

Illegal Drugs and Human Rights of Peasants and Indigenous Communities: *The Case of Bolivia*

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Management
of Social
Transformations



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Preface

This article focusing on Bolivia is one in UNESCO's Management of Social Transformations Programme (MOST) series of three case studies by Francisco E. Thoumi in collaboration with Carolina Navarrete-Frías of the Research and Monitoring Center on Drugs and Crime at the University of Rosario, Bogota. The series analyses the problematic of illegal drugs and human rights abuses in the Andes, paying special attention to the effects of the illegal drugs industry on indigenous and peasant communities and to their responses to the industry's development.

These case studies on Colombia, Bolivia and Peru derive from a larger work (available in an electronic version) by the same authors and are intended to be read in conjunction with each case placing its own particular context in the foreground. While each case study investigates the historical, economic, environmental, social and political contexts and consequences of the development of the illegal drugs industry and efforts to combat it in each individual country, the case studies share a theoretical and thematic perspective.

The case studies are especially concerned with social and geographic conditions in the Andean region, popular movements driven by Andean agricultural producers that have arisen in order to contest anti-drug policies, and the potential future alternatives to current policies and practices. In a shift away from a criminology-based perspective concentrating on the profits of illegal drugs and on countering drug production, traffic and consumption, the case studies instead advocate an approach which treats the development of the illegal drugs industry as a social and cultural issue. As Thoumi and Navarrete-Frías cogently emphasize throughout, "The point is simple and profound: to analyse the illegal drugs industry's causality and effects one should not use common models that consider drugs as products of exogenous factors but instead use those which treat drugs as products of endogenous processes and as symptomatic of unresolved social problems and conflicts".

Within MOST's reorientation programme (Phase II, 2004-2013), this series emerges as a continuation of projects set in motion during



Phase I under the theme of “Globalization, Drugs and Criminalization”. In accordance with the MOST programme’s mission to promote the development of policies relating to social transformations of global import, these case studies provide and promote research and information useful to political decision-makers and other interested actors.

SANTIAGO CASTRO

1. Introduction

1.1

Summary

Peasant and indigenous communities have been the weakest link in the drug trafficking production chain in the Andean countries, and thus it is important to investigate and understand the association between the illegal drugs industry and the violation of the human rights of these social groups. In order to advance this line of inquiry, this essay focuses first on why the illegal drugs industry establishes itself in a region or country and on the relationship between the industry and human rights violations.

Following a pattern similar to that applied to the Colombian case, the article next delves into the relationship between the illegal drugs industry and peasant and indigenous communities' human rights in Bolivia and Peru, addressing the consequences of the illegal industry's development, policies and the citizenry's reaction. In the cases of Bolivia and Peru special attention is paid to the role of the illegal industry's development and of eradication policies in strengthening *cocalero* organizations, and to the political emergence of indigenous leaders associated with illicit farmers. The article then turns to relationships among the illegal industry, political corruption and human rights.

1.2

Key Issues

The Causality behind the development of the illegal drugs industry

The development of the illegal drugs industry is associated with large increases in human rights violations among the illegal industry's actors and

the citizens of the towns and regions affected by it. It is a common assertion that the illegal drugs industry produces numerous negative effects on the societies in which it develops. Nonetheless, it is difficult to establish strong, clear-cut, causality relations.

Two currents of thought exist about the causes underlying the development of the illegal drugs industry. The more popular one explains the illegal drugs industry's development as rooted in causes exogenous to the society. Assertions such as "when there is demand, there is supply" are commonly made in Andean countries in order to attribute the industry's development to factors external to the region. This assertion is frequently followed implicitly or explicitly by a second one: "if someone is going to produce anyhow, why am I guilty if I am the one that does it?" From this perspective, high profits in illegal international drug markets, a factor outside the control of the producing countries, are the reason behind the growth of illicit crops.

Beliefs such as "drugs generate big earnings that are kept in consuming countries" reinforce the previous position and have led some popular analysts to affirm that: "far from generating any wealth in Colombia, they (illegal drugs) have drowned the country in corruption and violence. In the United States the drug business increases the gross domestic product, but in Colombia it destroys it" (Caballero, 1996: 139). This point of view is based on an economic illusion refuted by any market economy analysis. Indeed, if it were valid, we would see before us a novel doctrine of economic development based on illegality which would recommend that developing countries declare illegal all imports of goods like cigarettes or cellular telephones so that their concomitant price increases would raise the earnings of criminal smuggling organizations and in turn raise the gross domestic product.

Modern international trade theory, based on ample empirical studies, shows that the stock of production factors (capital, labour, technology and natural resources) has been increasingly less important as a determinant of international trade, and that institutional and cultural factors have become important determinants of a society's comparative advantage. The geographical distribution of the illegal drugs industry supports this theory. If profitability determined an industry's localization, illegal coca and poppy would be cultivated in all countries having the natural resources necessary

to grow coca and opium poppy, and cocaine and heroine would be refined in many other countries. Yet, in spite of the great profitability of illegal drugs, they are not grown in most of the countries that could produce them. In fact the illegal drugs industry is highly concentrated in a few countries. Currently Colombia produces about 70% to 80% of the world's coca and cocaine, and Afghanistan 80% or more of opium and heroin.

Traditional economic analyses cannot explain this concentration of production. In fact, when the production of goods using simple and well-known technology which does not require very specialized labour skills is declared illegal worldwide, comparative advantages are created in countries where State and social controls on individual behaviour are very weak. An analysis of the cocaine and heroin market concentration shows that profitability is only one necessary condition for their production and that their production is located in places where the structure of the society, its institutions and culture (values, beliefs and attitudes) facilitate their production (Thoumi, 2005).

From this perspective the emergence of the illegal drugs industry in a country is due not to its profitability, but instead to the country's characteristics rendering it vulnerable to such development. The illegal drugs industry and other illegal economic activities develop in countries with significant structural, institutional and cultural problems and such problems act as catalysts which aggravate the illegal industry and other illegal activities. The solution to the "drug problem" is not only a matter of having the right policies to attack the industry's profitability, but rather it requires changes and reforms in social structure, institutions and culture. For that reason anti-drug policies which primarily attack the industry's profitability do not achieve sustainable results in the medium- and long-term.

The point is simple and profound: to analyse the illegal drugs industry's causality and effects one should not use common models that consider drugs as products of exogenous factors but instead use those which treat drugs as products of endogenous processes and as symptomatic of unresolved social problems and conflicts. For this reason we refer to relationships or associations of the development of the illegal industry with human rights as part of a process, but not as "direct effects" of such development.

This analysis concludes clearly that the strength and shape of the associations between the development of the illegal drugs industry and



human rights depends on the structure, institutions and culture of the society in question, and therefore, that such associations differ substantially across societies. As shown below, the experience of the Andean countries supports this assertion. The illegal drugs industry has grown up in Bolivia, Colombia and Peru, but its consequences have been significantly more benign in Bolivia and Peru than in Colombia.

Relationships between illegal drugs and human rights

Illegal drugs have a strong association with human rights violations, and this association takes many shapes and forms.

The illegal drugs industry uses violence and the threat of violence to solve internal conflicts, to fight law enforcement, to improve the competitive position of its actors, and to achieve legislative goals.

It is important to note, however, that two distinct types of associations exist between the illegal drugs industry and human rights. The first type arises from the organization of the illegal industry in which it is functional to violate some human rights. The second results from policies against illegal drugs and the ways in which they are applied. Both associations vary on a country-to-country basis, and frequently among regions of the same country, depending on the structure, institutions and cultures of the respective communities.

The study of the relationship between human rights and illegal drugs in Andean countries shows two contrasting patterns. First, in Colombia, violence, massive forced displacements, and violent confrontations between illegal actors and the State have generated high social costs. Second, in Bolivia and Peru, such associations have been much weaker although still significant within the context of the two countries.

In both cases there are close relationships among crime, violence and drugs. In the Colombian case, an extensive bibliography explores these phenomena and confirms the nexus of illegal drugs, crime and violence. It also highlights the importance of the drugs industry's links with guerrilla and paramilitary groups (UNDP, 2003, Rubio, 1999, Gaviria, 2000, Barrera, 2004). In the Bolivian and Peruvian cases, available bibliographies also confirm these relationships (Thoumi, 2003, Bolin, 1998, Albó and Barrios, 1993, Léons and Sanabria, 1997, Cotler, 1999).

2. Context

2.1

Location

In Chapare

Drug booms attracted many Bolivians and Peruvians to the regions where illicit crops were harvested. Owing to the weakness of the States, this development of illicit crops increased corruption and undermined social institutions. In Chapare drugs increase insecurity and “distort their culture, turn their children into addicts, and destroy the family unity and lives” (Malamud-Goti, 1994: 58). Despite this dark picture, migrations have been relatively pacific and the peasants from a particular village in the *Sierra* “tended to emigrate to the same area in Chapare, so that members of a union of the *Sierra* are also members of the same union in Chapare.¹ When emigrating, peasants brought their institutions with them and in fact the majority of Chapare’s immigrants did not lose their links with their original communities in the *Sierra*. Actually, many of them have been temporary migrants who go back to their original regions where they invest most or part of their savings” (Thoumi, 2002: 337-338). This migration strategy has helped to prevent the disorganized and rootless colonization reproduced in many Colombian regions. Although drug traffickers brought weapons to Chapare, social controls prevented an increase in violence and the loss of cultural identity.

In Santa Cruz

In the early 1970s, drug trafficking was centred in Santa Cruz. The illegal drugs industry changed the city’s values, promoting human rights

1. Sanabria (1993) offers an excellent anthropological analysis of this process and the links that the *Sierra* and *Chapare* communities have developed.

2.2

Illegal drugs and peasant and native communities' human rights in Bolivia and Peru

violations and legitimizing corruption “which is distorting daily lives, generating indifference – and social silence – in the face of the evident ‘Colombianization’ of day-to-day reality. Accusation mechanisms are undermined by the authorities’ complicity and corruption, by fear of revenge, by the inclusion of drug traffickers in the social structure. In this way, drug trafficking has become unrelated to crime, but related to economic well-being and social status” (Albó and Barrios, 1993: 173). The judicial system and the possibility “of achieving justice” have weakened, leading in turn to increased human rights violations.

In Santa Cruz, a few families controlled the illegal business and established networks with Colombian cartels. In these families “there were many private sector financial backers of the coup d’état that made General Hugo Banzer-Suárez president in 1971” (Gamarra, 1994: 20).

The illegal drugs situation in Bolivia and Peru is very different from that in Colombia. In Bolivia and Peru, the cultivation and use of coca have been legal and traditional in large sectors of society. The Indian communities that have been the main coca growers and consumers are much more structured than those in Colombia and include a substantial proportion of the population: “most Bolivian and Peruvian peasants are Indians and members of organized communities that avoid violence and impose strong controls to individual behavior” (Thoumi, 2002). In Peru, community organizations were not reproduced in the colonized areas of the Upper Huallaga Valley but the migration and settlement process was relatively peaceful and the immigrants to *Ceja de la Selva* that came from the *Sierra*, belonged to structured communities (Ibidem).

However, those communities survived in Bolivia. Even in Chapare, where illicit coca produces a higher level of violence than in other rural areas of Bolivia, violence has never reached the levels of Colombia. The fact that the communities have remained together, and that their migration has been communal, has been key to the lower levels of violence and to

controlling crime to a greater degree. Therefore, in both Bolivia and Peru the consequences of the development of the illegal drugs industry and the policies implemented to combat them have had a much more benign effect on human rights than in Colombia.

Bolivia and Peru have legal and illegal coca plantings. Legal plantings are relatively small in area, not more than 12,000 hectares in each country. Unfortunately, there are no rigorous estimates of the legal demand and the current laws about legal plantings are not clear. For example, in Peru it is not clear if the right to produce belongs to the person who was registered in the 1978 coca planters' census or to the land that a person owned at the time legal coca crops were authorized (Thoumi, 2003). Legal coca markets in both countries are very disorganized which has led in turn to a proportion of the legally produced coca being used legally; another proportion commercialized illegally for legal uses; and another one used illegally. Also, some illegal coca is used legally. In both countries the illegality of the cultivation is ambiguous to large parts of the population. Such ambiguities are why strong rural movements have been organized in defence of the right to grow coca irrespective of its final use.

Armed Forces involvement in drug trafficking is another difference between Peru and Bolivia and Colombia. In Bolivia and Peru, the military maintains a very powerful political and economic role in society, while in Colombia the military have been respectful of civilian power and rather weak (Deas, 2004). This difference in roles and status explains why leaders of the illegal drug industry in Colombia have been civilians with only some military and former military personnel participating in subordinate or support positions while in Peru, and especially in Bolivia, the military have actively participated in drug trafficking.

The aforementioned differences produce important contrasts in the development of the illegal drugs industry and in its consequences for human rights in Colombia and the other two countries where these consequences have been less severe.

The influence of the United States on Andean country policies has also been very different. In Bolivia, U.S. influence has been very strong since the late 1960s, when Ernesto Ché Guevara died in combat with the Bolivian forces. Then, in the 1970s the United States began to design alternative development programmes aimed to eradicate coca in Peru and Bolivia, and



2.3

Actors

these programmes were implemented a decade later. The United States also promoted legislation to control illicit crops in both Bolivia and Peru. In Colombia, American influence on drug policies and issues was repeated later on and was accentuated by Plan Colombia which was inaugurated during the Pastrana administration (1998-2002).

The weakness of the State has allowed the illegal drugs industry to establish a symbiotic relationship with the populations among whom it operates and where the State's presence is almost non-existent. The case of Santa Ana in the North of Beni Province illustrates this clearly as the villagers supported drug dealers who provided "services such as basic education, medical assistance and security, provided by local caudillos whose resources basically come from cocaine trade" (Malamud Goti, 1994: 90). Such support made it simpler for drug traffickers to develop "social legitimacy through their economic importance in the local areas where they had established themselves. Their relationship with the State was also peaceful, because in the absence of the State, they could develop paternalistic attitudes towards the local people, alleviating some of the people's demands" (Rodas-Morales, 1996: 229).

Violence relating to drug trafficking in Bolivia has been very low compared to that in Colombia. Rodas-Morales explains, "In contrast, the relationships between Bolivian drug trafficking groups have a family component that expresses itself in different aspects of the business like avoiding the use of violent means to resolve their issues because doing so would result in unwanted costs for these family groups. This is why within these groups there is not a separate subgroup in charge of violence or security" (Rodas-Morales, 1996: 218). It is remarkable that the only violent group was that of Jorge Roca-Suárez which had links with the Medellín Cartel and Bolivian military dictatorships (Ibidem).

Coca has given the rural movement a level of power that it never had before. New protests surged in opposition to a possible agreement with Chile to build a pipeline to export gas to the United States. These protests increased to the point to which they forced Sánchez de Lozada to

resign on 17 October 2003. The succession was achieved constitutionally, and Vice President Carlos D. Mesa assumed power. The rural movement emerged out of this episode strengthened, and today its agenda includes an open opposition to free trade, to policies, to open markets, and to the adoption of Western cultural patterns. These events raise questions about the sustainability and effectiveness of eradication policies implemented through “Plan Dignidad”. Today illicit crop issues have become evermore complex and peasants have become readily aware of the political power that they can wield if they organize themselves. Indeed, it is possible that a *cocalero* could be elected president in the 2007 elections. In such a scenario, the legalization of all coca plantings could become a reality. Today one can only speculate as to what U.S. reaction to such an event might be.



3. Legal Framework

3.1

Chronology of operations and policies

Drug trafficking in Bolivia had the support of the State and this support aided the expansion and strengthening of the industry and demonstrated the State's corruption and impunity. As a result, various plans were designed to incapacitate the illegal industry, and in some cases they violated human rights. Further, Ronald Reagan declared the "War on Drugs" in the 1980s, influencing policy emphases and defining objectives through which the U.S.A. would have given conditional financial support to Bolivia. Peasants have rejected eradication activities, declaring their right to cultivate. Frequently, eradication has produced riots pitting peasants against government forces.

Bolivia's governments and counter-drugs operations: corruption, impunity, and human rights violations

The illegal businesses and crops expanded during this government which lasted until 1978. During this period the main interest of the United States was to stave off the expansion of communism, and because Banzer applied the National Security Doctrine to eliminate the leftists, he received a huge amount of bilateral financial aid and it went unnoticed that "important members of the Government were involved in the cocaine industry" (Gamarra, 1994: 21).

The first "Narco-State" in Latin America was established when General Luis García-Mesa took power in a coup d'état in July 1980. Although that government was isolated by the international community and President Carter severed diplomatic relations with it, "recent facts suggest that

besides the DEA and Department of State's efforts, other American agencies could have been involved in the García-Meza coup d'état" (Gamarra, 1994: 25). Such involvement would have had the aim of preventing the leftist coalition which had won the 1980 elections from taking power. The Garcia-Meza government generated strong internal and external reactions and itself ended through a coup d'état in November 1981 that set the stage for popular elections the following year.

When García-Meza's government was overthrown, the United States reopened relations with the Bolivian Government and dispatched Edwin Corr as the new ambassador to La Paz. Corr's administration "was characterized by his constant attempts to supervise every single internal policy aspect" (Gamarra, 1994: 27). In 1983 eight treaties were signed that linked all U.S. financial assistance to achieving the goals outlined as part of the war on illegal drugs.

When Ronald Reagan declared the War on Drugs in 1981, Washington's priority concerning drugs "was clearly made evident by García-Meza's legacy and by the fact that none of the Military Government members had been processed for corruption or human rights violations". (Gamarra, 1994: 30)

Operation Blast Furnace and Operation Snow Cap

"Operation Blast Furnace" took place between July and November 1986 with the participation of American troops. This operation was planned in the U.S. Embassy, without asking for input from Bolivian government officials. Although President Paz-Estenssoro had approved the operation, some Bolivian constitutional provisions were violated, for example the ban on the presence of foreign military forces in Bolivia without Congressional approval (Gamarra, 1994: 44). Operation Blast Furnace caused discontent among the population who protested against DEA troops and UMOPAR. Increased interdiction operations also produced "apparent violations to human and civil rights in coca production regions". And, "During Paz Estenssoro's period conflicts between UMOPAR and the *cocaleros* produced occasional bloody riots". (Gamarra, 1994: 46)

"Operation Snow Cap" was implemented in 1987 with the DEA's support. Its aim was to destroy laboratories and carry out confiscations. Coca cultivation and processing continued to grow despite this operation,

a situation which in 1989 motivated the Bush (Senior) Administration to insist on increasing the role of American military advisers and Bolivian Armed Forces in performing interdiction operations. (Gamarra, 1994: 57)

During that period, the symbiotic relationship between organs of the State and drug trafficking produced fundamental violations and abuses of human rights, such as the case in Santa Ana when “an intercepted recording, on UMOPAR’s (Rural Patrol Unit) frequency, revealed that following a logic of war and foreign training, anti-drugs officials had been shooting villagers and gave orders to kill the wounded”. (Rodas Morales, 1996: 211)

The impact of illicit drugs on Santa Cruz, the Bolivian trafficking centre, illustrates the emergence of police corruption, the legitimization of illegal activity, the development of drug abuse, the consolidation of gangs, the transformation of values, and the establishment of a culture of “fear and silence”. In the 1970s and 1980s authoritarian tendencies within the State were fortified by drug trafficking, and police “went to the extreme of killing minors in a rehabilitation farm. This violence is closely related to police corruption and drug trafficking activities that since the 1970s have been a clear element of daily life in Santa Cruz”. (Albó and Barrios, 1993: 173)

Narcovideos: “Rey de la Droga” and the Bolivian political parties

Drug trafficking’s penetration of politics and State institutions was clearly evidenced by the narcovideos scandal of late 1988 that brought to light the fact that members of Banzer’s ADN Party had met with drug kingpin Roberto Suárez in order to obtain funds for a political campaign. Congress investigated these accusations and uncovered other narcovideos, thereby implicating the other two big parties of the country: Revolutionary Left Movement (MIR) and the MNR, including Jaime Paz Zamora (Gamarra, 1994: 63). These findings led to mutual accusations about links between three more representatives of Bolivian parties and drug trafficking organizations.

The parties’ leadership tried to sweep the issue under the carpet by signing a political declaration on 16 June in which they accused international drug dealers of trying to enter the Bolivian scene defaming



and calumniating Bolivian democracy and the main political parties (Gamarra, 1994: 64). Finally on 22 June MNR and ADN made a pact which covered up the narcovideos scandal.

Bennett Plan, “Cero Opción” Plan and “El Plan Dignidad”

In 1989 President Paz Zamora took office. Although one of his campaign promises was to “de-narcotize” the relationship of Bolivia with the U.S.A., “at the end of his administration Bolivians had even less participation in the planning and design of the anti-drug strategy and almost each aspect of the bilateral relationship had become dependent on the drug problem” (Gamarra, 1994: 73). Paz Zamora’s apparent bonds with grateful traffickers were another obstacle for United States’ acceptance to de-narcotize the relationship.²

The new U.S. ambassador in La Paz, Robert Gelbard (1988), was a key actor in the implementation of the anti-narcotics strategy. Bolivia emerged as “a laboratory where future Andean-American policies were to be defined” (Gamarra, 1994: 78). The influence American ambassadors have had on shaping internal events in Bolivia is remarkable. This period shows an interesting contrast with Colombia. At that time, the Bush (Senior) Administration implemented the Andean Strategy (Plan Bennett), in which Bolivia was a vital actor because of “the absence of guerrillas and the presence of a few, if any, violent drug barons” (Gamarra, 1994: 74). Accordingly, U.S. aid to Bolivia tripled during this period.

In 1994 Gonzalo Sánchez de Lozada was elected President and formulated the “Cero Opción” plan which aimed to eliminate illicit plantings and to provide the peasantry with alternative development programmes targeted to allowing them to live more dignified lives. From the outset, the peasantry strongly opposed this policy and organized large protests, marches and other resistance actions. Sánchez de Lozada’s efforts were ultimately fruitless, and at the end of his tenure illicit crop acreage was similar to that at the beginning of his administration. (ODCCP, 2001: 67)

When General Banzer returned to power in August of 1997, this time as an elected President, he proclaimed “Plan Dignidad” to end the drug

2. Indeed, after Paz Zamora left office, the U.S.A. cancelled his visa.

“scourge” (Republic of Bolivia, 1998). The plan emphasized eradication, interdiction, laboratory destruction, efforts to counter money-laundering, prevention of drug use and treatment of drug users. It did not prioritize attacking drug trafficking organizations. Plan Dignidad resulted in massive eradications supported by the United States.

The small size of the Bolivian elite together with the great size of drug trafficking revenues relative to Bolivia’s legal wealth and income, renders Bolivia very vulnerable to penetration by drug traffickers. Further, it is highly likely that Bolivian traffickers have increased their participation in world cocaine markets in recent years. The decline in illicit plantings in Bolivia was accompanied by a substantial increase in coca prices in Peru, which suggests that Bolivian traffickers substituted Peruvian for Bolivian coca. Also, by mid-1999, Marino Diodato, an Italian official of the Bolivian army married to a niece of General Banzer, was accused of trafficking cocaine and being a member of a large international trafficking network with links to the Italian Mafia and Camorra.

“Plan Dignidad” was a success in terms of the number of eradicated hectares. Illicit plantings fell from 45,800 hectares in 1997 to 14,600 hectares in 2000 (ODCCP, 2001: 67). In 2001 coca plantings began to increase again, and journalistic reports assert that plantings expanded to areas beyond the traditional cultivation centres. Recent estimates show, however, that the increase has been small, 23,600 hectares in 2003. (UNODC, 2004)

Eradication caused a deterioration in the living standard of Chapare peasants and created social conflicts which resulted in massive protests and more occasionally in violent marches in which peasants, policemen, and military personnel were injured or killed. In addition, rural income also fell as a result of other external factors like the Argentine and Brazilian crises and the fall in international coffee prices. These external events contributed to the weakening of Alternative Development programmes.

In 2000, eradication drove Chapare *cocaleros* federations to mobilize and to confront the government with demands for the end of eradication policies and of other anti-drug measures. After countless protests, an agreement was reached in which the government committed itself to a series of measures that it could not possibly implement but that were nonetheless instrumental in ending the confrontation with the *cocaleros*.



3.2

Anti-drug policies and human rights in Bolivia

Cocalero members of Congress hardened their positions, and the establishment responded by expelling Evo Morales, the main *cocalero* leader, from Congress. Morales then ran for President in the 2002 election and won the second largest number of votes after Sánchez de Lozada who was elected with a meagre 22% of the popular vote. Overall, Indian candidates turned in surprising results. The sum of votes for Evo Morales, Felipe Quispe and Felipe Flórez surpassed that of the traditional parties, and the alliance of Flórez and Morales gained control of almost 40% of Congress. In contrast with Colombia, Bolivian Indian and peasant organizations are very active politically and not marginalized.

Domestic pressures forced Sánchez de Lozada to halt the forced eradications, and in early 2003 he even considered allowing Chapare families to have small plots of coca. The American Embassy reacted immediately by flatly opposing this project which the Bolivian Administration then declined to implement. In sum, the fight against eradications acted as a catalyst for strengthening rural organizations which in turn expanded their political agendas to include education, health and other public services. Coca, however, remains the primary catalyst of the rural movement.

“Although the scale of social conflict and of the violation of human rights in Bolivia does not come close to those found in neighbouring Andean countries, an examination of the impact of drug control programmes supported by the United States in Bolivia provides an important case study” (Ledebur, 2004). It is remarkable that even though the growth of the illegal industry was accompanied by the introduction of weapons in Chapare, peasant social organizations neutralized this problem, thus preventing a widespread increase in violence (Irusta, 1992: 34-35). In this respect, anthropologists have explained that the avoidance of violence, the use of peaceful conflict resolution systems and the respect for human life are fundamental values of Bolivian indigenous cultures (Spedding, 1997a).³ Social controls used by

3. Cited in Thoumi (2002: 143).

family units and communities are maintained to prevent the loss of basic values and of the essence of their cultural identity.

In Bolivia more than an effective fight against drug trafficking, the War on Drugs has become an instrument of human rights violations of coca producers in the tropic of Cochabamba (Chapare) and in the Yungas of La Paz. This is shown by the claims received by national organizations, media, government entities and international human rights defence organizations. Physical and psychological abuse, intimidation, homes searches, illegal detentions, persecutions of union leaders, thefts of money and objects of value. (Ramos and Roncken, 1997: 62)

To summarize, during the last twenty-five years anti-drug policies in Bolivia have generated continual confrontations between State forces and the peasantry. Throughout this period, anti-drug policies and practices have led to many violations of *cocaleros'* human rights. In Bolivia coca employs a much higher proportion of the rural labour force than in Colombia and Peru, and for this reason confrontations have been more important politically in Bolivia and have strengthened peasant political movements. In spite of all this, human rights violations in Bolivia, although lamentable, have been much less severe than in Colombia.

Law 1008

Current Policy

Law 1008 passed in 1988 has been the cornerstone of Bolivian anti-drug policies. This law established three categories of coca plantings: traditional licit coca in the Yungas; illegal "surplus" (excedentaria) coca existing in 1988 in Chapare to be eradicated and peasants compensated for its loss both monetarily and through Alternative Development programmes; and finally, illicit coca in other places to be eradicated without compensation or Alternative Development programmes.

Experiences from Policy Applications

Law 1008 has been highly controversial and criticized because its application has produced human rights abuses: "In Bolivia Law 1008 (...) is reputed to be highly politicized, corrupt and slow, and shot through with abuse, coercion, and extortion of prisoners. The destiny of any detainee depends on his financial resources. Those who have access to cash frequently bribe the



police and the district attorney or the judge to obtain their freedom, while most of the Bolivian poor cannot post bond or hire a lawyer (...) as a result, most people in prison have not been sentenced". (Farthing, 1997: 255)

Farthing (1997: 257) also reports results of other studies that found that detainees were offered their freedom for the payment of bribes between \$500 and \$3,000. Paying such bribes is very attractive because any arrest can lead to a long detention. Law 1008 also denies the opportunity to post bond before trial. The system is very slow and it may take 2 to 4 years to reach trial, a situation which impedes detainees' most basic rights. "Law 1008 has victimized the poor (...) these people who represent the majority of the Bolivian population have been the object of abuse, arbitrary arrests, lack of due process, and as a result, extended incarceration, frequently for crimes that they have not committed". (Farthing, 1997: 255)

The typical period spent waiting for trial is so lengthy that by the time sentencing occurs, "the prisoner has been in jail longer than the time imposed in the sentence" (Farthing, 1997: 259). Because of such issues, it is not surprising that "many United States officials recognize that the Law 1008 is problematic in human rights terms". (Farthing, 1997: 255)

The Andean Commission of Jurists reported "that in 1995, 80% of Bolivian prisoners were under preventive detention. Further, almost all are low income people" (Ramos and Roncken, 1997: 62). The presumption of guilt (that may be unconstitutional) allows suspects to be detained until the three phases of the legal process are concluded.

In an interview on the country's prison conditions, Surveillance Judge Dr Eloy Avendaño asserts that jails are not fulfilling the goals for which they were created. Law 1008 produces more "prisoners but it does not consider how to change criminal drug behaviours. We put them in jail and we make them worse. (...) one week ago an inmate was caught trafficking drugs. Currently we have drug traffickers inside the jails who are killing the prison population". (Ramos and Roncken, 1997: 76)

Coca eradication policies

Current Policy

Human rights violations have been constant throughout the history of eradication and interdiction in Bolivia. In 1983 the Special Anti-drug Police and the Mobile Rural Patrol Units (UMOPAR) were created to enforce anti-

drug laws in the jungle. UMOPAR started as an elite force of 580 “leopards” selected from among the best police officials. They received special training by the United States. Other special government forces such as the Ecological Police and the Armed Forces also participated in eradication.

Experiences from Policy Applications

Confrontations between peasants and Eradication Forces have occurred during eradication missions, searches of *cocaleros'* homes, and when the Eradication Forces attempt to stop protest marches or blockades aimed to force the government to acquiesce to peasant demands or to prevent the eradication of coca plantings. During these confrontations *cocaleros'* human rights are violated. Firearms are sometimes used indiscriminately, and bursts of gunfire are used to cause panic, but also injure and kill peasants blocking the roads. In addition, the use of tear gas harms many people, particularly children.

Detentions are carried out on an individual, small group, or massive scale. Both inside and outside detention settings, people are frequently beaten brutally. These beatings and the use of other torture techniques in interrogation may force people to admit to crimes they did not commit. Such abuse of power frequently entails mechanisms intended to terrify peasants and Indians into disclosing information. The Andean Information Network (AIN) has discovered cases “where the victims have been attacked with firearms, submerged under the water, beat-up while they are suspended in the air, burnt with cigarettes, injected with unknown substances, tortured with electric shocks, beaten severely and threatened with death on repeated occasions. Many of these violations have happened during the interrogations, but they have also been made against people that have not been accused of any crime or arrested”. (Farthing, 1997: 264)

Peasants have perhaps been most vulnerable in house searches during which their human rights have suffered the most abuse. Searches without warning, sometimes in the middle of the night, and the destruction of household goods as well as the theft of cash and belongings make everyone fear these “surprise searches”.⁴ Constitutional rights to private property and

4. “From the time of the coca ‘collection centres’, special police operations have tried to establish a climate of violence in coca growers’ households: unauthorized midnight home searches, destruction of household goods, head-of-family detentions, and extortion of exorbitant bribes, despite not having found the *corpus delicto*” (Aguiló, 1992: 115)

its use, to security, and to domestic privacy have been violated. Further, simple acts like theft, breaking and entering, and destruction of property are defined as crimes in the penal code.

Incidences of inhumane treatment, such as the December 2001 protest during which Expeditionary Task Force members blocked and robbed peasants who were protesting peacefully and exhibiting their illicit crop substitution products in order to demonstrate the lack of markets for these products, leave deep scars on the collective memory of peasant communities.

Peasants respond to events like those recounted above through a variety of protests which express their frustrations. For example, they burned the National Coca Directorate (DIRECO) office in the town of Eterazama. More generally, peasants have also installed homemade landmines that have wounded military personnel. A few members of the Special Eradication Forces have been killed through peasant action, and peasants have used hunting weapons, sticks, homemade explosives and even dynamite to confront the forces.

Deaths of military and police officials have in turn led to violent pressure by the eradication forces who appear not only to be looking for the culprits of violence, but also aiming to instil fear as a deterrent to future violence. At the same time, peasants hold a deep conviction that the deaths of peasants killed in the course of defending their coca plantings go unpunished.

The support that UMOPAR was receiving from the DEA was criticized on a daily basis. "The participation of DEA agents in field actions shoulder-to-shoulder with UMOPAR has not improved the result of the daily efforts. Since they could not control the traffic from above, they have concentrated on a policy of repressing small Chapare producers" (Malamud Goti, 1994: 60). There is also constant pressure from the United States to obtain results in order to avoid cuts in U.S. funding. "In early 1995 Bolivia was 'certified' by the United States under the condition to eradicate 1,750 coca hectares. This demand was met between April 19 and June 18, aided by a State of Siege decree. From then on, the tropic of Cochabamba became a Red Area in which all kinds of norms and exceptional actions were allowed" (Ramos and Roncken, 1997: 63). This policy led to continuous *cocalero* action in opposition to violent UMOPAR incursions. In the second half of

1995 the eradication plan was expanded and the State of Siege extended three months. Meanwhile, hundreds of leaders were detained and later claimed to have been tortured. (Ibidem)

Some anti-drug measures have short-term goals which do not take into account medium- and long-term effects. For example, in September 1990, the DEA organized an important campaign in the Red Area, the goal of which was to destroy the unpaved roads presumably being used by traffickers as landing strips. "Destroying these roads did not further the purposes of the control campaign because it also damaged the property of peasants living near the sites of the explosions and thus increased tensions between the local people and the police force" (Malamud Goti, 1994: 90). In order to continue doing business all that traffickers had to do was to give villagers between 200 and 300 dollars to rebuild the landing strips, a task taking barely a couple of days (Ibidem). The irony of this strategy is that in destroying peasants' property in addition to the landing strips all it actually achieved was the creation of more resentment, further lack of support, and greater intolerance of drug supply control activities. Rebuilding a landing strip takes only a couple of days while trust and respect for the State are undermined for the long term.

The attempt of the Narcotics Office to create an "informants' network" by offering money to detainees "who did not have scruples about accusing their enemies or simple unknowns" is a second example of a strategy which backfired (Aguiló, 1992: 116). Indeed, this strategy produced a chain of lies that incriminated innocent people. In 1995, when an announcement was made that troops were being sent to measure coca plantings in Chapare, "the producers declared that they would block the highways to prevent the soldiers' entry (...) this coincided with a much more extensive general protest that the government tried to stop by declaring a 'state emergency' and arresting about 500 leaders including Chapare leader Evo Morales". (Spedding, 1997b: 136)

When the Combined Task Force went into Yungas on 13 June 2001, "people were already congregating around the roads used by the force to penetrate the area (...) leaders of the Asunta went out via the local roads to summon people, and in the town a multitude formed and marched (...) *cocalero* men and women, precariously armed with machetes and slings, harassed the soldiers. Those lacking stones, threw green oranges,

and protestors gave the Task Force a peremptory deadline to abandon the region. (...) before dawn, another group of town youth had come out (...) and with dynamite explosions was able to partially obstruct the route and prevent the crossing of a new troop contingent that was coming in 13 buses". (Rivera-Cusicanqui, 2003: 21)

The first confrontation along this route took place in Chamaca. Peasants plundered a truck containing eradication tools, and "the peasants' relentless pursuit came from all corners and many times was invisible (...) in the midst of a chaotic situation, troop commandants gave the order to shoot, wounding four, one of them seriously. Meanwhile the *cocalero* crowd had grown significantly, and dynamite explosions were heard in the hillsides. Confronted with the inadequacy of their own forces and totally surrounded, the military stopped shooting and opted to dialogue with the *cocalero* leaders" (Ibidem). This event evidences the solidarity of the *cocaleros* and their ability to mount a strong resistance action in support of their common interest in retaining their coca plantings.

The use of the Armed Forces in eradication has created another conflict with the *cocalero* communities who are not willing to allow to their children to enter military service in the course of which they would have to participate in eradication efforts. Bolivian NGOs are against the militarization of the anti-drug fight, supporting the *cocaleros* and "asserting that the army's involvement would critically increase human rights violations" (Malamud Goti, 1994: 124). Also, journalistic reports continually refer to peasant opposition to the militarization of anti-drug policies.

4. Initiatives for change

4.1

Civic reaction in response to the human rights situation

Organs of civil society in Bolivia have tried to defend human rights, but the history of their efforts has not been encouraging, especially during the dictatorship period. In many instances, the political situation has affected the operation of organizations seeking to defend human rights. For example in the late 1960s and early 1970s, the National Committee of Defence of Rights was outstanding in its defence of human rights. The Committee was formed in November 1967, but in August 1971 “was shut down after the abuses suffered by its members at the hands of the supporters of the 1971 coup d’état, the Banzeristas, and their allies. Committee members were persecuted, detained, and exiled”. (<http://web.entelnet.bo/apdhdb/>)

The Bolivian Episcopal Confederation provides another example of the discouraging history of civil society efforts. In December 1972, the church established the Bolivian Commission of Justice and Peace with the main goal of promoting social justice and of guiding activities reflecting human rights issues. It had no plans “to defend the people’s individual and collective rights because of the high risk of confrontation with Banzer’s totalitarian government” (<http://web.entelnet.bo/apdhdb/>). In 1975 the Confederation was suspended.

In contrast, the Permanent Human Rights Assembly has been working for 26 years to promote a culture of peace. It collects the protests and accusations of the residents of the coca region, fights for human rights enforcement and denounces human rights violations.

By mid-1991, DIRECO had continued its forced coca eradication programme and the “leopards” had increased their repressive actions, and

“in an attempt to respond to this wave of violence, the peasants in many parts of the Chapare began to organize Defense Committees” (Sanabria, 1997: 185). These committees were the first response of peasants to the incursions of the State Forces. The committees were formed by members of the syndicates and had the objectives of being on constant alert and able to issue warnings about the arrival of the Leopards and acting as a mechanism to bring together the largest number of peasants.

According to exigency, the Government established the first Human Rights Office of the Justice Ministry in Chapare in December 1985. This office confronted serious obstacles to its mission. “The residents feared reprisals if they reported the violations that they suffered, and for more than three months the office did not receive any direct complaints. The peasants preferred to take the 5 to 8 hour trip to Cochabamba to air their grievances to the Human Rights Permanent Assembly or to the central office of their federation” (Ramos and Roncken, 1997: 67). Six months after the office’s creation “it was observable that defenders of human rights depending on the government meet many obstacles in trying to solve the cases that come through their offices. In 90% of the cases, the crimes were committed against humble peasants of the area by UMOPAR policemen, authorities, or people with influence”. (Ibidem)

Finally, *cocalero* syndicates organized into federations and confederations have achieved a remarkable political force and without doubt hold convincing civic demonstrations. Massive marches and highway blockades are the more frequently used protest mechanisms. These actions have been successful expressions of dissatisfaction and demands for policy change. These protests have been such that they have forced the Government to negotiate with the *cocaleros* on several occasions. The syndicates have also been able to act politically and have elected congressional representatives.

4.2

***International follow-up
on human rights questions in Bolivia***

International civil society organizations have also reacted to human rights violations. Human Rights Watch found that the special courts “do not monitor the way searches and arrests take place to make sure that there

is probable cause and that they were done following legal procedures” (Farthing, 1997: 265). These findings reflect that there is no guarantee of the detainees’ rights or of legal review before trial to make sure that there is sufficient evidence to warrant arrest and trial.

The large number of men and women prisoners has led to overcrowding in prisons. The conditions in these prisons are deplorable, rendering even more terrible the long waits for trials. For example, in the San Sebastián prison for women “A hundred children live with 143 inmates, most of which are in jail for the Law 1008 (...) this additional burden of providing economic support for their children had led many women into prostitution to pay for food, medical care and legal costs”. (Farthing, 1997: 267)

In its second visit to Bolivia in 1996 Human Rights Watch concluded that “there are evident violations and serious abuses of the peasants’ rights, as well as excesses by UMOPAR policemen”. (Ramos and Roncken, 1997: 72)

The 2003 Annual Report of Amnesty International confirmed that such problems persist and found that that the peasants’ marches and blockades in Chapare protesting about eradication agreements with the Government of the United States produced confrontations with the security forces in which five peasants died and dozens were wounded. These protests increased in September and October. Human rights organizations, the Ombudsperson, and the Prosecutor General each provide different casualty figures. On average they cite 65 deaths and also report that there were many detainees.

The report also explains that during September 2003, in Warisata, a town in the district of La Paz, one soldier and five civilians, including a girl, were killed, and several people wounded in the course of an attempt by the police and the army to clear the highway and calm protesters. According to reports, “the combined force opened fire after forcing their entrance to a secondary education school and private homes”. (Amnesty International, 2003)

In August, the United Nations Committee for the Elimination of Racial Discrimination stated that “human rights defenders who helped members of indigenous groups in the context of the land conflicts continue to be threatened and harassed by police agents” (Ibidem). Lastly, the report



dealt with the issue of the jail situation in Cochabamba (San Sebastián and San Antonio) and Santa Cruz (Palmasola), where peasants are detained for illegal coca plantings. These prisons have very precarious facilities, inadequate sanitary equipment, insufficient space and terrible overcrowding.

5. Implications of policies discussed

5.1

Lessons learned

The pattern of causation explained at the beginning of this essay postulated that not simply profitability, but structures, institutions and cultures (values, beliefs and attitudes) determine in which countries the illegal drugs industry develops. In turn, these same characteristics determine the consequences of such development. In Colombia, where controls on individual behaviour imposed by the State and society are much weaker than in the other Andean countries, the violence, the violations of human rights and the social decomposition associated with the illegal drugs have been significantly more generalized and serious than in Bolivia and Peru. It is not without reason that Colombia leads in the rates of homicides, children combatants and other atrocities.

5.2

Potential problems/barriers

As anti-drug policies have been formulated from a criminology perspective, they aim to address the profitability of the crime and focus on attacking the production, traffic, and consumption of drugs and on money-laundering.

A clear problem persists among some policies that produce results in the short term but ultimately fail in the long term. For example, air fumigation in Colombia quickly obtains results but the damages it causes (some irreparable) generates long-term environmental problems and distances the rural and indigenous populations from the Colombian State.

5.3

Replication/Transfer

Further, it is also very likely that aerial spraying increases the number of peasants willing to join armed groups. And, while the health effects of spraying are probably negligible in the short run, there is great uncertainty regarding the potential for serious health effects in the long term. These long-term effects are much more delicate and difficult to deal with.

The conflictual nature of other policies is clear even in the short term. From an economic perspective, the design of repressive policies reproduces contradictory results since it aims to minimize coca and poppy prices so that peasants will not produce, and simultaneously to maximize consumer prices so that they do not consume. These contradictory incentives enable the illegal industry to endure.

In spite of certain common features, the realities of Bolivia, Peru and Colombia are each complex and diverse, thus preventing the formulation of general conclusions about the three countries in regard to the consequences of the development of the illegal drugs industry. Yet, while these consequences have been notably different, they also conform to the pattern of causation explained at the beginning of this essay. However, the structure of peasant and indigenous organizations in Peru is remarkable as these organizations have been fundamental in reducing human rights violations. The case of Colombia illustrates the different types of indigenous organizations that could be replicated in Peru.

6. Monitoring and evaluation during implementation

6.1

Preliminary evaluation

The human rights violations associated with the illegal industry are very serious within the context of each country. However, the violations in Bolivia and Peru turn pale compared to those in Colombia. In Bolivia and Peru the strength of their civil institutions has meant that those violations are relatively weak compared with Colombia. It is clear that in this country the magnitude and gravity of human rights violations are symptomatic of the weaknesses of the institutions and structure of Colombian society.

6.2

Indicators

The main indicators used to measure policy success are the number of hectares eradicated, laboratories destroyed, traffickers captured and extradited and the amount of seized drugs, the reduction in the number of consumers and the increase in prices and the declines in drug purity at the retail level. It is true that these actions in many ways weaken the illegal industry in the short term, but they do not attack the structural and institutional causes that are behind criminal behaviour. For that reason, in the medium and long term these successes are pyrrhic.

The indicators used to measure the results of the strategies to respond to the human rights situation, for example, the number of denunciations dealt with by the Office for Human Rights of the Justice Ministry in Chapare is significant because it illustrates the settlers' access to an institution that takes care of its cases. Nevertheless, the most important indicators will only be able to be evaluated in the medium and long term and will indicate to what degree the cases presented have been resolved and the massive violation of human rights diminished.

6.3

Feedback mechanisms

In the three countries the drugs have acted as catalysts for processes that result from persistent unresolved conflicts. This catalyst has increased violence and disdain for human rights. Consequently, if the illegal drugs industry is eliminated, these societies already have high thresholds of violence which are already part of the culture. Many have already become used to it. This has been another noxious consequence of the development of the illegal industry.

This persistence of criminal activities induces a spiral of violence that spreads to nearby regions. This conclusion is key for Colombia and its neighbours, since the atmosphere of violence in many Colombian regions tends to spread crime towards other areas generating an internal and external "domino" effect that is reflected in the fear of neighbouring countries' governments.

6.4

Control

The formulation of "solutions" requires starting with correct diagnoses of the illegal drug markets. To do so it is necessary to understand the different problems each country has in identifying possible reforms and institutional changes required beyond current common policies.

The illegal industry has strengthened the rural political movements in the three countries although this effect has been stronger in Bolivia, followed by Peru and, further away, Colombia. Today the governments of

the three countries face a great challenge to reach agreements with the rural and indigenous sectors. The lack of mutual respect and understanding and distrust are some of the obstacles that should be conquered. Illegal plantings have given peasants and Indian communities a power they have never previously had. For that reason, the eradication of illegal plantings requires negotiation spaces generated in terms of equality among the diverse social groups of countries whose elites have had a very strong control over political and economic power.

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Management of Social Transformations (MOST)

Policy is the priority

While it still promotes international, comparative and policy-relevant research on contemporary social transformations, MOST is now emphasizing the policy and social research interface as its major *raison d'être*. Tackling the sustainability of social transformations is the programme's main task, which implies action at normative, analytical and strategic/political levels. It must concentrate on research of direct use to policy makers and groups involved in advocacy.

MOST's main emphasis is thus on establishing and interconnecting international policy networks with renowned social science researchers to facilitate the use of social science research in policy. This means bringing together basic research with those entrusted with policy formulation in governments, a variety of institutions, NGOs, civil society, the private sector and in UNESCO itself.

The MOST programme measures the impact of research on policy, conducts policy-relevant case studies, provides expertise in development initiatives and shares information on how to design research-anchored policy.

Tools for policy-making

The Policy Papers, dedicated to social transformations and based on policy-relevant research results of work carried out by MOST and by other sections of the Social and Human Sciences Sector (SHS), are intended for policy makers, advocacy groups, business and media.

SHS is seeking new ways of distributing knowledge to target groups, such as ministers of social development, ombudspersons, advocacy groups, UNESCO National Commissions and local authorities. It has prepared a new website for online knowledge management and meta-networking for decision-making and strategy. This knowledge repository will use innovative and refined search tools to facilitate access and intelligibility of complex research data for all potential users.