the crystallization of a way to manage (control, regulate) the drug problem is enacted. This implies a certain way to produce *social order*.

Keywords: Risk, Government, Harm, Governmentality, Device

12. The Narcotics Policy in Argentina. The Consequences of a “Prohibitionist-abstention” Matrix

R. Alejandro Corda

The “narcotics” policy in Argentina was developed during the twentieth century using criminal response as the main tool. Since the 1920’s, when the first modification in the Penal Code related to these substances was included, different reforms and discourses that expand that response by toughening the penalties have been succeeding. Although this process can be particularly observed since the sixties, that tendency became stronger during the seventies and the ending of the eighties, following international legislation about the “narcotics” issue. Thus, at the beginning of the nineties, a “prohibitionist-abstention” matrix was shaped. The application of this matrix—with the preponderance of the penal law—has been ineffective and generated more problems than those it intended to solve. The criminal response has affected mainly low-level traffickers and drug users. At the same time, that matrix complicated—and sometimes stopped—the development of other more effective and less harmful non-criminal responses. Even reform attempts taking place in the latest years have yet to confront certain barriers produced by the matrix.

Keywords: Argentina, Matrix, Criminal Law, Consequences, Alternatives

13. The Green Ray: Marijuana Regulation in Uruguay

Sebastian Aguiar & Clara Musto

At the end of 2013, Uruguay was facing a peculiar situation at the international level: A proposal for the integral regulation of the cannabis market has been approved. This law includes self-cultivation, social cannabis clubs, and a mechanism for the production, distribution, and sale controlled by the state. The general aim in this essay is try to describe the political and social process behind this law. We propose the existence of three main turning points in the debate associated with the main actors involved and the arguments at play: a first moment of “maturation” of the demand for regulating marijuana, a second moment of “inflection” of the debate, and a third moment of “synthesis”. In the first moment, the critique of the War on Drugs was built as an emancipatory issue. The political demand was centered on the guaranteeing of a legal context for marijuana use and, more broadly, for the necessity of a moral reform of society, in line with other social progressive demands. The second moment was characterized by a contrasting high public profile of the issue. We will argue that the involvement of new actors in the debate implied a turn towards the public safety in the problem’s definition. At the third moment, a new concern regarding public opinion arises, and the proposal is further developed through compromise and adaptation, synthesizing the different interests involved. To finalize, we will discuss some risks and challenges drawn from this process for the implementation stage.

Keywords: Drug Policy, Marijuana, Cannabis, Regulation, Uruguay

14. Contradictions and Ambiguities in Brazilian Drug Policy in the Twenty-First Century: Progress and Backlash

Luciana Boiteux

This article analyzes the contemporary debate on drug policy in Brazil around the Law 11.343/2006: the public discussions concerning its change, its ambiguities and its possibilities for improvement. Drug policy in Brazil is contrasted with reform movements in other Latin American countries. In order to do this, the article describes the coexistence of several vectors: a conservative public discourse, a government that invests in social policy but maintains a criminal policy based on social control of poverty through prosecution of the crime of drug trafficking, the adoption of a hygienist policy against crack users, and alternative movements promoted by civil society. This article also approaches recent decisions in the judiciary which point to a mitigated policy in regard to alternative punishments for traffic offenses, and the constitutionality of the March for Marijuana, which were decided by the Supreme Court, as well as the ongoing debate on the constitutionality of the crime of possession of drugs for personal use. Finally, it addresses the advance of alternative policy regulating the sale of cannabis through an initiative of recent bills in the Brazilian Congress, along with the debate on medical cannabis that has gained strength in the last year.

Keywords: Drug Policy, Brazil, Reform, Contemporary Perspectives

15. Caribbean anti-drugs policy: The Bahamas, Dominican Republic, and Haiti

Clifford E. Griffin

Very few, if any, Caribbean countries have developed internally driven, anti-illicit narcotics policies. Where they exist, these policies result largely from externally driven, funded, and supported initiatives, and reflect, in part, the weakness of these countries. This weakness renders most drug policies relatively ineffective because drug trafficking and attendant organized crime activities are loosely, in some cases, and more tightly, in others, connected to the established political parties and other state institutions in these countries. Moreover, the particularistic nature of drug policy implementation has meant, at best, problem attenuation in one area leading to problem transfer to another area. This chapter provides a comparative analysis of external and internal initiatives undertaken to address illegal narcotics trafficking and attendant criminality in the Bahamas, Dominican Republic, and Haiti, and calls for a major shift in the long-standing emphasis on a supply side approach to the drug problem in the region.

Keywords: Geography, Traffickers, Interdependence, Transnational, Narcotics

16. Drug Policy in the Caricom Caribbean

Axel Klein & Marcus Day

Drug Policy in the Caribbean region has historically been dominated by security concerns and the threat to state stability that is largely associated with trafficking towards North America and Europe. We track international and regional cooperation in drug control efforts from the 1994 Barbados Plan of Action to the Caribbean Basin Security Initiative. We then assess the role of national drug councils and non-governmental organizations in addressing the health-related problems associated with drug use. Most of the external funding is directed at counter-trafficking initiatives, but the actual problems confronted by the Caribbean remain largely unaddressed. These include the link between drug distribution and organized crime, and the distinctions between ganja, which is culturally embedded, and crack cocaine. The paper discusses the growing tensions in Caribbean society about how to best respond to drug-related issues as they impact public health and human security in the context of culture.

Keywords: Cannabis, Caribbean, Gangs, CARICOM, Crack-cocaine, Trafficking

17. The Politics of Drugs in Jamaica

Suzette A. Haughton

Jamaica's drug policy has been heavily skewed towards supply reduction and hence is constructed as a security problem. As a security threat, it is managed through cooperative partnerships and through a legislative framework. This chapter begins by discussing the construction of Jamaica's ganja and cocaine trafficking, through security lenses. It analyzes the main national legislative efforts used in the management of Jamaica's drug problem, and discusses the partnership frameworks used to curtail this problem. Finally, it explores the main achievements and challenges faced by the Jamaican state in its quest to minimize its drug problem.

Keywords: Jamaica, Drug Trafficking, Security Threat, Joint Initiatives, USA, Britain