

“The Drug Problem in the Americas” Report

Lisa Sánchez

At the Sixth Summit of the Americas in Cartagena, Colombia, the presidents of the hemisphere’s 34 countries acknowledged the multidimensional nature of the drug phenomenon and the challenges it poses. Aware of the increasingly intense debate on the topic and the growing sense that there is a need to reform current policies and explore other alternatives, the heads of state and government said they had begun an *“invaluable discussion on the global drug problem [and had agreed] on the need to analyze the results of the current policy in the Americas and to explore new approaches to strengthen this struggle and to become more effective.”* They issued the OAS a mandate to that end.

The **Report on the Drug Problem in the Americas** is the tool for compliance with that agreement and mandate. Consisting of two different but complementary sections, the report includes a broad technical study of drug *consumption, production, transit, commerce* and the scope of the *drug business* in the hemisphere, and examines the public policies adopted to address the problems of public health, illegality and violence it causes, as well as its social and political impact on society. The study’s conclusions are called the **Analytical Report**. There is also a complementary **Scenarios Report**, which describes the situation not as it *is*, but as it *could be*. The scenarios, presented as a series of narratives with a time frame from 2013 to 2025, illustrate the possible outcomes of four different policy approaches which, although not mutually exclusive, emphasize different areas, such as *security, legal reform* of the international drug control system, reconstruction of the *social fabric*, and *international conflict*.

It is important to note that the *Analytical Report* is actually a summary of six studies dealing with the *health, development, security, production, alternatives for legal regulation* and *money laundering* dimensions of the so-called drug problem. Because of the length and complexity of the reports, the General Secretary of the OAS, José Miguel Insulza, regrouped such findings into a 10-chapter executive summary that addresses the following issues: 1) *definition of the problem* 2) *drug use* 3) *cultivation* 4) *production* 5) *distribution* 6) *sale of drugs* 7) *patterns of consumption* in the Americas 8) *criminal violence* associated with the illegal drug economy and drug use 9) *legal and regulatory alternatives* for addressing the drug problem and 10) the OAS’ contribution to a nascent dialogue.

This paper provides an overview of the content of each chapter and indicates points of confusion, omissions and/or ideas that should be emphasized. It is important to keep in mind that this is not a summary, but the author’s individual opinion. Those who wish to refer to the report in their political advocacy work are therefore advised to read the report for themselves.

Chapter 1: What is ‘the drug problem’ and how shall we analyze it?

The first difficulty in discussing the “drug problem” in the hemisphere is the lack of definition regarding key international legal tools. The report therefore assumes that there is not a single drug problem but multiple related problems, and that these are reflected in different ways, depending on the specific characteristics of the countries and the position occupied by each in relation to the problem. Although the drug phenomenon is mostly addressed in terms of use, the report also defines it as an economic activity that, thanks to prohibition, has become illegal and criminal. *The “drug problem” includes all activities associated with the production, marketing and use of substances prohibited under international conventions and includes the following dimensions: cultivation, production, distribution, violence, marketing and use.*

Chapter 2: Drugs and health

In this chapter, the OAS emphasizes that all drug use implies risk, although the development of dependency is determined by a series of biological, psychological and social factors in both the individual and his or her environment. Based on available scientific evidence, it concludes that controlled drugs account for 0.8 percent of the worldwide burden of death and disability, although it acknowledges that the burden is not distributed equitably by region or type of substance. Regarding development, it points out that drugs affect not only economic dynamics but also social cohesion, and that the less development there is, the greater the propensity to abuse drugs or consume more hazardous substances – although it emphasizes that this relationship is not absolute. Unlike other approaches, this chapter emphasizes the need to respond to social exclusion and proposes that “structural problems need to be addressed with structural solutions” – although that does not mean that policies should no longer be specific or should be reduced to policies for social integration and/or governance. *“It means asking oneself to what extent current policies, geared to punishment and criminalization, trigger more harm than they prevent.”*

Chapter 3: Drug crop cultivation and inputs for drug production

In discussing drug crop cultivation and drug production, the OAS begins by noting the limited number of sources for estimating the real scope of these phenomena although it accepts that there has been a 30 percent reduction in coca cultivation in the Andean Region – associated with a 50 percent reduction in Colombia – and warns of an increase in crop density in countries such as Peru and Bolivia. Regarding poppy cultivation, the report highlights a significant change in production trends, with a shift from Colombia to Mexico as the largest producer of opium in the hemisphere – with a combined production capacity of 50 metric tons of pure heroin –. Lastly, and regarding cannabis cultivation, the report it only mentions the versatility of production and indicates that Mexico, the United States, Colombia, Paraguay and Canada are the largest producers in the hemisphere – although it acknowledges difficulties in estimating total production because of cultivation for personal use.

Regarding the environmental impact of drug cultivation, the report notes that illegality contributes to the expansion of the agricultural frontier, hampers the implementation of environmental protection mechanisms in production, and actively contributes to environmental degradation because of control measures such as aerial spraying. The government response, it says, has yielded positive, although marginal, results from alternative development programs in countries such as Peru and Bolivia as well as initiatives for creating local economic foundations for agriculture, agro-industry and forestry in Colombia. It celebrates local “successes,” but admits that *“eradication alone pushes up the price of crops, stimulates further production in more remote zones, leads to increasing levels of instability, and ultimately has little impact on the price and availability of drugs in consumer markets. Alternative development, in and of itself, has provided needed assistance to low-income communities but it has not ended coca cultivation. To date, production of illegal crops has largely been displaced elsewhere.”*

Chapter 4: Drug production

The OAS notes the following trends in drug production: 1) *cocaine* - stabilization of worldwide production at 800 metric tons, displacement of production to Peru and Bolivia, and more efficient methods for production of drugs and precursors by criminal organizations 2) *heroin* - displacement of cultivation and production to Mexico, with lower-quality heroin 3) *synthetic drugs and emerging substances* – easily produced, although with displacement associated with increased control over precursors 4) *new psychoactive substances (NPS)* –outside the international control system and regulatory mechanisms, their diversity and the difficulty of tracking them pose significant challenges for health 5) *pharmaceuticals* –increase in their use, particularly in the United States and some Latin American countries, where they are more prevalent than any other drug except marijuana and 6) *precursor chemicals* –challenges related to the production of controlled precursors and other essential chemicals from non-controlled substances.

Regarding the environmental impact of the production of illicit drugs such as methamphetamines, cocaine and heroin, all of which require large amounts of chemicals for their manufacture and create large amounts of toxic waste, the report concludes that *“the state of illegality also plays a role when it comes to environmental contamination in drug processing, whether on a small or industrial scale”*. In addition, destruction techniques, when identified, are normally not the most adequate and can, in turn, exacerbate the pollution problem. Finally, in discussing the state’s response, the report notes significant difficulties and consequences, as interdiction efforts supposedly have resulted in the seizure of as much as 40 percent of the cocaine produced worldwide. Targeted interdiction, however, has resulted in the shifting of trafficking and production activities to new areas.

Chapter 5: Distribution or transit of drugs

As with the preceding chapter, the report addresses the distribution or transit of drugs by identifying the flow of each substance: 1) *cocaine* –although the greatest individual demand continues to come from the United States, this is believed to have decreased since 2007; the size of the market is calculated at between 400 and 600 metric tons, and transit routes have shifted from the Caribbean to Central America and from the Pacific route to the Atlantic, with a balloon effect that is also reflected in consumption, with increased demand in Europe and South America 2) *marihuana* –production remains local or for supplying nearby markets although criminal organizations mainly supply the U.S. market through production in Mexico or Jamaica. More recently, more potent North American cannabis is being exported, even though that phenomenon is still at an early stage 3) *synthetic drugs* –intraregional trafficking with production close to consumer markets; the main flow of methamphetamine is from Mexico to the United States even if other routes have been detected from Colombia to Venezuela and Ecuador, and from Argentina to Uruguay.

The environmental impact discussed in the report is limited to the creation of illegal infrastructure for the aerial shipment of drugs. Finally, regarding the government response, it notes that there are various national strategies, which have mixed results. *There are two main trends in the criminal world as a result of government action: 1) fragmentation and competition between organized crime organizations, and 2) “integration” of organized criminal groups that seek to combine and control various activities. Another phenomenon is the tendency toward the displacement of criminal networks from one place to another and the impact of government interventions on the diversification of criminal activity.*

Chapter 6: Drug sales

With an approximate value of US\$151 billion, drug trafficking is a very lucrative business. The corrupting power of illegal money affects individuals and institutions and helps perpetuate violence and corruption amid extreme impunity. According to the report, “No other illegal economy in the region has so much power to erode institutional structures”, and the hemisphere is experiencing a transition of corruption from the predatory phase to the symbiotic phase, with significant penetration of state structures and institutions.¹ Another problem created by the illicit drug economy is the need to conceal income or assets from the production, transit and sale of drugs. The result is money laundering, which leads to more corruption and economic distortions stemming from the participation of legal entities in illicit activities. This can also result in perverse development dynamics with strong community ties, where the progress of entire communities depends on the injection of illicit capital.

¹ According to the report, the weaker the institutions and public procedures, the more susceptible is the state to being affected by the illegal drug economy. Adopting that argument, however, would mean accepting a one-way cause-and-effect relationship that ignores the fact that this is a two-way process.

A breakdown by substance shows: 1) *cocaine* –estimated worldwide market value of US\$85 billion with the United States as the region’s largest market followed by South America 2) *heroin* –retail market calculated at US\$55 billion, with 13 percent of the global market concentrated in the United States and Canada 3) *marihuana* –worldwide market valued at US\$141 billion, according to the UNODC, although other studies indicate a much lower value, at about 50 percent of that amount 4) *amphetamine-type stimulants (ATS)* –significant inconsistencies in information, with only the certainty that the market is much smaller than for other substances 5) *NPS* –no reliable data, but the market is known to be expanding, especially because of the increase in the number of Internet sites facilitating sales.

In this area, law enforcement remains focused on the smallest links in the chain and appears to have contributed to the “feminization” of the incarceration problem because of the large number of women arrested for non-violent trafficking. *“It is important to determine whether current legislation and sentencing guidelines tend to punish the less guilty. Sentences for drug dealing are sometimes severe, even longer than sentences for serious acts of violence. Sentencing systems based mainly on the quantity of the drugs involved rather than on the specific behavior of the accused may result in the incarceration of many petty criminals”.*

Chapter 7: Drug use

The chapter begins by distinguishing between different types of drug use (experimental use, regular or social use, harmful use, and misuse and detrimental use) and questions the traditional approach of the “drug use problem” as exclusively a matter of individual responsibility. It states that there are various risk and protection factors that increase or decrease a person’s vulnerability to drug use and places those factors within the context of social and economic dynamics in the hemisphere.

Specifically regarding patterns of use, it notes: 1) *marihuana* –24 percent of the world’s users are in the Americas, and 81 percent of those are in North America, the average annual prevalence being 6.6 percent with significant variation among countries (between 1 percent and 14 percent) 2) *cocaine* –approximately 7 million users (45 percent of the worldwide total), with average annual prevalence of 1.2 percent and significant variation among countries (between 0.1 percent and 2 percent) 3) *smokable forms of cocaine* –expansion of use from the Andean region to the rest of South America, with a low prevalence of use but posing a significant public health challenge 4) *heroin* –concentrated in North America but expanding in countries like Mexico and Colombia and even in nations like Dominican Republic where the repatriation of migrants gradually introduces the drug to local communities 5) *amphetamine-type stimulants (ATS)* –regional variations with use concentrated in Canada and the United States 6) *inhalants* –use among students along with other substances such as alcohol, tobacco, marihuana and pharmaceutical drugs 7) *pharmaceutical drugs* –misuse of narcotics mainly concentrated in the United States.

Regarding treatment and prevention, the report notes that care is segmented and fragmented, with a supply of services based on loosely organized care networks in which religious groups have a strong influence. Public services are mainly concentrated in mental health facilities with inadequate resources and “asylum”-like characteristics; in nearly all countries, significant human rights violations have been registered. The supply and accessibility of harm reduction services is mentioned indirectly in the report, under “needle exchange programs for intravenous drug users”, and it notes that only Canada has a supervised injection program, and only in North America are substitution therapies provided as a way of preventing the transmission of infectious diseases.² The United States, Canada and Brazil have other harm reduction interventions for crack users, but without impact evaluations, as the report notes.

² This statement could be challenged, since countries such as Mexico also offer methadone substitution therapy.

Chapter 8: Drugs, crime and violence

Because of prohibition, the drug problem is a crime problem. This is aggravated by overwhelming criminal violence related to the protection of those criminal activities and disputes between criminal gangs. This is the most visible aspect of the problem and the one that most affects countries in the hemisphere, with drug transit being the activity resulting in the greatest violence. The report acknowledges that a significant number of homicides in the region are directly associated with organized crime, itself related to the illegal drug economy. Nevertheless, many factors influence levels of violence and public insecurity. A country analysis appears to show that although drugs are not necessarily to blame for high crime rates, in countries that see an increase in the amount of drugs seized, which assumes an increase in transit volume, there tends to be a parallel increase in homicide rates –although an inverse relationship has not yet been proven.

According to the report, neither cultivation nor small-scale drug trafficking seems to be the main source of violence. So-called “hot spots” characterized by high levels of violence appear to be due to the confluence of various illegal activities, such as arms trafficking, selling stolen goods, prostitution and counterfeiting, along with drug selling. With regard to drug use and violence, the report warns that it is not possible to state that the crime rate is higher among drug users. Instead, vulnerability and social exclusion could be more decisive than drug use in the commission of crimes. Finally, the chapter acknowledges that violence is expressed in different ways in different countries, and although illegality, drug trafficking and violence are related, the only incontrovertible evidence is that there is a significant difference between the strength of the State in countries that are destinations for drug trafficking and those that are transit countries.

Chapter 9: Legal and regulatory alternatives

Although the chapter begins by defining the terminology of the debate, there are significant omissions, such as the definition of the term “regulation” which appears to be confused with legalization. The chapter also analyzes four key areas that serve as policy aims (protection of individuals and communities, reduction of harm to users’ health, reduction of negative consequences for users, and prevention of problems in families, communities, schools and workplaces) that are based on the premise that disapproval of the use of certain substances is socially valid and unchangeable. The evidence used in the report justifies prohibition on the grounds that it deters use by making drugs more expensive, although it acknowledges that prohibition – and perhaps some regulations – also has a series of negative consequences, including illicit markets, massive incarceration, human rights violations and opportunity costs for public budgets.

The report devotes considerable space to the analysis of *depenalisation*, *decriminalization* and the reduction of penalties as alternative policy options. It considers the examples of Argentina, Mexico, Chile, Brazil, the United States and Uruguay, although it again appears to confuse terminology when it addresses legal regulation initiatives such as those in Washington, Colorado and Uruguay under the same title. Other alternatives explored include legal regulation, with an examination of lessons learned from alcohol and tobacco as a preamble to analysis of the potential legalization of one or more currently controlled substances. This chapter particularly emphasizes the variety of tools that fall under “legalization” – again understood as legal regulation – and includes the experiments carried out in Holland and Spain. Finally, in terms of costs and benefits, the analysis concludes that discussion should be cautious, because “evidence suggests that reducing penalties for possession of small quantities has little effect on the number of users but retains the benefit of reducing judicial case loads and incarceration rates. Legalization could substantially reduce the criminal justice costs of enforcement of prohibition. [...] Enforcement costs, however, would not disappear entirely”.

Commented [CY1]: I just want to make sure this is translated correctly. In the original it is “y a las regulaciones?”

Commented [U2R1]: Yes, page 89 says regulations and prohibitions create...

Commented [CY3]: I also want to make sure this is correct. The original is depenalization. There is a later place where it is also translated as decriminalization but that is how it is in the OAS report. I believe that depenalization in Spanish can mean either depenalization or decriminalization, so I wanted to be sure.

Commented [U4R3]: You’re right, it says Trends: depenalization, decriminalization and more...

Chapter 10: Contributing to the launch of a new dialogue

The drug problem is a hemispheric issue that affects the various countries in the Americas differently, and the various activities – cultivation, production, distribution, sale and use – should therefore be treated differently. Given the situation in the hemisphere, it is clear that policies affect producers the most, and that the lack of emphasis on their situation, apart from alternative development programs and eradication, has significant social consequences in the Andean countries. Meanwhile, the people involved in the trafficking and sale of drugs tend to be the product of social exclusion, a situation that is also true in the case of problem drug use and the effects on the most vulnerable groups. Regarding security, the report acknowledges that there is no absolute relationship between the drug problem and insecurity, although it recognizes that the latter has a greater effect in societies in which the state is not able to respond effectively: there is no situation of insecurity that cannot be resolved, but each requires a different response.

The report concludes by encouraging a public health approach to drugs, accepting that dependence is an illness and the user is a victim, not a criminal or an accomplice of drug traffickers. It also mentions the importance of attacking this part of the problem by promoting healthy lifestyles and treatment, decriminalizing use, and refraining from the implementation of measures that deprive people of their freedom. The drug problem requires a differentiated, flexible approach: because the drug problem takes various forms and has diverse impacts, it requires a flexible and multi-faceted approach that considers different situations and is committed to maintaining unity amid diversity.

“Greater flexibility could lead to the possibility of amending domestic legislation or promoting changes to international law: a) [in] domestic law[...] it would be worthwhile to assess existing signals and trends that lean toward the decriminalization or legalization of the production, sale, and use of marijuana, [as the] report finds no significant support for the decriminalization or legalization of the trafficking of other illicit drugs b) with respect to the United Nations conventions, changes could result from the possibility that the current system for controlling narcotics and psychotropic substances may become more flexible, thereby allowing parties to explore drug policy options that take into consideration their own specific practices and traditions”.

This document was originally published in Spanish and was translated by Barbara Fraser.