



Advocacy for Human Rights in the Americas



Andean Information Network • Red Andina de Información

**RESEARCH
REPORT**

A dark grey circular graphic with a textured, leaf-like pattern, containing the text "RESEARCH REPORT" in white, bold, sans-serif font.

BUILDING ON PROGRESS

Bolivia Consolidates Achievements in Reducing Coca and Looks to Reform Decades-old Drug Law

By Coletta A. Youngers, WOLA and Kathryn Ledebur, Andean Information Network

AUGUST 2015

INTRODUCTION

For the fourth consecutive year, the United Nations Office on Drugs and Crime (UNODC) reported a decline in coca cultivation in the Plurinational State of Bolivia; the country has achieved a 34 percent net reduction in coca cultivation between 2010 and 2014.¹ Bolivia now places well behind Peru and Colombia in its production of the coca leaf, the raw ingredient used to manufacture cocaine, and is very close to meeting its goal of limiting the cultivation of coca for traditional and other legal uses to only 20,000 hectares (about 77 square miles). These accomplishments are being noticed. According to the UNODC representative in Bolivia, Antonino De Leo, “Bolivia’s achievement over the last four years is well known: reduction of coca cultivation through dialogue, participation of coca growers’ unions, and a policy based on respect for human rights. The results are clear in the eyes of the international community.”²

Upon taking office in 2006, President Evo Morales extended a cooperative coca reduction program that was first put in place in October 2004. The policy allows each registered coca grower to cultivate one *cato* of coca,³ which is 1,600–2,500 square meters (about one-third the size of a football field). Any coca grown beyond that limit is subject to elimination. The government has implemented a sophisticated coca monitoring system that includes land titling, a biometric registry of growers authorized to grow the *cato*, periodic measurements of coca fields, and implementation of a database, SISCOCA. Local coca growers’ unions work with government officials to ensure compliance with the *cato* agreement, a policy known as “cooperative coca reduction.” To date, this approach has produced positive results and is promoting long-term reductions in coca cultivation while virtually



After taking office in 2006, Bolivian president Evo Morales (pictured above) developed a cooperative coca reduction program that has succeeded in reducing cultivation. Photo credit: Thomas Grisaffi.

“Bolivia’s achievement over the last four years is well known: reduction of coca cultivation through dialogue, participation of coca growers’ unions, and a policy based on respect for human rights. The results are clear in the eyes of the international community.”

*Antonino De Leo
UNODC Representative in Bolivia (August 2015)*

eliminating the violence and social conflict associated with the forced coca eradication campaigns pursued by previous governments.

Yet the Bolivian government faces significant challenges addressing broader drug trafficking trends and the continuing diversification of trafficking routes: in particular, transshipment of low-priced Peruvian coca paste through its territory. Drugs originating in Peru are now being shipped in small planes. Bolivian officials estimate that 60 percent of coca paste and cocaine interdicted in the country originates in Peru. European Union (EU) official Nicolaus Hansmann laments that, “Peru is a huge problem. It is like a balloon that could explode at any moment and spill over into Bolivia.”⁴ The government also faces diversified local drug trafficking networks, primarily organized in family “clans,” and the presence of representatives of foreign drug cartels.

Reforming Bolivia’s draconian drug law, Law 1008, is one of the most significant persisting challenges. The government has announced that the law will be separated into two—one law dealing with coca cultivation and the other with drug production and trafficking—in an effort to differentiate between licit, traditional coca production and the illegal drug trade. The Morales administration is preparing draft laws that reportedly will be debated in the Bolivian congress later this year. Bolivia’s cooperative coca reduction strategy has proven to be more effective than previous

forced eradication efforts. At the same time, it honors the country’s own cultural traditions and recognizes that poor people who rely on coca for licit uses and as a source of cash income should not be blamed for a global issue well beyond their control.

It would behoove the Bolivian government to adopt a similar approach in reforming the country’s draconian Law 1008, which was adopted in 1988 and designed by the U.S. Embassy to mimic the United States’ own punitive approach to drugs. Failing to distinguish between levels of involvement in the drug trade, the law has filled Bolivia’s jails with low-level drug offenders, the vast majority of whom spend years in jail before even coming to trial. To address low-level drug offenders, the Morales government should intensify its focus on alleviating poverty—the approach that has underpinned Bolivia’s successful efforts to reduce coca growing. Scarce enforcement resources should be directed primarily against those running the drug trade at higher levels, rather than against those at the bottom rungs of production and distribution, who are in any case easily replaced. Toward that end, the new drug law should ensure proportionality in sentencing—in other words, the penalty should be commensurate with the gravity of the offense committed—and include alternatives to incarceration for low-level offenders, including education, training, and employment programs.

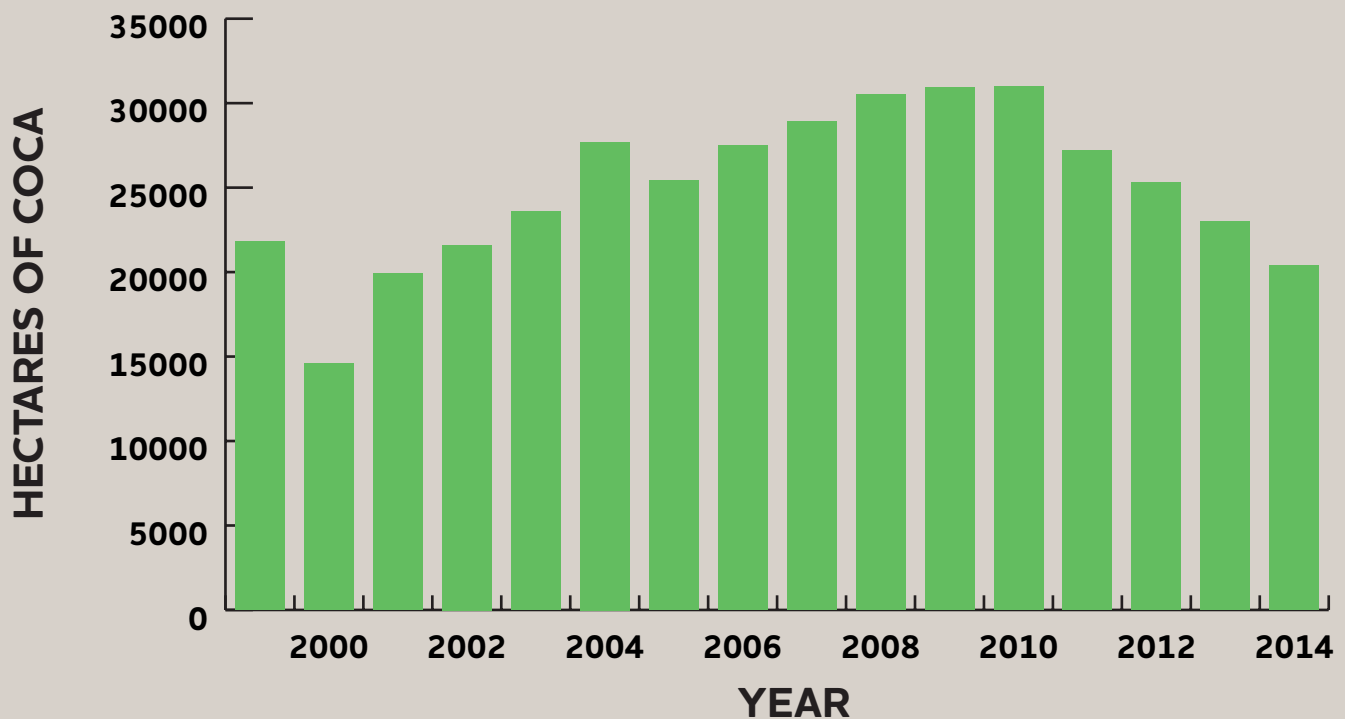
COCA CULTIVATION CONTINUES ON A DOWNWARD TREND

According to UNODC, in 2014 Bolivia achieved the lowest level of coca cultivation—20,400 hectares—in the country since 2002, due to a 11 percent reduction in the coca crop from 2013 to 2014.⁵ The year before, UNODC reported a 9 percent reduction in coca cultivation in that country.⁶ Indeed, the amount of coca cultivated in Bolivia has declined steadily since 2010, amounting to a 34 percent net reduction overall. UNODC notes in its 2013 annual coca monitoring survey for Bolivia that the decline is largely due to the Bolivian government’s coca reduction strategy.⁷ According to the

UNODC’s representative, Antonino De Leo, this trend is expected to continue.⁸ Bolivian officials hope to achieve their stated goal of 20,000 hectares—the target threshold determined to be appropriate for legal cultivation—by 2016.

In October 2013, the Bolivian government presented the results of their study of licit coca markets and consumption.⁹ Agreed upon in October 2004 as part of the *cato* agreement, the long-delayed study determined that 14,705 hectares would meet licit coca consumption needs. The amount

FIGURE 1
HECTARES OF COCA CULTIVATED IN BOLIVIA PER YEAR



Source: UNODC Bolivia. <https://www.unodc.org/unodc/en/press/releases/2014/June/coca-bush-cultivation-drops-for-third-straight-year-in-bolivia-according-to-2013-unodc-survey.html>.

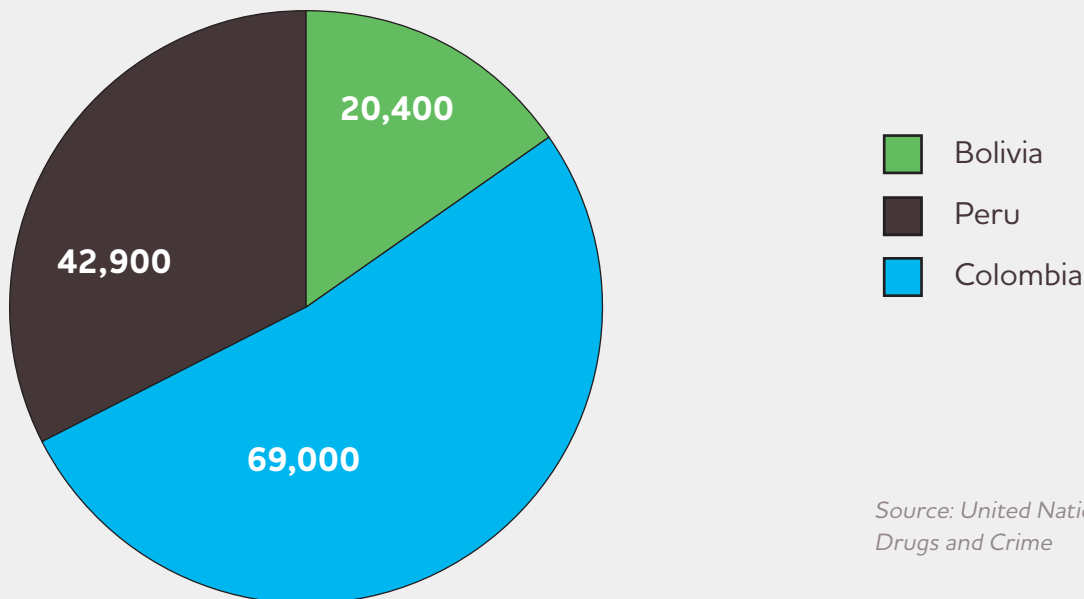
is 2,705 hectares above the limit set by the current drug law, Law 1008, but substantially below the Morales administration's working goal of 20,000 hectares. The Morales administration claims that the higher figure of 20,000 hectares takes into account plans for coca industrialization projects and hence increased market demand for legal coca products. This includes plans for the construction of a pharmaceuticals plant with technical assistance from the Cuban government.

U.S. government statistics on coca cultivation in Bolivia have fluctuated greatly. In 2013, the United States retroactively reduced its coca cultivation estimates by about 5,000 hectares over President Morales' tenure in office, after its participation in a trilateral accord between Bolivia, Brazil and the United States, which supported coca monitoring.¹⁰ In 2015, for the first time, the U.S. State Department's International Narcotics Control

Strategy Report (INCSR) cited the UNODC coca cultivation estimates (23,000 hectares) rather than put forward its own figures and noted that "coca leaf cultivation has declined steadily over the last four years."¹¹ However, in July 2015, the White House Office of National Drug Control Policy (ONDCP) asserted on its website that Bolivian coca cultivation had increased from 25,000 hectares in 2012 to 35,000 hectares in 2014. ONDCP provided no estimate for 2013 and offered no explanation of the methodology it used to obtain its 2014 estimate of coca cultivation in Bolivia. In contrast, UNODC details its estimation methods in each of its reports. The large gap between the two 2014 estimates (20,400 compared to 35,000) and the striking break in the downward trend suggest that the unsubstantiated U.S. figure should be considered with healthy skepticism.

Similarly, ONDCP reports a leap in potential cocaine production in 2014, largely obtained

FIGURE 2
COCA CULTIVATION IN THE ANDES IN 2014



Source: United Nations Office on Drugs and Crime



A woman drying coca in Apolo, Bolivia. Photo credit: Godofredo Reinicke

by significantly reducing potential cocaine production estimates from previous years; again, no explanation is given for the methodology used to obtain these results or for changes in reporting from previous years.¹² ONDCP merely states that, “We are confident in our methodology.”¹³

Bolivia’s coca cultivation estimates are particularly striking in contrast to neighboring Peru and Colombia. Although UNODC reports that Peru reduced its coca cultivation in 2014 to 42,900 hectares, a decline of almost 14 percent,¹⁴ the country had seen a fairly steady rise in cultivation over the past decade.¹⁵ Colombia, on the other hand, saw coca cultivation leap by 44 percent from 2013 to 2014, from 48,000 hectares to 69,000 hectares,¹⁶ reversing downward trends.

All of these coca cultivation and production

statistics should be considered with caution, as the measurement of illicit markets is at best an inexact science. The presentation of the estimates as single figures rather than as a range also conveys an unwarranted sense of precision. Instead of placing great importance on year-to-year fluctuations, the estimates are more usefully viewed as rough indicators of the direction of trends over longer periods of time. At this stage, it is fair to say that Bolivia’s steady decline in coca cultivation since adopting the cooperative coca reduction strategy represents genuine and sustained progress. As noted by UNODC’s De Leo, “If well-documented, the practice of social control could be an inspiration for other communities seeking to reduce coca cultivation.”¹⁷ The EU’s Nicolaus Hansmann adds: “We have learned that net reductions in coca cultivation are possible even in areas where there has been mono-cultivation for decades.”¹⁸

ECONOMIC DEVELOPMENT IN THE BOLIVIAN CHAPARE

The success of the Bolivian approach is largely due to two factors: 1) cooperative coca reduction efforts to ensure compliance with limited coca cultivation, and 2) economic development, in particular in the Chapare coca growing region. Allowing limited coca cultivation—and thereby ensuring a steady flow of cash income—has allowed farmers to risk investing in other economic income generating activities. At the same time, the Morales administration has invested in transportation infrastructure (including an international airport), education and healthcare, improving the overall quality of life of Chapare residents.

According to press reports, the government has invested \$350 million in the Chapare since taking office in 2006. The government is facilitating the development of productive enterprises, such as fisheries, and agricultural products such as pineapples. Banana exports have steadily increased; in 2014, local farmers exported 114,575.29 tons of bananas to Argentina, Uruguay, Chile, and Peru, a 7.64 percent increase from the previous year. The government has also invested in two processing plants for hearts of palm.¹⁹ While more research is needed to document and understand the drivers of economic growth in the Chapare, anecdotal evidence also indicates that more and more coca farmers are starting small transportation businesses and stores or other forms of commerce.

Economic development in the Chapare has provided new opportunities for coca



A Chapare farmer carries bananas, one growing income source to supplement the cato. Photo credit: Thomas Grisaffi.

growers' children, who increasingly attend university. According to Bolivia's Vice Minister of Social Defense and Controlled Substances (*Viceministro de Defensa Social y Sustancias Controladas*), Felipe Cáceres, "In [the area] of *14 de Septiembre*, we just saw 300 students graduate from high school. Ten years ago there were only seven or eight high school graduates a year. Now these new graduates have different goals. They want to become professionals."²⁰

Nonetheless, coca leaf prices remain high, which can encourage new plantings. Coca cultivation in national parks, where in some areas coca has been cultivated for decades, also concerns Vice Minister Cáceres: "The national parks are a priority. I now have access to two helicopters, which will substantially increase our control. We now have control over the Isiboro-Securé but we need to increase control in Parque Carrasco and in Parque Amboró. We have about 60 to 70 families in Amboró illegally growing coca." However, Bolivian officials are also quick to point out that in recent years coca cultivation in national parks has decreased steadily.²¹

DISRUPTING DRUG TRAFFICKING

During his ten years in office, President Morales has maintained a tough line against drug trafficking and an active interdiction program. His government, however, faces a number of challenges as it seeks to adapt to ever-evolving trafficking patterns, including a surge in the transportation by air of inexpensive Peruvian coca paste, primarily from the Apurimac, Ene and Mantaro River Valleys (VRAEM) through Bolivia to consumer countries. (According to UNODC, more than 67 percent of the coca paste and cocaine produced in Peru originates in the VRAEM.²⁶)

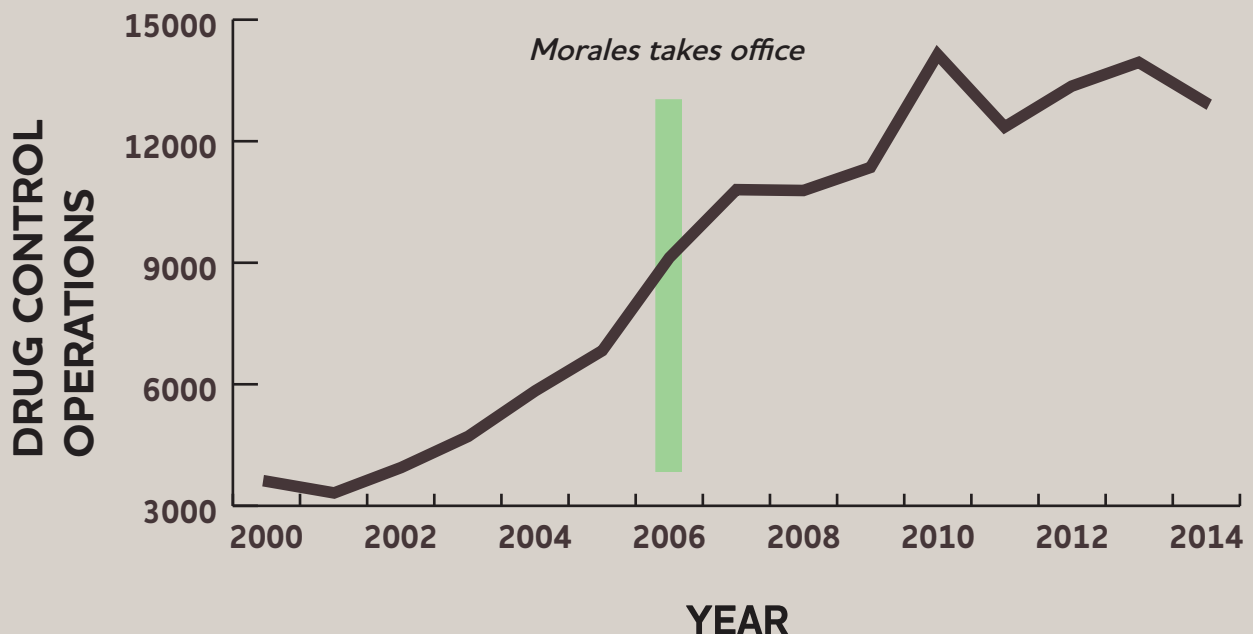
For the past three years, press reports have highlighted an influx of foreign drug trafficking organizations (DTOs, or “cartels”) operating in Bolivia. The reality, however, is more nuanced. Small family clans dominate Bolivian coca

paste production, which is now carried out in small, makeshift laboratories, as opposed to the rudimentary maceration pits used in the past. Police destroy multiple production sites daily and arrest those involved. However, paste production sites and workers are easily replaced, a form of spontaneous regeneration. The myriad of small production facilities and multiplicity of horizontally positioned actors help ensure constant dynamic competition. Without the market domination of drug production by large cartels, Bolivia has avoided the high levels of violence associated with the drug trade in other countries.

Although large international cartels are generally not involved in coca paste or cocaine production in Bolivian territory, their representatives do purchase and amass

FIGURE 3

NUMBER OF DRUG CONTROL OPERATIONS INCREASE UNDER MORALES GOVERNMENT



Source: Vice Ministerio de Defensa Social, Bolivia

larger cocaine shipments for transport, primarily to Brazil and Argentina, and through these countries to West Africa and Europe. Coca paste is also processed into what is commonly called *paco* or crack, and shipped for consumption in neighboring countries, such as Argentina and Brazil. According to Humberto Fuentes, Administrative Director for Felipe Cáceres, “From 2010 to 2011, there was an influx of Colombian, Mexican and Brazilian traffickers and the government arrested many of them, forty-four to be exact. The government’s intelligence operations yielded good results.” That, in turn, created new challenges, according to Fuentes, as “in 2013, the traffickers adapted their tactics and shifted from rivers and land routes to use of small air planes.”²⁷ The Bolivian government is also concerned about cartel representatives investing capital in the country and hence the importance of further strengthening anti-money laundering mechanisms and more effectively implementing existing legislation.

Although some Bolivian and international analysts report that drug trafficking has led to increased crime—claims that are widely reported in the mainstream media—recent studies do not support that hypothesis. The Bolivian NGO, *Puente Investigación y Enlace*, found that most crime in urban areas, especially Santa Cruz, is primarily a result of poverty exacerbated by rapid growth and a lack of effective law enforcement.²⁸ According to a June 2013 study by the Bolivian National Law Enforcement Observatory, theft and petty theft comprised the great majority of illegal activity in Bolivia, and drug offenses of any kind made up only five percent of the total. Furthermore, although 43.6 percent of Bolivian citizens cite crime and insecurity as their primary concern, only four percent said that a combination of drug trafficking, corruption, and smuggling were their main concern.²⁹

FOCUS ON SMALL-SCALE TRAFFICKING

Nevertheless, in early 2015 the Bolivian police announced a strategy to arrest small-scale drug dealers, or micro-traffickers.³⁰ As noted by one Special Force to Fight Drug Trafficking (*Fuerza Especial de Lucha contra el Narcotráfico*, FELCN) commander, “We have a government mandate to focus more on micro-trafficking, and we are coordinating with parent groups, school groups, municipalities and so on ... we are engaged in a full-fledged assault on street-level drug dealing.”³¹ Such an assault, however, is an inefficient investment of law enforcement resources. Low on the drug trafficking chain, small-scale dealers are easily replaced, so their arrests make little if any impact on the availability of drugs on the street, even as more and more young and primarily poor Bolivians are criminalized and incarcerated.

Indeed those arrested will likely serve excessively long prison sentences, as the current drug law fails to distinguish between levels of involvement in the drug trade, with sentences for ranging from 8 to 25 years for transporting or trafficking drugs. Moreover, preventive detention is the norm for drug trafficking offenses. (And many other offenses as well; an estimated 83 percent of Bolivian prisoners are in pre-trial detention, awaiting trial.³²) The FELCN arrested 3,455 individuals for drug trafficking offenses in 2014.³³ The prison administration has initiated a census of the prison population, but data on specific charges is not yet available. However, Felipe Cáceres affirms that approximately 70 percent of those incarcerated for drug offenses are low-level, non-violent offenders, who should receive lower sentences under the new law.³⁴

INTERDICTION EFFORTS AND THE INFLUX OF DRUG-LADEN PLANES FROM PERU

The government's statistics show a significant increase in drug control operations, including interdiction of cocaine, cannabis, and precursors (in solid and liquid form), since the Morales administration took office in 2006. However, 2014 witnessed a drop in the number of drug control operations from 13,966 in 2013 to 12,969 in 2014. Similarly, cocaine interdiction dropped from 2012 to 2013 and remained steady with 2013 levels in 2014. Cannabis seizures also dropped sharply from 2012 to 2013, but rose again in 2014. According to Vice Minister Cáceres, in 2014 the government also destroyed 74 cocaine hydrochloride processing labs and confiscated 26 small planes.³⁵ Interdiction statistics began to increase in the first half of 2015, with the seizure of 14.484 metric tons of cocaine products and 56.404 metric tons of cannabis. Police destroyed 79 cocaine labs, seized 24 drug planes and arrested 1,975 people in 6,291 missions. They also confiscated \$16.7 million dollars in assets.³⁶

Beginning in 2013, a new preferred trafficking route emerged: an "air bridge" that transports Peruvian coca paste and cocaine through Bolivia and on to neighboring countries, where the drugs are consumed, or continue on to West Africa and Europe. Bolivian authorities

estimate that approximately 60 percent of the coca paste (the bulk of seizures) and cocaine interdicted in Bolivia originates in Peru. Though estimates vary widely, according to Peruvian press accounts as much as 180 tons of Peruvian coca paste and cocaine is shipped to or through Bolivia each year. In past years, the majority of those drugs came into Bolivia over land, in trucks, through waterways or literally carried into the country by young people employed as couriers. Air transportation allows bulk shipments with little risk of interception.

In response, Bolivia and Peru stepped up collaboration and intelligence sharing, largely carried out through the FELCN and the Peruvian anti-drug police, the *Dirección Ejecutiva Antidrogas*, or DINANDRO, but also involving each country's air force. Peruvians officials track planes and share this information with Bolivian authorities so that they can continue tracking them in Bolivian airspace. As a result Bolivian police captured 26 planes carrying drugs in 2014, and 26 more in the first half of 2015. They also engaged in joint patrols on Lake Titicaca, which sits between the two countries. In April, the Bolivian government announced plans to improve the capacity to monitor its airspace by purchasing radar from a French company.

Officials from both Bolivia and Peru explain that they force down and intercept planes when they land. This strategy has helped disrupt the air bridge to some extent and to date has avoided deaths and injuries that can accompany

Bolivian authorities estimate that approximately 60 percent of the coca paste (the bulk of seizures) and cocaine interdicted in Bolivia originates in Peru.

aerial interdiction policies. However, in 2014 the Bolivian Congress adopted legislation allowing its forces to shoot down planes that refuse to respond to orders to land. Similar legislation is being considered in Peru. It was initially opposed by the Humala government, which then reversed course. A previous Peruvian shoot-down policy lost the support of the US government in 2001, after the Peruvian Air Force shot down a U.S. Missionary plane, killing a woman and a child.

The U.S. government is now legally barred from providing assistance to support such shoot-down programs that do not meet very strict requirements—and with good reason. Drug trafficking planes fly in remote areas where similar light aircraft are a common form of transportation. In a context of weak institutional controls, it is highly likely that this kind of horrific accident could be repeated with renewed shoot-down efforts.

Officials justify shoot-down policies because seizing large drug shipments makes more of a dent in the drug trade. However, the Peruvian VRAEM, as well as the Bolivian and Brazilian Amazon regions, are scattered with small landing strips. Those destroyed are quickly replaced or relocated. Moreover, past experience has shown that drug traffickers adapt quickly. In response to the last “air bridge denial” strategy launched in the 1990s, transportation routes shifted to rivers. Today, traffickers are already forging new routes through the northern Amazon, into Brazil and then up through Venezuela and Guyana, which has become an increasingly important transshipment hub to Europe. Not surprisingly, Bolivian drug control police are also now reporting increased flights from Argentina and Paraguay to Bolivia and then on to Chile.³⁷

THE REGIONALIZATION OF DRUG CONTROL EFFORTS

Improved relations and intelligence sharing between the Bolivian and Peruvian military and police forces is also part of a broader strategy adopted by the Morales government to develop a regional approach following the expulsion of the U.S. Drug Enforcement Administration (DEA) in 2008. The former head of the FELCN, Col. Gonzalo Quezada, points out that with the DEA’s departure, Bolivia does not have sufficient information on drug trafficking groups operating outside of Bolivia. “We know who the local actors are,” he says, but “the issue is intelligence beyond Bolivian borders.”³⁸ As a result, Bolivia has signed bilateral agreements with many countries, including Peru,³⁹ Colombia,⁴⁰ Paraguay, and Argentina.⁴¹ Vice Minister Cáceres highlights, “We’ve started working with the Brazilian Federal Anti-drug Police. We’re working with the Chilean Carabineros; we work the Argentine Gendarmes. The same is true for our brothers in Paraguay, the National Drug Secretariat; we have bilateral cooperation agreements and information (intelligence) exchange.”⁴²

While drug policy-related relations with Peru have improved considerably over the past year, relations with Brazil have cooled. In recent years, Bolivia and Brazil have signed numerous agreements to enhance border control efforts, as well as a trilateral accord with the United States to support coca cultivation monitoring efforts. However, Brazil has not delivered on many of its promises to Bolivia. The short-term trilateral accord with the United States provided monitoring equipment and training, but expired in 2013.

A diplomatic row further strained relations between the two countries, stemming from a request for political asylum in Brazil by Bolivian opposition leader Roger Pinto, who is accused of corruption. The Bolivian government denied his request for safe transit to the Brazilian border. He remained in the Brazilian Embassy in La Paz for over a year, until an embassy official smuggled him across the Brazilian border in his vehicle. The significant mutual distrust generated by this incident is only slowly being overcome. According to Vice Ministry advisor Humberto Fuentes, communication between the two countries is gradually improving and the government is optimistic about future joint collaboration on counter-drug activities.⁴³ In June 2015, officials from the governments



Felipe Cáceres, Bolivian Vice Minister for Social Defense and Controlled Substances (right) with Alberto Otárola, the head of DEVIDA, Peru's drug control agency (left). Relations between the two countries, particularly on drug policy, have improved over the past year. Photo credit: Agencia Andina.

of Brazil, Bolivia, and Peru met to discuss an accord to enhance border control efforts between the three countries.⁴⁴

DEBATE ON DRUG LAW REFORM

Although President Morales and his political coalition, the Movement for Socialism (*Movimiento al Socialismo*, MAS), have been vocal critics of Law 1008 since its passage in 1988, the administration has long postponed its reform. Now with the 2014 elections behind it, the Bolivian government has announced that draft legislation will be presented in the coming months with congressional votes (and eventual approval) tentatively slated for late 2015. As noted above, the government plans to divide the existing law into two pieces of legislation, one on coca and one on drug production and trafficking, in an effort to differentiate between the licit, traditional coca market and the illicit drug trade.

Vice Minister Cáceres explains the projected terms of the new coca law: “In the new law, the idea of the traditional zone disappears.

There will be a legal and an illegal zone.” The new law should create a legal foundation for the cooperative coca control strategy and formally establish a permitted production ceiling of 20,000 hectares (approximately 77 square miles). This will likely include 12,000 hectares of permitted growth in the Yungas “traditional zone,” as stipulated in Law 1008. Other established coca growing zones will have legalized extensions based on the biometric registry of existing authorized *catos*. Divvying up the allotted coca between the Yungas, Chapare, and other smaller areas of production, however, is no easy task, as farmers in each area want a bigger share of the pie.

Although the proposed 20,000 hectares exceeds the results of the legal market study by over 5,000 hectares, it is based on government estimates of the amount of coca produced by

those registered to cultivate a *cato*. In other words, the law prioritizes the subsistence needs of established coca farmers by creating a legal framework for coca cultivation and maintaining a higher sale price for the leaf. Furthermore, UNODC representative Antonino De Leo emphasizes that the Bolivian government, “can’t go below 20,000 hectares without generating conflict.”⁴⁵ Although confirmation of limits on coca cultivation will generate friction between different coca-growing areas of the country, the law is expected to eventually create legal stability for the country’s coca farmers.

Reform of the law regulating drug production and trafficking and could also prove controversial, even inside the MAS coalition, which controls two-thirds of the Bolivian legislature. In an effort to gain international recognition and legislative support for coca cultivation for traditional and legal uses, the Morales administration has supported a hardline approach to interdiction and prosecution of drug cases. Unfortunately, this approach has sustained some of the fundamental problems created by U.S.-imposed legislation. As noted, sentences for drug trafficking and production are disproportionately high, sometimes paralleling sentences for homicide. Although the U.S. government no longer funds Bolivian drug control, arrest statistics and drug seizures persist as primary yardsticks for measuring results. Legislative reform should ensure proportionality in sentencing practices and provide for alternatives to incarceration. The law is also intended to strengthen the legal basis for addressing money laundering and asset forfeiture.

The UNODC office in La Paz and the Bolivian government have jointly launched an initiative to generate proposals for drug law and prison reform. UNODC representative De Leo

points out that Law 1008 “does not comply with international standards, best practices or lessons learned about drug legislation.”⁴⁶ His office has shared information on best practices and lessons learned about drug laws, underscoring the importance of a health-based approach to drug use, proportionality in sentencing, avoiding mandatory minimum sentences, and the use of alternatives to incarceration for low-level offenses.⁴⁷ To date, Bolivian officials have expressed a willingness to address disproportionate sentencing and implement alternatives to incarceration.

Four consecutive amnesty and pardon initiatives, beginning in 2013, have constituted an important first step in addressing Bolivia’s prison crisis. However, bureaucracy, lack of public defenders, and eligibility requirements that exclude higher sentences have impeded their impact for drug detainees. The most recent decree, approved by the Bolivian congress in July 2015, broadened benefits by raising the sentence limit to ten years. One previous initiative capped those eligible at four-year sentences, excluding most accused or convicted of drug offenses. The last two initiatives allow for the pardon to be applied to people incarcerated on drug offenses up to the lowest trafficking sentence. The prison administration estimates that these initiatives have reached approximately 3,300 people.⁴⁸

The Morales administration is also working to address the prison crisis through broader criminal justice and penitentiary reforms, including the acceleration of judicial proceedings,⁴⁹ the application of plea-bargaining initiatives in back-logged cases, and the provision to inmates of identification cards and birth certificates necessary to apply for amnesty. While these are important steps in the right direction, it is too soon to evaluate the implementation and impact of these efforts.

EU AND U.S. DRUG POLICY TOWARD BOLIVIA

Although U.S. drug control funding for Bolivia ended in September 2013, the Bolivian government has increased its own budget for counter-drug efforts. Furthermore, the EU continues to support Bolivian drug control efforts. In March 2015, the EU confirmed a new five-year funding package for 65 million euros (roughly \$72 million), with a focus on integrated development, justice reform, strengthening interdiction infrastructure and capacities, tightening migratory and border control, and coca monitoring and incineration. EU official Nicolaus Hansmann highlights that “there is strong political will to fight drug trafficking ... Bolivia has built up a lot of capacity and processes. We should give them the benefit of the doubt.” At the same time he notes that historically little effort was put into local capacity building, creating challenges now as many basic skills are lacking among those responsible for implementing drug control efforts.⁵⁰ Echoing Hansmann’s views, UNODC representative De Leo affirmed, “The people in charge are committed and want to get the job done; that has not been my experience in other countries. I see commitment and professionalism at the highest level.”⁵¹

But U.S. officials still publicly criticize Bolivian drug control efforts. In September 2014, the Obama administration once again determined that the country had “failed demonstrably” in its drug control efforts. This is the seventh consecutive decertification for Bolivia, although the decision has been largely symbolic. In the past, the White House issued U.S. national interest waivers to allow limited funding to flow until it dried up at the end of FY2013. Without any proposed funding, 2014 was the first year that Bolivia was not granted this waiver.

U.S. criticism appears to be politically motivated, in response to the Morales administration’s

decision to largely end forced coca eradication followed by the expulsion of U.S. Ambassador Philip Goldberg and the DEA in 2008. Unsubstantiated claims about drug trafficking in Bolivia, (including the inflated potential cocaine production estimates for 2013), reported in the annual determinations, the State Department’s annual INCSR and by the ONDCP, have generated friction between the two governments and have further eroded the credibility of the U.S. government on drug policy issues.

Furthermore, the determinations have repeatedly criticized Bolivia’s efforts to regulate coca production and its re-adhesion to the Single Convention with a reservation permitting licit coca production as a violation of the spirit of the UN drug conventions. However, as observed by drug policy expert Martin Jelsma, “It is shocking how the U.S. continues to think it can get away with justifying its own treaty breach with a vague ‘flexible interpretation’ discourse and at the same time keep condemning Bolivia. We need to challenge that hypocrisy in the strongest terms.”⁵² The U.S. treaty breach relates to the U.S. federal government’s accommodation of state-level legalization of recreational cannabis, which the drug treaties clearly disallow.

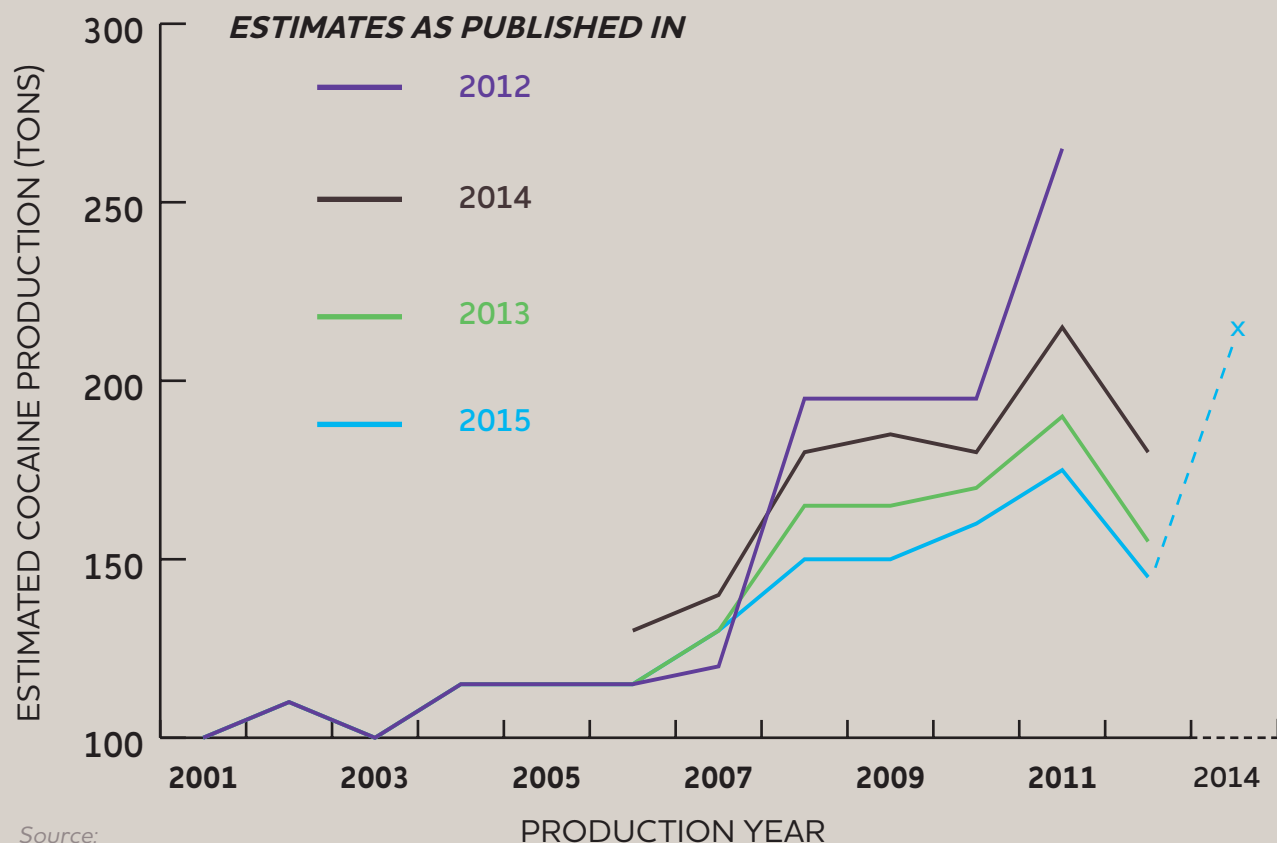
U.S.-BOLIVIAN RELATIONS

After the U.S. announced the re-establishment of diplomatic relations with Cuba in at the end of 2014, President Morales expressed the desire for improved bilateral relations with the U.S. government. In January, the new Minister of Government, Hugo Moldiz, made surprising comments expressing the administration’s interest in establishing lines of communication and exchange of information with the DEA. Those sentiments quickly faded, however, after

President Obama issued an executive order to impose sanctions against certain Venezuelan officials and declared a state of emergency with respect to Venezuela based on the claim that it poses an “unusual and extraordinary threat to the national security and foreign policy of the United States.” The sanctions and the claim that Venezuela is a security threat to the United States provoked outrage across Latin America. Subsequently the DEA became immersed in scandal with reports surfacing that DEA agents in Colombia held parties with sex workers that were paid for by drug traffickers.⁵³ The U.S. actions taken against Venezuela were seen in Bolivia as further evidence of continued U.S. intervention in Latin American affairs, while the DEA scandal further undermined U.S. credibility on drug policy issues.

Although cool, bilateral relations remain, for the most part, cordial. The embassies in both countries keep a low profile and the end to U.S. economic assistance to Bolivia has reduced opportunities for conflict. Although Presidents Morales and Obama did not meet at the Summit of the Americas in April 2015, Bolivian Foreign Minister David Choquehuanca and U.S. Charge d’Affaires Peter Brennan announced intentions to begin to implement the bilateral framework agreement concluded in 2011 and explore exchanging ambassadors.⁵⁴ Despite repeated false starts and a persistent lack of mutual trust, serious conflict between the U.S. and Bolivian governments has been avoided, and bilateral relations appear to be on a more or less steady course.

FIGURE 4
SHIFTING U.S. OFFICIAL ESTIMATES OF POTENTIAL COCAINE PRODUCTION IN BOLIVIA



Source:
 White House Office of National
 Drug Control Policy

CONCLUSIONS

Bolivia is forging new ground with its cooperative coca reduction policy. The just-released UNODC report on coca monitoring in Bolivia in 2014 provides further evidence that Bolivia's strategy to achieve sustained reductions in coca cultivation through cooperative coca reduction efforts and economic development is both more effective and avoids the harms caused by previous forced eradication campaigns. Coca cultivation has steadily declined by 34 percent over the last four years; perhaps most importantly, those gains appear to be sustainable. While some elements of the Bolivian approach may be difficult to replicate in other countries, the cooperative coca reduction strategy provides an effective and humane alternative for reducing coca cultivation. Other governments seeking to reduce cultivation should take the Bolivian approach into account, in particular Colombia, where in the peace accords negotiated between the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) and the government, an economic development approach has been adopted.

The cooperative coca reduction strategy provides an effective and humane alternative for reducing coca cultivation.

The Bolivian government has made clear that it intends continue to engage with the U.S. government. At the same time, it continues to receive significant support from the EU and has strengthened relations and cooperation with neighboring countries. These efforts have led to enhanced drug interdiction efforts, which

are yielding some positive results, including disruptions to the “air bridge,” the drug-laden planes taking off daily from Peru en route to Bolivia.

However, the “air bridge” between the two countries will never be shut down completely. Indeed, Bolivian authorities are already reporting an influx of planes from Argentina and Paraguay. The country's geography creates tremendous challenges, as it is located between Peru (along with Colombia one of the two primary producers of coca, coca paste, and cocaine), the growing Southern Cone market for such drugs and transshipment points to Europe and Asia where cocaine consumption is on the rise. The laws of supply and demand ensure that drugs destined for illicit use and illicit markets will continue to flow through Bolivia. Bolivia cannot be expected to solve a worldwide phenomenon driven by global demand for drugs on its own.

The Bolivian government has initiated a long-awaited reform of the country's draconian drug legislation. Government officials cite a commitment to legislation that respects human rights and is in compliance with international standards. They have also indicated their intention to distinguish between levels of involvement in the drug trade and the substance involved and significantly reduce sentences for low-and medium-level drug offenses. This proportionality in sentencing—the principle that the sanction should be commensurate with the gravity of the offense committed—is an indispensable pillar for reform. Success will hinge on effective implementation of planned alternatives to incarceration and their expansion to include education, training and employment programs, including benefits for pregnant women and mothers. This approach should

Proportionality in sentencing—the principle that the sanction should be commensurate with the gravity of the offense committed—is an indispensable pillar for reform.

allow law enforcement to focus on dismantling criminal networks and apprehending those running and profiting from the drug trade. Drug law reform should also maintain and clarify the decriminalization of possession for personal consumption, distinguishing between recreational and problematic use. Compulsory or forced treatment, which violates patients' rights and has proven to be ineffective, should be excluded from the new law. Opportunities for voluntary treatment must be readily available and include alcoholism, the most common substance abuse problem in Bolivia.

Finally, a focus on poverty alleviation, as is the case with Bolivia's successful coca reduction strategy, to address low-level drug offenders

would strengthen the Bolivian government's humanitarian approach. Across the region, the vast majority of those incarcerated for drug offenses come from situations of poverty, low levels of education, and extremely limited employment opportunities. Many turn to low-level positions in the drug trade to provide food for their families. Those incarcerated for drug-related offenses complete their sentences and leave with few opportunities for reconstructing their lives. Strong social reinsertion and broader economic development programs are needed in communities affected by drug use, production and transport. These programs should include education, access to adequate housing, and employment that generates sufficient income so that people can lead a life with dignity.



Coca growing in the Chapare region of Bolivia. Photo credit: Thomas Grisaffi.

NOTES

1. Estado Plurinacional de Bolivia. Monitoreo de Cultivos de Coca 2014. August 17, 2015.
2. De Leo, Antonino. Interview by authors. January 26, 2015.
3. A *cato* in the Chapare coca-growing region is 1,600 square meters or about one-third the size of a football field. In the Yungas, it is 2,500 square meters to adjust for lower coca yields there.
4. De Leo, Antonino. Interview by authors. January 26, 2015.
5. Estado Plurinacional de Bolivia. Monitoreo de Cultivos de Coca 2014. August 17, 2015.
6. De Leo, Antonino. "El informe de monitoreo 2013 de la unodc reporta disminución en los cultivos de coca por tercer año consecutivo en Bolivia." UNODC Bolivia. June 23, 2014. Accessed August 11, 2015. http://www.unodc.org/bolivia/es/stories/informe_de_monitoreo_2013.html.
7. Ibid.
8. De Leo, Antonino. Interview by authors. January 26, 2015.
9. "Estudio Integral de la Demanda de la Hoja de Coca en Bolivia." CONALTID. Estado Plurinacional de Bolivia. November 2013. <http://www.slideshare.net/fernandoarias77715869/estudio-de-la-28426247>
10. For more information see: "The US ONDCP Retroactively Reduced Coca Cultivation Estimates 2005-2011." Andean Information Network. 16 August 2013. <http://ain-bolivia.org/2013/08/us-ondcp-retroactively-reduced-coca-cultivation-estimates-2005-2011/>
11. Department of State, Bureau for International Narcotics and Law Enforcement Affairs. "International Narcotics Control Strategy Report, Volume 1: Drug and Chemical Control." March 2015. Page 112. <http://www.state.gov/documents/organization/239560.pdf>
12. The White House. "Coca In The Andes." Accessed August 11, 2015. <https://www.whitehouse.gov/ondcp/targeting-cocaine-at-the-source>.
13. Ibid.
14. UNODC and DEVIDA. "Monitoreo de Cultivos de Coca, 2014 [Perú]." July 2015.
15. UNODC. "World Drug Report, 2014." June 2014. http://www.unodc.org/documents/wdr2014/World_Drug_Report_2014_web.pdf
16. UNODC. "Monitoreo de Cultivos de Coca, 2014 [Colombia]." July 2015. <http://www.odc.gov.co/Portals/1/publicaciones/pdf/CO032052015-informe-monitoreo-cultivos-coca-2014.pdf>
17. De Leo, Antonino. Interview by authors. January 26, 2015.
18. Hansmann, Nicolaus. Interview by authors. January 26, 2015.
19. Fernández Reyes, Nelfi. "Chapare se diversifica para cambiar su rostro cocalero," *El Deber*. July 27, 2015. <http://www.eldeber.com.bo/bolivia/chapare-diversifica-cambiar-rostro-cocalero.html>
20. Cáceres, Felipe. Interview by authors. January 27, 2015.
21. UNODC. "World Drug Report, 2014." June 2014. Page 1, http://www.unodc.org/documents/wdr2014/World_Drug_Report_2014_web.pdf
22. Mendoza, Sabino. Interview by authors. January 28, 2015.
23. Ledebur, Kathryn and Coletta A. Youngers. "Bolivian Drug Control Efforts: Genuine Progress, Daunting Challenges." Andean Information Network and Washington Office on Latin America. December 2012.
24. Farthing, Linda and Kathryn Ledebur. "Habeas Coca: Bolivia's Community Coca Control." Open Society Foundations. July 2015.
25. Grisaffi, Thomas and Kathryn Ledebur. "Supply Control or Community Control? Coca, Eradication and Development in the Andes." Presented at "Insecure Spaces in Latin America: Encounters with Violence and Drugs." Oxford University. November 24, 2014.
26. UNODC. "Latest UNODC survey shows substantial coca crop decline in Peru." July 15, 2015. <http://www.uncjin.org/unodc/en/frontpage/2015/July/latest-unodc-survey-shows-substantial-coca-crop-decline-in-peru.htm-l?ref=fs3>
27. Fuentes, Humberto. Interview by authors. January 27, 2015.
28. "Umbrales entre narcotráfico y el desarrollo regional en Bolivia." *Puente Investigación y Enlace*. January 18, 2015.
29. Observatorio Nacional de Seguridad Ciudadana. "Percepción de Inseguridad y Evaluación de las Instituciones de Seguridad Ciudadana." p. 4. <http://www.onsc.gob.bo/encuesta/TerceraRevista.pdf>
30. Interview by the authors. January 30, 2015.
31. Interview by the authors. January 30, 2015.
32. International Centre for Prison Studies. "World Prison Brief: Bolivia." <http://prisonstudies.org/country/bolivia>
33. Rojas Medrano, July. "El año pasado se aprehendió a 3.455 personas por narcotráfico." *Los Tiempos*. 15 January 2015.

34. Rojas Medrano, July. "Nueva ley antidroga prevé pena diferenciada." *Los Tiempos*. http://www.lostiempos.com/diario/actualidad/nacional/20150514/nueva-ley-antidroga-prev%C3%A9-pena-diferenciada_301552_666526.html.
35. Ibid.
36. "Operativos de Felcn afectó en \$us 16 millones a 'narcos'." *El Diario*. July 28, 2015. http://www.eldiario.net/noticias/2015/2015_07/nt150728/sociedad.php?n=55
37. Romero, Daniela. "Narcoavionetas entran ahora a Bolivia por Argentina y Paraguay." *Página Siete*. July 27, 2015. <http://www.paginasiete.bo/nacional/2015/7/27/narcoavionetas-entran-ahora-bolivia-argentina-paraguay-64484.html>
38. Quesada, Gonzalo. Interview by the authors. January 26, 2015.
39. Bolivia and Peru signed a second round of drug control agreements on June 27, 2015. For more information, visit <http://www.infodefensa.com/latam/2015/06/27/noticia-bolivia-coordinaran-control-espacio-aereo-combatir-narcotrafico.html>
40. Bolivia and Colombia signed bilateral agreements for intelligence exchange to target large-scale traffickers in July 2015. For more information, visit <http://www.paginasiete.bo/nacional/2015/7/15/colombia-bolivia-sellan-acuerdo-para-identificar-peces-gordos-narcotrafico-63277.html>
41. Bilateral drug control meeting with Paraguay and Argentina are scheduled for August 2015. AIN interview, 30 July 2015.
42. Romero, Daniela. "28 Años de Fuerza Antidroga." *Página Siete*. July 28, 2015. <http://www.paginasiete.bo/nacional/2015/7/28/anos-fuerza-antidroga-64607.html>
43. Fuentes, Humberto. Interview by the authors. January 27, 2015.
44. "Brasil impulsa pacto trinacional." *Los Tiempos*. June 2, 2015.
45. De Leo, Antonino. Interview by authors. January 26, 2015.
46. "Representante de la ONU cuestiona la Ley 1008." *El Deber*. July 1, 2015. <http://www.eldeber.com.bo/bolivia/representante-onu-cuestiona-ley-1008.html>
47. UNODC. "UNODC comparte buenas prácticas y lecciones aprendidas sobre normativas de drogas." May 29, 2015. <http://www.nu.org.bo/noticias/destacados-nacionales/unodc-comparte-buenas-practicas-y-lecciones-aprendidas-sobre-normativas-de-drogas/>
48. National Prison Administration official. Interview by AIN. July 15, 2015.
49. Ley de Descongestionamiento y Efectivización del Sistema Procesal Penal. October 30, 2014.
50. Hansmann, Nicolaus. Interview by authors. January 26, 2015.
51. De Leo, Antonino. Interview by authors. January 26, 2015.
52. Email communication with AIN. March 18, 2015.
53. Landy, Benjamin. "DEA agents had cartel-funded 'sex parties' with prostitutes." *MSNBC*. March 26, 2015. <http://www.msnbc.com/msnbc/dea-agents-had-cartel-funded-sex-parties-prostitutes>. See also: Office of the Inspector General, U.S. Department of Justice. "The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components." <http://www.justice.gov/oig/reports/2015/e1504.pdf>
54. Columba, José Luis. "EEUU espera que mejore la relación bilateral con Bolivia." *La Razón*. April 15, 2015. http://www.la-razon.com/nacional/Acuerdo-EEUU-espera-mejore-relacion-bilateral-Bolivia_0_2253974609.html

ABOUT WOLA

WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies in the Americas protect human rights, recognize human dignity, and where justice overcomes violence. WOLA tackles problems that transcend borders and that require both domestic and international solutions. Through strategic collaborations, we partner with courageous individuals working on social change—advocacy organizations, academics, religious leaders, artists, business, and government officials—and together, we advocate for more just societies in the Americas.

ABOUT AIN

The Andean Information Network (AIN) promotes human rights and socioeconomic justice in Bolivia and more humane and effective illicit drug control policies. AIN provides information and analysis to NGO colleagues, the media and international policymakers on developments in Bolivia and the impact of U.S. government and European policies. Working closely with civil society organizations in Latin America and in the United States, AIN promotes policy dialogue and the development of pragmatic alternatives that address the underlying economic, social, political and cultural needs of Bolivia.

ACKNOWLEDGMENTS

The authors thank John Walsh, Clay Boggs, and Geoff Ramsey of WOLA, as well as Emma Felber, Carolina Gálvez, and Jessica Robinson of AIN, for their inputs to the draft and research. The design and layout were done by Adam Schaffer. This report was made possible thanks to the generous support of the Open Society Foundations.

ABOUT THE AUTHORS

Coletta A. Youngers is a Senior Fellow at WOLA, an Associate at the International Drug Policy Consortium (IDPC) and a member of the Research Consortium on Drugs and the Law (*Colectivo de Estudios Drogas y Derecho*, CEDD). Ms. Youngers has served as an Associate and later Director of the Andean program at WOLA from 1987 to 2003. She also directed WOLA's project on drugs, democracy, and human rights until 2004. You can follow her on Twitter at @ColettaYoungers.

Kathryn Ledebur is Executive Director of the Andean Information Network (AIN). She has over two decades of experience in Bolivia as a researcher and analyst of alternative livelihoods, coca and drug control strategies, Bolivian politics, United States foreign policy, and human rights issues. She also served as a consultant for the Washington Office on Latin America in Bolivia, and is a member of the International Drug Policy Consortium. Ledebur has published numerous articles, memos, and reports that provide insight on drugs and development policy.

This memo updates a 2012 memo on the same topic, which can be accessed at: http://www.wola.org/publications/bolivian_drug_control_efforts.

Front page: Woman dries coca in the Yungas in Bolivia. Photo credit: Sara Shahriari.



Advocacy for Human Rights in the Americas

WASHINGTON OFFICE ON LATIN AMERICA

1666 CONNECTICUT AVE NW, SUITE 400
WASHINGTON, DC 20009
+1 (202) 797-2171

WOLA.ORG



ANDEAN INFORMATION NETWORK

CASILLA 4817
COCHABAMBA, BOLIVIA
+591 (4) 448-6137

AIN-BOLIVIA.ORG