

Drug Policy Disconnect

By Coletta Youngers, May 6, 2010



The rhetoric has changed. According to new U.S. "drug czar" Gil Kerlikowske, who heads the Office of National Drug Control Policy (ONDCP), the Obama administration doesn't use the term "drug war" because the government shouldn't be waging war against its own citizens. In March 2009, U.S. Special Envoy Richard Holbrooke described the opium poppy eradication effort in Afghanistan as "the most wasteful and ineffective program that I have seen in 40 years." He bluntly stated that the U.S. government had wasted millions of dollars on a counterproductive program that generates political support for the Taliban and undermines nation-building efforts. And in his trip to Peru this past April, U.S. Assistant Secretary of State for Western Hemisphere Affairs Arturo Valenzuela noted that the fundamental problem is not coca cultivation itself, but poverty and inequality.

Yet the indigenous and Afro-Colombian groups along the Naya River on Colombia's Pacific coast tell a different story. For the past three months, coca fumigation operations have taken place in one of the most biologically diverse regions of the world. Despite myriad concerns – from its ineffectiveness to the damage done to human health and the environment – the Obama administration remains committed to this fumigation strategy as well as to the overall Plan Colombia. The rhetoric may have changed for the better, but the reality of the how the U.S. "war on drugs" is waged on the ground in Latin America has not.

That isn't to say that there are no new developments. Important domestic reforms have begun. Following Holbrooke's statements, the United States suspended funding for opium poppy eradication in Afghanistan. In its proposed fiscal year 2011 budget for assistance to Latin America, the Obama administration has shifted some resources from military to economic programs. Yet for now, given its other foreign policy priorities, the White House has little enthusiasm for taking on the entrenched "drug war" bureaucracy or in expending political capital in pushing for reform of international drug policy.

Policy Debate Ignites

To its credit, the administration no longer uses the "drug war" as a way to gain political points. It doesn't try to discredit opponents at home by branding those advocating alternative policies as "evil legalizers." If anything, apart from Mexico and Afghanistan, the administration hardly mentions international drug policy.

This has contributed to an opening up of the drug policy debate, for the first time in many years, at the local and national level. Across the country, Americans are showing frustration with the [economic and social cost of burgeoning prison populations](#) and are questioning the logic of marijuana prohibition. In stark contrast to even a year ago, articles on the marijuana issue are now routine in newspapers across the country. All eyes are now on California, where a referendum on the November ballot proposes a legal, regulated, and taxed market for marijuana use.

The renewed debate has gone hand in hand with increased acceptance among politicians in Washington – long loath to admit that billions of dollars have been wasted in attempting to keep illicit drugs from reaching U.S. shores — that the so-called drug war has failed. Despite some fluctuations in the data, [illicit drugs are as plentiful and available](#) as ever. In the U.S. Congress, proposals to create commissions to evaluate U.S. drug control policies are winding their way through both the House and the Senate.

On the Demand Side

Concern with U.S. demand has finally gained the prominence it deserves. Secretary of State Hillary Clinton has repeatedly stated that as the world's major consumer of illicit drugs, the United States must take more responsibility in confronting the problem of demand. Kerlikowske emphasizes the importance of treating drug consumption as a public health issue. And for the first time in the drug czar's office, a well-known expert in treating problematic drug use, Tom McLellan, serves as deputy.

At the end of last year, Obama signed a law ending the prohibition on federal funding for needle-exchange programs, which have long proven effective in reducing HIV/AIDS transmission. During his presidential campaign, Obama also supported ending the tremendous disparity in federal sentencing for crack and powder cocaine. Presently, sentences for crack are 100 times higher than for cocaine and disproportionately affect poor African-American males. The Justice Department is now backing the elimination of the sentencing disparity, and legislation pending in the U.S. Congress would dramatically reduce, though not eliminate, the gap. The Justice Department also announced that Drug Enforcement Administration (DEA) agents would no longer raid medical marijuana facilities in states where they operate legally.

Despite all of the talk about beefing up effective demand-related programs, however, only very modest changes have been made to date in the budget. The first budget fully elaborated by the Obama administration — fiscal year 2011 — proposes a 13 percent increase for prevention programs and a 3.7 percent increase for treatment programs. Presently, supply control programs,

including domestic law enforcement, account for nearly 75 percent of federal government funding for drug control programs.

On the Supply Side

Last year, the U.S. government ceased its funding for forced eradication in Afghanistan and is instead channeling that funding into interdiction and economic development programs. This U.S. policy development is in line with a growing number of countries and international donors advocating for an "[alternative livelihoods](#)" approach to reducing coca and poppy production by enhancing the welfare of poor farmers via comprehensive development strategies that include improving local governance and citizen security.

This change in approach, however, may already be on shaky ground. According to Vanda Felbab-Brown, a fellow at the Brookings Institution, "Voices for eradication are strong in the United States. The Obama administration has failed to prepare Congress and the international community for how long it takes for rural development to take place and consequently for the likely outcome that — despite a good policy — we may not see deep reductions in poppy cultivation in Afghanistan for several years."

Although the U. S. government may have learned a lesson about forced eradication in Afghanistan, it has yet to apply it to Latin America. On the contrary, U.S. officials have consistently stated that such an approach should *not* be adopted in Latin America, erroneously claiming that the existence of stronger institutions provides the conditions for successful implementation of forced eradication. Yet, as in Afghanistan, forced eradication in the Andean region has failed to achieve its desired objectives. Over the last two decades, coca production has remained remarkably consistent at about 200,000 hectares. And the program has pushed people deeper into poverty and generated human rights violations, social unrest, instability, and violence.

One key reason for this policy stagnation is that the drug war bureaucracy remains intact. Although new staff is working on demand-related programs at ONDCP, the same individuals from the Bush years are running U.S. international drug control programs. In particular, officials who work on supply-side policies at ONDCP, the DEA, and the International Narcotics and Law Enforcement bureau at the State Department strongly support the current forced eradication policies. Internal battles have resulted in a significant delay in the release of the National Drug Control Strategy Report (NDCSR), which is to lay out the Obama administration's approach to drug policy. ONDCP Deputy director McLellan has already announced his departure from the administration this summer.

A draft NDCSR leaked to the press fully endorses Plan Colombia, the cornerstone of U.S. drug policy in the Andes. During the 2008 campaign, Obama linked support for a free trade agreement (FTA) with Colombia to improvement in its human rights record. By April 2009, however, the administration endorsed congressional approval of the FTA. Then in September 2009, the Obama administration "certified" that Colombia met the human rights requirements laid out in

U.S. law to continue receiving U.S. security assistance (an assertion long contested by Colombian and U.S. human rights groups U.S. officials rarely miss an opportunity to praise Colombia for "its vigorous fight against the production and trafficking of illicit drugs." Many analysts concur that although Plan Colombia may have improved security in certain areas of the country, it has had little success in stemming the flow of cocaine out of the country and has had a devastating impact in certain rural areas, especially among the Afro-Colombian population.

Moreover, military-to-military ties, ostensibly for counternarcotics purposes, were further strengthened with the signing of an accord on October 30, 2009 allowing the U.S. military access to seven military bases across Colombia. Of particular concern, the Obama administration made no effort to consult other countries prior to finalizing the deal with Colombia, and appeared oblivious to the regional tensions it ignited. Predictably, the controversial agreement sparked protest across the region and called into question the Obama administration's stated commitment to working multilaterally.

In the case of Bolivia, the Obama administration has continued the Bush administration's approach when it comes to drug control. In a September 2009 "determination," it declared that Bolivia had "failed demonstrably to make sufficient efforts to meet its obligations under international counternarcotics agreements" and later that year refused to renew trade benefits suspended in 2008. In fact, illicit drug seizure rates in Bolivia have increased significantly under the Morales government, and net increases in coca production are lower than in neighboring Peru. Venezuela also received a failing grade in a bilateral process that Latin American countries have long found offensive.

A Better Way

The failure of the traditional "war on drugs" approach is leading policymakers across the hemisphere to seek new strategies to contain the scale of illicit markets, and at the same time minimize the harms associated with drug consumption and production. There is also growing international recognition that drug programs must be carried out in full compliance with international human rights standards. Specifically, such measures include treating consumption as a social and public health — not a criminal — issue, ensuring proportionality in sentencing and having viable economic alternatives in place prior to significant coca or poppy crop reductions. Law enforcement efforts both at home and abroad should not target easily replaceable low-level offenders, but rather the leadership of drug trafficking organizations, corruption, and money laundering.

Finally, it's time for the Obama administration to put its money where its mouth is and significantly reallocate scarce U.S. resources to evidence-based education and [treatment programs](#) here at home and integrated economic development programs in poor rural and urban areas in Latin America and the Caribbean.

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