### REASSESSING THE WAR ON DRUGS

Latin America and the Caribbean represent a critical zone for the production and trafficking of illicit drugs. The Andean region, including Bolivia, Colombia and Peru, is the world's foremost producer of cocaine. Mexico is the main producer of heroin in the Americas, Colombia, Mexico and Paraguay are all significant producers of cannabis, and synthetic drugs are increasingly manufactured in Central and North America. The main corridor for the transport of illegal drugs to the market in the United States, is through Central America, Mexico and the Caribbean (UNODC, 2011).

The US has a voracious appetite for drugs (UN data suggests that it represents the world's largest national cocaine market) and as a result it suffers from a heavy burden of crime. The US strategy to solve its domestic drug problem has been to take the battle to source regions. Over the past thirty years the US has channeled billions of dollars to Latin American military and police forces to enable them to undertake counter-narcotics operations with the aim to suppress the production and trafficking of illegal drugs. Historically the US has dictated the terms of the 'War on Drugs' and has used its political and economic might to crush any debate on alternatives. However, of late, current and former Latin American leaders have broken this taboo; a regional drug policy debate has emerged that functions outside the parameters of US 'Drug War' rhetoric. The hemisphere's leaders have expressed dissatisfaction with prohibitionist policies and the militarized supply focused approach, which they argue has fueled violence, crime, corruption and instability throughout the region. Latin American leaders argue that any long-term solution has to focus on the structural roots of drug consumption, production and trafficking, such as social exclusion, extreme poverty and the inability of weak institutions to solve complex social problems. Today governments in the region are discussing new strategies to deal with the drug problem, including the creation of legal, regulated markets for narcotic substances and greater investment in harm reduction practices. While this debate has only just got under way, experiments are already showing how the production and consumption of drugs could be controlled. For example Uruguay is developing a plan to regulate cannabis and Bolivia has abandoned the militarized eradication of coca leaf for a more humane community-based coca control strategy.

This chapter begins by examining some of the objectives, methods and consequences of the US designed and funded 'War on Drugs', and it then goes on to outline the emerging debate over drug policy in Latin America. The final section provides a brief overview of Bolivia's new approach to coca control – which according to a recent report by the Organization of American States (OAS) represents best practice in drug policy. Overall the chapter illustrates that the alternative approaches championed by Latin American governments, which aim to reduce the

harms generated by drugs and drug trafficking, may prove to be more effective at addressing the drug problem than the current militarized response.

## The War on Drugs

Cocaine comprises two distinct products, powder cocaine and cocaine base products, which are commonly referred to as 'Crack' (in reference to the 'cracking' sound it produces when heated). Powder cocaine is expensive, it is normally inhaled and has subtle effects, crack meanwhile is a solid form of cocaine that is smoked, it is cheaper, more intense and is associated with high levels of street crime (Bourgois, 1995). In the early 1980s the United States faced a severe crack cocaine epidemic, which voters feared would overrun schools and tear apart communities. Instead of tackling the structural factors that contributed to drug addiction at home, President Ronald Regan described illicit drugs as a 'threat to national security' and instituted many of the hard-line drug control policies that are still in effect today. At home the US government's toolbox includes rigid legislation, enhanced law enforcement and high levels of incarceration. Abroad the US approach has been to curb the supply of illicit narcotics reaching the United States through the eradication of illicit crops (mostly coca leaf which is used to produce cocaine, but also opium poppy and marijuana), law enforcement, and the interdiction of drug shipments (Youngers and Rosin, 2005b). The US has ensured that its southern neighbors comply with its drug policy goals through what is known as 'certification'. This is an annual process carried out by the US to evaluate country performance against US imposed anti-drug targets. Countries that do not act in accordance with US strategy are punished by de-certification; sanctions include the withholding of development aid, credit and trade benefits. In other words, any country that attempts to break with the US drug war runs the risk of being politically and economically isolated.

Drug war politics has created what Coletta Youngers (2000) describes as an extensive and well funded "narco-enforcement complex" led by the US Department of Defense and including more than 50 federal agencies and bureaus. Following the launch of the Andean Initiative<sup>1</sup> in 1989 the US government has devoted billions of dollars to its drug war, some estimates put US spending on counter-narcotics initiatives at \$20 to \$25 billion dollars a year (Porter, 2012). With this funding the US has expanded the role of both Latin American and US military forces in counterdrug efforts, provided local security forces with logistical support and equipment, and trained civilian police forces in military tactics. Historically US funding and weapons were restricted to anti-drug operations, however after 2001 they was also used to intervene against left wing insurgencies in Peru and Colombia in the name of the 'War on Terror' (Youngers, 2003). For example in 2000 the US and Colombian governments launched 'Plan

<sup>&</sup>lt;sup>1</sup> The Andean Initiative was a five-year, \$2.2 billion plan targeting coca and cocaine production in the Andean region – the plan was frontloaded with military and police assistance.

Colombia' a five year, \$4billion 'aid' package (80 per cent of which was earmarked for the Colombian police and military) with the stated aim to reduce narcotics production by half. However the counter-narcotics security support including, state of the art training, arms, planes, and helicopters, were also used to strike at the Revolutionary Armed Forces of Colombia (FARC) (Hylton, 2006). The focus of the US approach, which prioritizes military and police assistance, over aid for socioeconomic goals or institution building, has produced what some policy analysts refer to as militarization – that is the 'over-involvement of the armed forces in aspects of governance other than external defense' (Isacson, 2005: 17)

The objective of supply side enforcement is to reduce the amount of drugs on US streets, but on this score the drug war has clearly failed. The supply of drugs to the US remains as robust as ever, this is demonstrated by the fact that while the purity of cocaine has remained stable the street price has consistently fallen since the 1980s, similar patterns have been observed for other drugs including heroin and methamphetamine (Walsh, 2004). Part of the problem is that the supply side of the market remains flexible; when coca and poppy crops are eradicated, production moves to a different region (a phenomenon which is referred to as the balloon effect)<sup>2</sup>, drug traffickers are arrested but they are soon replaced and when trafficking routes are disrupted they simply shift elsewhere. The enormous cost of the drug war, coupled with the fact that it is not actually working, has prompted some observers to argue that US foreign drug policy is not a standalone issue but rather is used as an instrument to push other political and economic agendas. For example some academics have argued that the US motivation for escalating the drug war at the end of the 1980s was to build up a military presence in the region to protect US corporate interests in a post-cold war world (Grandin, 2006, Petras, 2001).

## The Latin American Debate

Latin American leaders have grown weary of fighting what they perceive to be an unwinnable war; their resolve to look for alternatives has been strengthened by the violence and corruption associated with the drug trade. The scale of the problem is shocking, for example the countries that lie on the main drug trafficking route from the Andes to the United States rank amongst the most murderous in the world (The Economist, 2013). In spite of the violence, Latin American leaders do not view the drug problem through the lens of 'national security' and are actively seeking alternatives to the status quo. On the 3<sup>rd</sup> August 2010 Mexico's Felipe Calderon, became the first incumbent head of state to call for a debate on whether to legalise drugs (The Economist, 2010), in an interview with the Observer Newspaper in 2011 Juan Manuel Santos of

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<sup>&</sup>lt;sup>2</sup> The trend of shifting production can be attributed to the fact that eradication forces the price of coca up while simultaneously denying poor farmers of their only source of income - thus leaving farmers with little choice but to replant illicit crops. Consequently while the amount of coca in each country has fluctuated over the past thirty years, total coca acreage in the Andean region as a whole has remained remarkably stable - at around 200,000 hectares.

Colombia called for a major re-think of the War on Drugs (Mulholland, 2011) and at Davos 2013 Guatemala's Otto Perez Molina argued for the legal regulation of all drugs at a global level (Wearden, 2013).

There are strong arguments in support of the reformist agenda. One of the key points repeatedly made by Latin American leaders is that prohibition strengthens criminal organizations by handing them control of a lucrative and growing trade (the UN estimates the global drug trade to be worth some \$300bn annually). The massive profits derived from the drug trade that flow untaxed into criminal hands, have been used to equip private militias (often outgunning state enforcement) and to undermine state institutions through corruption. Leaders, including Perez Molina, have argued that the best way to crush drug mafias therefore is by legalizing drugs, which would deny cartels their main source of revenue. This position is supported by rigorous analysis, for example a recent study argues that if marijuana were legalized in California and was then exported to other US states, Mexican drug cartels would lose about a fifth of their annual income (Kilmer et al., 2010).

The drug trade has undoubtedly had a harmful impact on the region but so have US designed and funded responses to it. Research illustrates that the drug-war has undermined human rights, civil liberties and democratic practices in Latin America (Youngers and Rosin, 2005a). For example US imposed anti-drug legislation has led to a dramatic increase in sentences for drug related crimes - including low level selling - and this has contributed to severe prison overcrowding in Latin America (Metaal and Youngers, 2011). Meanwhile the US emphasis on using Latin American military forces to fight internal enemies has generated significant collateral damage. Mexico represents a prime example of the dangers posed by the militarized approach; in 2006 President Felipe Calderon deployed the army against the drug gangs, this led to an escalation of violence as cartels fought back against government forces but also fought each other for control over the trade, leaving an estimated 60,000 people dead. In coca growing regions militarized crop eradication has pitted the security forces against local farmers and this has provoked violent conflicts and opened space for the violation of human rights including extra-judicial killings. In Colombia<sup>3</sup> a total of one hundred and eighteen people were killed during manual coca eradication missions between 2005 and 2008 (Mansfield, 2011), in addition, paramilitary forces, which have a long history of working with the Colombian military, have carried out massacres, expropriated property and displaced tens of thousands of people (Hristov, 2009). Institutional damage has been further compounded by the impunity that US funded forces frequently enjoy (Isacson, 2005). Finally the war on drugs demands that poor countries divert funds to the military and police that might otherwise be spent on schools, hospitals and roads.

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<sup>&</sup>lt;sup>3</sup> Colombia is currently the only country in the Andean region that permits the aerial fumigation of coca plantations – Ecuador, Peru and Bolivia have resisted aerial fumigation because it damages ecologically sensitive environments, contaminates water sources, and has been linked to skin, respiratory, and gastrointestinal problems.

In 2009 the Latin American Commission on Drugs and Democracy, led by former presidents Fernando Henrique Cardoso of Brazil, César Gaviria of Colombia, and Ernesto Zedillo of Mexico, published a report calling for a public debate on alternatives to prohibitionist policies. Their proposals included treating drug use as an issue of public health rather than criminal law, decriminalizing marijuana and focusing repression on organized crime – as opposed to on the people who cultivate illicit crops. The report stimulated a positive response and the commission subsequently gained the support of Kofi Annan, the former secretary general of the United Nations, along with dozens of other public figures. The group's advocacy opened up space for the subsequent rebellion spearheaded by President Otto Perez Molina of Guatemala in 2012.

Otto Perez Molina, a former head of military intelligence who was once responsible for executing the drug war, became president of Guatemala in January 2012 on the platform of stamping out crime. However, soon after taking office Perez Molina stunned the Obama administration by announcing that the US's inability to reduce demand for illicit drugs left Guatemala with no option but to consider decriminalization. In March 2012 Perez Molina convened a regional summit in Antigua, Guatemala, to discuss drug-policy options. The event was undermined by a disappointing turnout, the Presidents of Honduras, El Salvador and Nicaragua all withdrew ostensibly as a result of US pressure. At the meeting Perez Molina presented a range of options including the establishment of a dedicated regional court for drug trafficking offences with its own prison system, the de-penalization of the transit of drugs along a North-South corridor, and the creation of a legal regulatory framework covering narcotic substances. The meeting did not end in political agreement, but it did ensure that drug law reform was high on the agenda at the OAS Summit held in Cartagena only one month later (see Armenta et al., 2012).

The April 2012 OAS summit marks a watershed in the Latin American drug policy debate. For the first time sitting presidents including Otto Pérez Molina, Colombia's Juan Manuel Santos, Costa Rica's Laura Chinchilla and Mexico's Felipe Calderon questioned the efficacy of continuing with full-scale prohibition, and they declared that all possibilities must be considered. Given the previous taboo on even discussing alternatives to the drug war, the OAS summit marks a significant step towards change –indeed drug policy analysts have characterized the summit as releasing the 'genie from the bottle' (Youngers, 2012a). The summit tasked the OAS to conduct a study to analyze the impact of present policy and to explore alternative approaches. The final report, which was published in April 2013, echoes Latin America's growing disenchantment with current drug policy and outlines serious alternatives to prohibition, including legal market regulation and reform to existing UN drug conventions. Experts working in the field of drug policy, including the Global Commission on Drug Policy, have described the publication of the report as a 'historic moment' and 'game changer' (Doward, 2013). The report

is expected to have a significant impact on global debate in the run up to the 2016 UN special session on drug control.

High-level debate has been accompanied by uni-lateral changes to drug policy in some Latin American countries. Mexico, Argentina and Brazil (all of which are experiencing rising domestic drug consumption) are investigating decriminalizing possession of small amounts of drugs for personal use and increasing investment in harm reduction programs. Meanwhile Uruguay's government has sent a bill to congress to legalise the sale of cannabis through state-controlled dispensaries. In 2005 Ecuador took the unprecedented step of granting a pardon to low level drug couriers— an initiative that freed over 2000 people, the majority of whom did not reoffend (Armenta et al., 2012). Finally Bolivia has led a battle for the decriminalization of coca leaf — a perennial shrub that has been consumed for millennia by people living in the Andean region. In early 2013 the UN agreed to amend the 1961 Single Convention on Narcotic Drugs<sup>4</sup> (the most important international legal framework for drug control) to permit the traditional consumption of coca within Bolivian territory. In addition Bolivia has advanced a radical method for controlling coca plantations, which allows voluntary crop eradication— an approach that was commended in the OAS report and will be discussed in more detail below.

Coletta Youngers (2012b) reports that while the debate in Latin America has clearly moved far beyond the dogma of the 'war on drugs', the US has stuck to its guns. The Obama administration has been more diplomatic than its predecessors, and has even dropped the term 'War on Drugs', nevertheless the militarized fight against drug production and trafficking is still going strong. For example under the 2008 Merida initiative the US has provided increased funding for security forces and deployed US security advisors to Mexico and Central America. However, even as US policy grinds along, developments within the US are challenging the status quo. Both Washington State and Colorado recently voted to legalize the production, distribution and possession of marijuana. In this context Latin America countries, which are already fed up with waging the war on drugs, have expressed even greater reluctance to comply with US initiatives (Youngers, 2012b).

# Bolivia's new approach to Coca Control

According to UN estimates Bolivia is the third largest producer of coca leaf after Colombia and Peru (UNODC, 2012). One of Bolivia's main coca growing regions is the Chapare, a tropical colonization zone located in the centre of the country. The population comprises Quechua

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<sup>&</sup>lt;sup>4</sup> The justification for classifying coca as an illegal substance has its roots in a UN study that was published in 1950. This study has since been discredited as inaccurate and racist for its characterisation of coca chewing as a disgusting, backwards and dangerous habit. Subsequent research carried out by the World Health Organisation (WHO) and the United Nations Interregional Crime and Justice Research Institute (UNICRI) comes out in favour of coca leaf, noting the positive therapeutic, nutritional and social functions associated with it. However, as a result of diplomatic pressure from the United States, the report was never published (Metaal & Jelsma et al. 2006).

speaking peasants and ex-miners and factory workers from the highlands, many of who migrated to the region in the 1980s in search of alternative livelihoods in the coca-cocaine economy. Coca growers often point out that the only reason they took up growing coca in the first place was because it was one of the few options available to them in the wake of the Movimiento Nacionalista Revolucionario government's economic reforms, which closed down state owned mines and factories and put tens of thousands of people out of work in the mid 1980s (Grisaffi, 2010).

The 45,000 settler families established small family run farms, they cultivate a range of crops including rice, bananas, and citrus fruit, but it is the income generated by coca leaf that provides many with their only source of cash that is essential for survival. While the cocacocaine industry represents a significant segment of the Bolivian economy (the UN estimates that it is worth anywhere between 500-700 million dollars annually) it is important to bear in mind that the Chapare farmers are not the major beneficiaries of this industry. The UN has calculated that less than one percent of the value of European or US cocaine sales makes its way back to the Andean coca farmers. As a result the basic quality of life in the Chapare has remained very low, outside of the main towns people live in houses that are made from rough cut planks and palm leaves and they do not count on sanitation, running water or electricity.

In the early 1980s Washington launched a coca eradication program in the Chapare to tackle escalating coca production and cocaine processing. The Bolivian Military and police forces, working closely with the US Drug Enforcement Administration (DEA) and the Narcotics Affairs Section of the US embassy, targeted small family run farms and manually uprooted coca plantations<sup>5</sup>. Forced eradication did dramatically reducee the ammount of land under coca cultivation in the Chapare however this came at a high price. Eradication outpaced the provision of alternative development assistance and plunged the coca growers into severe economic crisis (Farthing and Kohl, 2005). More importantly, the security forces tasked with carrying out coca eradication missions killed and seriously wounded scores of peasant activists, raped women, torched homesteads and incarcerated and tortured hundreds of people<sup>6</sup> (Ledebur, 2005). Under the terms of the draconian Law 1008, which was pushed through the Bolivian congress under intense pressure from the US embassy in 1988, thousands of people were arrested for drug related offences on little or no evidence, and held indefinitely without charge.

In spite of (or some might say because of) military repression, the coca growers built a powerful agricultural union to contest the Bolivian government's anti-coca policy. The coca union vowed to defend the right to grow coca leaf, which it classified as 'sacred' on the basis that it represents an important element of indigenous culture and religious practice (Grisaffi, 2010). In

<sup>6</sup> In the Chapare between 1997-2001 Security forces killed 33 coca growers and injured 570, leading to retaliatory attacks that left 27 military and police dead

<sup>&</sup>lt;sup>5</sup> The justification for the physical destruction of illicit crops is that it prevents them from being processed into drugs and subsequently traded on the international market.

2005 the coca union's political party (the *Movimiento al Socialismo* or *MAS*) won a landslide victory in the presidential election, making Chapare Coca Union leader, Evo Morales, the first Indigenous head of state of Bolivia. Morales and the MAS followed this with equally resounding triumphs in the 2009 presidential and legislative elections.

On entering office President Morales made a radical break with the US financed policies that focused on military/police suppression and eradication. Morales's new policy, referred to as 'coca si, cocaina no' is a direct result of proposals put forward by Bolivia's coca grower unions, it envisions development with coca and treats the coca growers as partners in the fight against drug trafficking. There are four pillars to the new policy:

- 1. Limited Coca Cultivation: Under the new regime each member of the agricultural unions is permitted to grow a limited amount of coca, which is known as a cato (40x40meters). In addition Morales has extended the amount of coca that can be grown nationally from 12,000 hectares to 20,000 hectares to supply the traditional legal market.
- 2. Decriminalization and industrialization of Coca: The government makes a sharp distinction between coca leaf, a plant Andeans have consumed for millennia, and cocaine, an illicit drug. The government has proposed the industrialisation of coca for licit uses such as teas, shampoo, diet pills, wine and toothpaste. The Bolivian government has called on the UN to decriminalize coca leaf so that the country can export these coca based products to other countries however for the meantime this is not possible as coca remains on the UN's list of controlled substances (Metaal et al., 2006). In contrast to several other Latin American governments the MAS administration is not in favour of decriminalizing cocaine.
- 3. Community Led Control: The responsibility for coca control has been transferred from the security forces to the Agricultural Federations. This policy is referred to as 'social control' and encourages the unions to exercise internal controls to limit cultivation to the one Cato limit. Any coca excess to the one cato limit is to be voluntarily uprooted. A government agency staffed by coca growers and funded by the EU has been set up to provide support to the Social Control program. The agricultural unions are also tasked with ensuring that coca is sold directly to official coca markets.
- 4. Development First. The government has promoted economic development in coca growing regions but unlike the previous strategy this has not been conditional on the eradication of coca. Furthermore, in contrast USAID's approach, development actors now work directly with the Coca Unions.

From the perspective of the Chapare coca growers' the new policy is a step in the right direction; coca growers identify strongly with the national anti-drug goals and take pride in self-governance. Moreover the violence provoked by forced coca eradication is seen as a thing of the past and the

coca growers have been able to re-establish themselves after years of impoverishment. The cato of coca generates an income in the region of \$100 dollars a month, this provides poor farmers with an economic safety net and has allowed them to experiment with other legal crops without running the risk of destitution. Since 2006 the price of coca has steadily increased (the UN reports that the price of coca in illegal and legal markets is roughly similar) and the local economy has started to grow; this is clearly demonstrated by the explosion of village fiestas, increased motorbike ownership, thriving local business, home improvements and rising land prices in the region. Finally, the new policy respects the coca leaf, which the coca growers consider to be an important element of their culture. However, notwithstanding these advances there are challenges associated with implementing the new policy, not least the refusal by a minority of farmers to comply with the new regime (Grisaffi, 2013).

The Bolivian policy has been remarkably effective. A recent UN report suggests that coca cultivation decreased from some 31,000 hectares in 2010 to 27,200 hectares in 2011 marking a 12% drop. In contrast both Peru and Colombia experienced a net increase of land under coca cultivation during the same period. The UN attributes Bolivia's 'significant' decrease to 'effective control' through cooperative coca reduction and eradication (Ledebur and Youngers, 2013). The Bolivian government has made significant efforts to eradicate coca in areas that are not controlled by the Coca Unions. In 2011 government forces eradicated a total of 10,500 hectares of coca, an increase of 28 per cent compared to 2010. In addition, despite expelling the DEA in 2008, the Bolivian government has scored several important victories against drug traffickers - in 2010 the special narcotic police force (FELCN) confiscated and destroyed over twenty-eight tons of cocaine base paste and five and a half tons of pure cocaine (UNODC 2012: 5), this represents a massive increase on the amount of cocaine interdicted ten years previously. Prominent research organisations including the Washington Office on Latin America and the Andean Information Network have judged Morales's 'social control' approach in positive terms. They argue that the policy treats the coca growers as partners instead of criminals, respects human rights and offers poor farmers realistic economic alternatives. Furthermore they argue that by tackling the root causes for the cultivation of illicit crops the co-operative approach could be more effective at reducing coca and cocaine production in the long term than the previous strategy of forced eradication (Youngers and Walsh, 2010, Ledebur and Youngers, 2013, Farthing and Kohl, 2012).

Despite the persuasive figures the United States has been very critical of this new approach. The White House drug office argues that despite the decrease in total coca acreage potential cocaine production in Bolivia increased dramatically in 2011 (jumping from 195 metric tons in 2010 to 265 in 2011) as a result of better yields from existing plantations and innovative methods for processing cocaine. However, some drug policy analysts have suggested that these figures are opaque and unrealistic (Ledebur and Youngers, 2013). Even so, in September 2012

the White House renewed the 'decertification' of Bolivia for the fourth consecutive year, claiming that the country had 'demonstrably failed to comply with its obligations to tackle drug traffic'. Despite the US's negative rhetoric it signed a bi-lateral framework agreement with Bolivia in 2011 and has continued to provide Bolivia with equipment and training for anti-drugs operations (although at a much reduced level). In January 2012 Bolivia, Brazil and the United States signed a tri-lateral coca monitoring agreement.

History has shown that eradicating illicit crops in source countries is counterproductive; it destroys local economies, provokes violent confrontations and criminalizes some of the poorest and most vulnerable members of society. Furthermore, there is absolutely no evidence to suggest that eradicating coca crops in the Andes has an impact on the supply of drugs reaching US streets. Bolivia's social control policy is humane, it respects indigenous culture, and it creates a safe and secure environment in which alternative livelihood strategies can be tried out (Youngers and Walsh, 2010). Rather than remaining committed to a policy that has proven to be harmful, ineffective and unsustainable, US policymakers would be well advised to learn lessons from the Bolivian experiment.

#### Conclusion

For decades successive US administrations have pursued a supply side drug control strategy that has been harmful and has failed to achieve its goals. In spite of the billions of dollars and lost lives, Latin America remains a major global exporter of illicit drugs including cocaine, cannabis and heroin. Latin American leaders have tired of the violence, corruption and constant disappointing results associated with the drug war. In response they have called into question the legal and ethical framework underlying the international drug control system and have taken matters into their own hands. Recent initiatives that have been proposed by Latin American governments include decriminalizing drugs for personal consumption, reducing penalties for drug offences, creating corridors for the transit of illicit drugs so they can move unhindered to the market without destabilizing the entire region, increasing expenditure on harm reduction programs, and pursuing collaborative approaches to control illicit crops. The present moment marks a historical juncture in the debate over drug policy with Latin American leaders making ever-louder calls for 'regulation' as opposed to 'prohibition'. Whether they will be able to forge a new consensus remains to be seen, however it is worth remembering that drug control policy has taken many different forms over the years and so there is no reason to assume that the current prohibitionist policies will prevail (see Paoli et al., 2012).

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