

## **Latin American Strategies to Improve the Fight Against Drugs**

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*This work explores the global strategies that have been implemented in Latin America in the fight against drugs, focusing on the work promoted by the Organization of American States, universal strategies such as those of the United Nations, and the work of the political conferences of the Americas that have specifically addressed the drug problem in their sessions.*

*Among the objectives of this investigation are: to analyze the conflicts related to the consumption, distribution and illegal economy around drugs in all their types and the crimes linked to them, such as drug trafficking, organized crime, money laundering or corruption; another objective will be to confirm and compare, taking into account UNODC data, which countries continue to be the world's major coca growers. The method used was that of data retrieval by means of literature and statistical data, analyzed and interpreted according to objective criteria.*

*The results provided highlighted the achievements of the different international organizations in the fight against drugs, as well as the needs that still have to be met in this area.*

*Keywords: Andean region, illicit drugs, crime prevention, illicit trafficking, international law*

### **INTRODUCTION**

This paper explores the global strategies carried out in Latin America by international institutions such as the Organization of American States (OAS) and others dependent on it. There are several reasons to focus on the environment of this part of the American continent. Firstly, because it is one of the planet's areas with the most conflicts related to consumption, distribution and illegal economy around drugs in all their types and related crimes, such as drug trafficking, organized crime, money laundering and corruption. Secondly, because the continent is home to some of the world's largest drug-producing countries. To give just one example, the 2021 World Drug Report published by the United Nations Office on Drugs and Crime (UNODC) states that Colombia, Peru and Bolivia continue to be the largest coca growers in the world (UNODC, n.d.).

## METHOD

Methodologically, the work has focused on analyzing and studying more specifically the actions arising from the Comisión Interamericana para el Control del Abuso de Drogas "Inter-American Drug Abuse Control Commission" (CICAD by its Spanish acronym) and the Summits of the Americas, also due to their broad scope. In a tangential manner and whenever the story demands it, reference is made to other diverse documents, such as reports from different organizations, public or private, or from civil society. For the review of the documentation, the classic content analysis was used and, as it could not be otherwise, the most appropriate and relevant literature on the subject, both classic and current, was considered. Finally, as conclusions, the effectiveness of the actions studied and the possible paths to follow in the face of a problem that, it is necessary to insist, is becoming more global every day.

## RESULTS

It is not necessary to make extensive reference to the final documents of international summits in order to make it clear that the countries and governments involved in the fight against drug trafficking and organized crime are conscious of the precariousness of the partial successes that are achieved. Indeed, as is usual in these documents, there is always room for congratulations on the progress made, often more theoretical than real, as well as for the need to continue to deepen and seek new strategies.

This is a reality, particularly in a region that is almost the only producer of coca leaf, cocaine base paste and cocaine hydrochloride. And, in addition, and despite the different measures taken, illegal coca growing doubled between 2013 and 2017 according to the 2019 INCB report.

But the same has happened with cocaine production or with the illegal economy that has been created around the drug market. And all of this is associated with significant increases in violence in the societies most affected by drug trafficking and the mafias that accompany it. Furthermore, the drug market is sufficiently flexible to be able to adapt to the different situations that arise, while the authorities that are supposed to combat it do not have that capacity. A clear example of this adaptive potential can be seen in what happened during the recent COVID 19 pandemic<sup>1</sup>. Not only has the use of the deep web or *Dark Web* increased, but alternative systems have been explored so that drug trafficking not only continues, but even increases, despite mobility restrictions.

As the United Nations 2021 report on drugs states, "drug markets have rapidly resumed operations after the initial disruption at the beginning of the pandemic; an upturn that has triggered or accelerated certain trafficking dynamics already existing in the global drug market. These include increased shipments of illicit drugs, increased use of land and sea routes for trafficking, increased use of private aircraft for drug trafficking, and an increase in non-contact methods of delivering drugs to end users. The resilience of drug markets during the pandemic has once again demonstrated the ability of traffickers to adapt quickly to changing contexts and circumstances" (UNODC, 2021).

On the other hand, in the case of Latin America, especially in the Central and Caribbean region, it is very difficult to obtain accurate data because the organizations working in these areas are not sufficiently developed or coordinated among themselves. In this regard, CICAD is making an important effort to set up a network of Drug Observatories that, in addition to existing, is effective and acts in a coordinated manner. The Sistema de la Integración Centroamericana "Central American Integration System" (SICA by its Spanish acronym), as well as the aid provided by the European Union, have also been promoting the same idea.

Another fundamental factor to be taken into account, and one that is absolutely essential in an increasingly globalized world, is international cooperation. Since the 1961 Single Convention on Narcotic Drugs, such universal cooperation has existed and has been increasing (think of all the control treaties<sup>2</sup>, for example<sup>3</sup>). But at the same time, international cooperation must also evolve and cover more and more aspects that are collateral to drug production and trafficking. And from our point of view, the most effective way to do this would be not only with universal conventions, but above all with regional multilateral

treaties. And this over and above bilateral treaties, since many of them have had a mixed and ineffective result.

Remember that in 1971, when President Nixon initiated the first phase of the war on drugs in the United States, cooperation between the United States and the rest of the continent was also set in motion. Cases such as the cooperation treaty called "Plan Colombia" between this country and the United States (year 2000), with the purpose of fighting drug production and trafficking. Or the Plan Mérida (2008) to combat drug trafficking in Mexico. However, the trend in international cooperation is now moving in a different direction. Although bilateral treaties continue to exist (and Joint Commissions to address these problems are also very common), the international commitment is to a global and multilateral fight. Consider, for example, the CELAC-EU Cooperation and Coordination Mechanism on Drugs. It is true that these instruments have not brought about significant progress in the fight against drugs, but it seems that the future should be directed towards this type of cooperation, which contemplates a wide range of actions.

Another aspect to consider in the fight against drugs, drug trafficking and organized crime is the role of civil society, which is increasingly essential and in need of greater involvement. Their cooperation with governments in this area is absolutely essential if this difficult battle is to be won.

There are many forums in which their representatives are already integrated, but this is a route that needs to be explored in greater depth and that helps to design this battle in a comprehensive manner, covering not only the aspects of combat and eradication, but also prevention, where civil society can play a leading role. It is also necessary that national legislation on drugs and drug trafficking evolve towards positions that are closer to human rights and social improvement in general.

This paper does not expressly refer to the role of the states as such, since the scope covered was different. But it must be noted that, while it cannot be denied that the states have been working to combat drug trafficking, they have not done so with due diligence. They have approved extensive legislation on this topic, but the effectiveness and enforceability of the legislation is in question. As an example: A country with extensive legislation in these matters is Mexico, and despite this, due to corruption, the difficulty of implementation and the limited capacity of the government to impose authority in certain areas, we are talking about one of the states that is most punished by this social scourge.

Nor can the issue of corruption, closely linked to drug trafficking, be ignored, and which in several neighboring countries reaches very high levels, such as the aforementioned Mexico and Colombia. For this reason, the internal fight against the corruption that plagues certain countries is a priority, as a principal element in the fight against drug trafficking and organized crime. Without internal cleaning, it will be difficult to succeed in this task.

## **DISCUSSION**

### **The Organization of American States**

Although the Organization of American States was created in 1948 with the signing of the OAS<sup>4</sup> Charter (effective as of 1951), the truth is that its origin dates back to the 19th century, specifically to 1889, when the First International Conference of American States was held in Washington D.C. This meeting gave rise to the Unión Internacional de Repúblicas Americanas (Pan American Union), the predecessor of the current organization. As its own web page states, it was created with the purpose of promoting "an order of peace and justice, fostering their solidarity, strengthening their collaboration and defending their sovereignty, territorial integrity and independence" (OAS, n.d.). To date, the OAS has thirty-five member states and has accepted a total of sixty-nine as permanent monitors (including the European Union). It also keeps close ties with a total of ten subregional organizations.

The first thing that stands out is that there is no specific multilateral treaty on drug trafficking, although there is one on illicit arms trafficking approved in 1997 (A-63) or on corruption (B-58), the latter dating from 1996. In the latter, specific reference is made to the relationship between drug trafficking and corruption, since, according to the preamble of the Treaty, the States Parties recognize that "corruption is often one of the instruments used by organized crime to achieve its purposes". Adding that they are "deeply concerned about the increasingly close links between corruption and the proceeds of illicit drug trafficking,

which undermine and threaten legitimate commercial and financial activities and society at all levels" (OAS, 1996).

This striking absence is mitigated by the existence of a number of other instruments and tools that the OAS uses in its fight against drug trafficking. For example, CICAD, which was created in 1986 and acts as a consultative and discussion body to seek solutions to the problem of drug trafficking (AG/RES. 813 (XVI-O/86)). It currently has 34 member states, including the United States and Canada. The work of this organization will be referred to later in this paper.

In the 1980s, specifically in 1986, following the global strategy set forth by the United Nations (UN), the Inter-American Conference against Drug Consumption, Production and Trafficking was held in Rio de Janeiro. The so-called Rio Program of Action was approved and a Control Commission was created (AG/RES. 814 (XVI-O/86)). That same year, the Declaration of Guatemala or "Declaration of the Alliance of the Americas against Drug Trafficking" (AG/RES. 817 (XVI-O/86)) was also issued. In it, the representatives of the states gathered at the OAS General Assembly declared that "drug trafficking is a crime of broad international scope that must be fought by all member states in order to achieve its total eradication from the continent", and therefore "commit themselves without reservation to cooperate in the fight against illicit drug trafficking" (OAS, 1986). This work would be continued in 1990 with the Ixtapa Action Program, which emphasized the existence of a shared international responsibility (OAS, 1990).

Some time later, in 1999, the OAS adopted the Anti-Drug Strategy of the Hemisphere, which stresses the shared responsibility of the states, insisting that they should focus on reducing demand and, above all, on prevention policies. The distinction made between producer, transit and destination countries is important. In 2010, the Hemispheric Drug Strategy was approved, which, in the words of the Organization itself, "addresses the global drug problem as a complex, dynamic and multi-causal phenomenon that requires a comprehensive, balanced and multidisciplinary approach" (OAS, 2021).

The Hemispheric Drug Plans (2011-2015, 2016-2020 and 2021-2025) have been the result of this work. In addition, there is the Drug Legislation in the Americas Program (LEDA) to update and modernize the legal and legislative frameworks on drugs. Under this program, the member countries (34 in total) undertake to inform CICAD regarding changes in their respective legislation.

It cannot be ignored, as it represented a significant change in the conception of anti-drug policy, that, in 2013, UN<sup>5</sup> approves the resolution (68/196) on the guiding principles for alternative development<sup>6</sup>.

It shows that such "alternative development, as a fundamental component of policies and programs aimed at reducing drug production, is an important, licit, viable and sustainable option for preventing, eliminating or significantly and measurably reducing illicit crops used for the production and manufacture of narcotic drugs and psychotropic substances, to the extent that it contributes to combating poverty and provides livelihood opportunities. Adding that "alternative development programs in areas where crops are grown for illicit drug production and manufacture should be implemented with full clarity on the overall objectives, as appropriate, of eliminating or significantly and measurably reducing drug supply while promoting integral development and social inclusion, mitigating poverty and strengthening social development, the rule of law, security and stability at the national and regional levels, including the promotion and protection of human rights" (UNDOC, 2014).

In this shift in thinking, it probably has a lot to do with the fact that in 2011 the Global Commission on Drug Policy had presented a first report in which it recognized that the existing anti-drug policy was not giving the desired results, so a major change in strategy was needed if it was to be effective in this war against drug trafficking. This Commission was created in 2011 with headquarters in Switzerland and with the idea of improving a drug policy at a global level that was not proving to be effective. It was originally formed by presidents and former presidents Fernando Henrique Cardoso, Ricardo Lagos, Ernesto Zedillo, Jorge Sampaio, and César Gaviria, among others. Also, personalities such as Kofi Annan, Mario Vargas Llosa, Javier Solana, George Schultz.

In the aforementioned report, it was categorically recognized that "the global war on drugs had failed. When the United Nations Single Convention on Narcotic Drugs was born 50 years ago, and when President Nixon launched the US government's war against drugs 40 years ago, politicians believed that tough law enforcement actions against those involved in drug production, distribution and use would lead to a steady

decline in the market for controlled drugs such as heroin, cocaine, cannabis, and the eventual achievement of a 'drug-free world'. In practice, the global scale of the illegal drug markets - largely controlled by organized crime - has grown dramatically in this period (...)

Despite growing evidence that current policies are not achieving their objectives, most policy bodies at the national and international levels have tended to avoid open examination or debate on alternatives (...) the starting point for this review is the recognition that the world drug problem is a set of interrelated health and social challenges to be managed, rather than a war to be won" (Global Commission on Drug Policy, 2011). In addition, and in an attempt to mitigate this work, four principles were proposed to be followed by the international community in its fight against drugs:

1. "Drug policies should be based on strong empirical and scientific evidence. The primary measure of success should be the reduction of harm to the health, safety and welfare of individuals and society.
2. Drug policies should be based on the principles of human rights and public health. We should end the stigmatization and marginalization of people who use certain drugs and those involved in the lower levels of growing, production and distribution, and treat drug-dependent people as patients, not criminals.
3. The development and implementation of drug policies should be a shared global responsibility, but it is also necessary to take into account the diverse political, social and cultural realities. Policies should respect the rights and needs of those affected by production, traffic and consumption, as explicitly recognized in the 1988 Drug Trafficking Convention.
4. Drug policies should be carried out in a comprehensive manner, involving families, schools, public health specialists, development professionals and civil society leaders, in collaboration with law enforcement agencies and other relevant government bodies (Global Commission on Drug Policy, 2011)."

The report also referred to what it called the "unintended effects" of the war on drugs that had been implemented up to that time. Among other things, it pointed to the growing criminal black market that was being generated. Or the failure to allocate scarce resources to a war that demanded much more effort, with the consequent failure. It also referred to the so-called "balloon effect", which involves the shifting of locations in the drug market to avoid law enforcement action. Or the stigmatization and exclusion to which drug addicts were subjected, which made them irremediably excluded from society.

All these ideas and principles have been reflected in the subsequent actions implemented by the OAS, including the Hemispheric Plan on Drugs 2016 and the one for 2021-2025, which are very important because they no longer focus on the simple reduction of supply or demand, but on broadening it, recognizing that it is a problem that encompasses social, educational, economic and exclusion issues... so the approach must go from being univocal to being globalized.

In addition, this type of strategy requires long-term commitments from the states, since they must implement actions and pass legislation that will make it possible to establish the necessary foundations for the proposed alternative development, which is linked to permanent work in education, investment, health, etc. In other words, these are economic and political efforts that require long-term commitments and that, although they are strategies designed for the fight against drugs and drug trafficking, they transcend this reality since they must be conceived as cross-cutting issues.

In this same line, it is also interesting to refer to the Special Communication on cooperation in the fight against transnational organized crime on the occasion of the XVIII Ibero-American Summit held on October 29-31, 2008 in El Salvador, although it predates it in time. It referred to "transnational organized crime, the global drug problem, criminal gangs and kidnapping as serious threats to the well-being and security of citizens, which affect the entire Ibero-American Community". It is essential to strengthen the participation of society in the promotion of a legal culture that motivates citizen participation, that reinforces civic awareness in the respect for the law and human rights, and prevention activities that foster confidence in public security institutions (...) we must strengthen our cooperation to confront this scourge.

International cooperation, with strict adherence to the sovereignty and territorial integrity of each State, is essential to effectively combat transnational crime networks. It also recognized the fact that "transnational

organized crime and drug trafficking have, through their own activities, sufficient financial resources and weapons to confront the authorities of many of our States". Therefore, "coordinated efforts must be made to break the link between criminal organizations dedicated to drug trafficking and illicit arms trafficking, particularly small arms and light weapons, which generates a high rate of violence and loss of life" (OEI, 2008).

Up to now, multinational and regional strategies have been discussed. But these would be ineffective if the countries did not, in turn, implement a series of other subregional strategies. This would include instruments such as the Inter-American Convention on Mutual Assistance in Criminal Matters, approved in 1992, or the Permanent Central American Commission for the Eradication of the Illicit Production, Traffic, Consumption and Use of Narcotic Drugs and Psychotropic Substances and Related Crimes, which is a specialized agency of SICA, created in 1993. In the same year, the Treaty on Mutual Legal Assistance in Criminal Matters was signed between Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. Or the Central American Convention for the Prevention and Repression of Money Laundering Crimes and the Laundering of Assets Related to Illicit Drug Trafficking and Related Crimes.

Central American countries also signed the Inter-American Convention against Corruption in 1996. Nevertheless, the real impetus for this type of agreement came in 2000, when the United Nations Convention against Transnational Organized Crime, also known as the Palermo Convention, was approved.

Also noteworthy, for example, is the creation in 2011 of the Centro Regional para el Desarrollo y la Cooperación Jurídica en América Central "Regional Center for Development and Legal Cooperation in Central America" (CEDEJU by its Spanish acronym), under the auspices of the United Nations and the OAS. Respectively, by the Programa de Naciones Unidas para la Fiscalización de Drogas "United Nations Drug Control Program" (PNUFID by its Spanish acronym) and the Inter-American Drug Abuse Control Commission of the Organization of American States (CICAD/OAS). We could also mention the South American Agreement on Narcotic Drugs and Psychotropic Substances, signed in April 1973, which we have left to the end because it was inspired by the conception of persecution and control of supply and demand, typical of the U.S. national security doctrine that was applied in those years and which, as time has shown, has only served to increase violence and the volume of drug trafficking.

Accordingly, the first two provisions of Article 1 were the control of illicit trafficking and its repression. It is true that Article 1 also referred to the need to work on the "prevention of drug addiction" and on the "treatment, rehabilitation and readaptation of drug addicts", but without a real commitment in these areas. It also referred to international cooperation "in specific cases of illicit trafficking or related activities which, by their nature, are of interest to more than one country" (Art. 8). Article 10 referred to the need to "intensify existing measures to eradicate cannabis and coca plantations, and to prohibit opium poppy plantations in South America, except for those that are controlled for scientific research purposes" (South American Agreement on Narcotic Drugs and Psychotropic Substances, 1973).

Below the subregional level, mention should be made regarding the large number of strategies and legislation on these issues implemented by the states for the internal (and in many cases external) control of drug trafficking-related crimes, which would be the subject of more specific work in their case. To cite a few examples, Bolivian law 913 of 2017, Fight against the Illicit Trafficking of Controlled Substances; law 11.343 of 2006 that establishes the Brazilian system of public policies on drugs and the Venezuelan organic law of 2010 on the fight against drugs. It should also be noted that the effectiveness of these strategies is highly controversial, since the national, regional and transatlantic routes operate with a high degree of impunity, and in many cases the seizures that are made, particularly in relation to the American continent, are a "payment" to the authorities so that they will allow other shipments to pass through.

As Ana Lilia Perez tells us, "Sometimes the drug dealers themselves leak information, and even allow small shipments to be caught in order for the authorities to cover their quota of seizures" (Perez, 2014:88). Despite the above, it is important to mention, by way of example, the "coca yes, cocaine no" and "coca for life" strategies implemented by the government of Evo Morales in Bolivia<sup>7</sup>. As is known, the former Bolivarian president was originally a coca grower. Moreover, it should also be kept in mind that in this country (as in Peru, for example) the growing of coca leaf is the basis of the subsistence economy of the indigenous communities, as well as its consumption (chewing) a tradition that has become historical.

President Morales' idea was to preserve the local coca market by getting it to expand even internationally so that the coca leaf would have an important demand that would allow it to be "removed" from the illegal market.

As picked up by the *BBC* in an article published by Boris Miranda on March 22, 2017 and according to UNODC monitoring, "Bolivia maintained for the second consecutive year its coca crops around 20,000 hectares", taking into account that "six years ago, planted hectares reached 31,000". In addition, according to Carlos Romero, then Bolivian Minister of Government, "in recent years more than US\$1.2 billion has been invested in technology, alternative development projects, interdiction and eradication of surplus crops. Eradication rates have been the highest," adding that "in the last eight years, Bolivia has increased the amount of drugs seized by 188% and seizures of controlled substances by 273%.

Now, this optimism in 2017 was dashed, first by the approval of the General Coca Law because it almost doubled the cultivable area of coca (from 12,000 to 22,000 hectares), which created serious doubts about the possibility of finding a legal market for that production. Nor was the international community enthusiastic about the results achieved, since a whole series of other structural, political and social problems remained unresolved. As for the law as such, the then representative of the European Union in Bolivia, León de la Torre, said that "the new law makes the objectives of cooperation "unattainable". Therefore, "everything must be reformulated in order to reduce the surplus of coca, which is converted into cocaine and reaches European countries (<https://www.bbc.com/mundo/noticias-america-latina-39226703>).

A similar case is that of Peru, where the growing of coca to convert it into coca sulfate for use in pharmaceuticals, laboratories or the Coca Cola company, was a tradition until 1949, when measures to prohibit cultivation began and the state company ENACO was created to channel all legal coca trade. This is when the coca growers begin to look for alternative activities and markets to save their businesses.

In fact, the Peruvian constitution currently establishes the right and duty for legal coca cultivation to be under the control of the coca growers' associations. This safeguarding of traditions has also been recognized by the United Nations. Thus, Article 14.2 of the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances established that drug control measures should respect "traditional licit uses, where there is historical evidence of such use" (UN, 1988).

### **The Inter-American Drug Abuse Control Commission (CICAD)**

CICAD focuses on three fundamental areas: technical cooperation aimed at strengthening the internal struggles of the states against these scourges, including the harmonization of legislation. It is also important to note its work in the area of training, creating the Escuela Regional de Inteligencia Antidrogas "Regional Anti-Drug Intelligence School" (ERCAIAD by its Spanish acronym) in 2012.

In order to contribute to aspects related to the Hemispheric Anti-Drug Strategy, launched in 1999, as mentioned above, CICAD initiated a Plan of Action focused on the Strategy's implementation. Perhaps the most relevant aspect of this is the creation in 1999 of the Multilateral Evaluation Mechanism (MEM). The intention of this tool, which is still in operation today, is to measure and evaluate drug control programs in CICAD member countries. The last evaluation cycle, the seventh, for which results are available, was held between 2016 and 2018 (since 2014), with the evaluation report being published in June 2019 and the hemispheric report in December of the same year. This round had as its base document the Hemispheric Plan of Action on Drugs 2016-2020 of the OAS Hemispheric Drug Strategy. And it evaluated 30 objectives that corresponded to the actions considered priorities in the 2016-20 Plan. These actions included institutional strengthening, supply and demand reduction, control measures and international cooperation in this area.

For the preparation of this report, member countries were asked to submit a document including issues such as the general overview of the country and the history of the drug phenomenon within the country. In addition, they were asked for references to the emerging challenges in this area and an explanation of the National Drug Strategy they had adopted and their vision of its implementation<sup>8</sup>.

The reports sent by the countries (presented and approved at the sixty-fifth regular session of CICAD in Buenos Aires in May 2019) were submitted to the Governmental Expert Group (GEG) for evaluation. Based on the study of all this documentation, the 2019<sup>9</sup> report was prepared, in which issues such as the

human rights situation, gender or social inclusion, among others, were also analyzed in a cross-cutting manner. In accordance with the above, countries were asked not to lose sight of the United Nations document on the World Drug Problem (UNGASS 2016), the 2030 Agenda on Sustainable Development and the Sustainable Development Goals (ODS by its Spanish acronym).

The overview provided was that "the thematic area with the highest percentage of objectives met was International Cooperation with 67%, followed by Control Measures with 54%. Likewise, the Institutional Strengthening area has 51% of its objectives met, the Supply Reduction area has 23% (or 27% if "not applicable" objectives are excluded), the Demand Reduction area has 15% of its objectives met, which also has the highest proportion of objectives in the process of being met, with 76%, followed by Control Measures with 42%, Supply Reduction with 36%, International Cooperation with 33%, and Institutional Strengthening with 31%. Finally, Supply Reduction turned out to be the area with the highest percentage of unfulfilled objectives, with 27% (or 31% if "not applicable" objectives are excluded), followed by Institutional Strengthening with 18%, Demand Reduction with nine percent, Control Measures with four percent and, finally, the area of International Cooperation, which did not have any unfulfilled objectives" (CICAD, 2019).

### **The Summits of the Americas and Drugs as a Global Problem**

It has already become clear in the previous lines that it is necessary for countries to overlap their strategies at different levels in order to try to wage a fight that can be reported as effective. As Grabendorff quotes Kaine, "globalization has not only favored an unparalleled rise of transnational corporations, but has generally favored the role of multiple transnational non-state actors, while the traditional role of states as the main actors within and without has been greatly weakened". Adding that "the influence of these other transnational non-state actors, in addition to multinational corporations, be they international organizations, migratory movements, civil society and religious organizations, but especially organized crime, has reached an unprecedented level in very diverse areas of society and is not necessarily comparable in its form and effects among them. These transnational non-state actors constitute themselves as the real owners and winners of globalization" (Grabendorff, 2018, p.160).

The Summits of the Americas, since they began to be held in 1994, have been a clear reflection of this evolution of the drug problem. We have already referred to different actions that have been implemented to combat drug trafficking and its collateral effects. But now we want to focus on the changing landscape in these areas and how the dimension of this is changing. Thus, the first summit, held in Miami, emphasized the continent's development and prosperity, with the strengthening of democracy, free trade and sustainable development. And in the final declaration, it emphasizes regional issues, stating that in view of "the harmful effects of organized crime and illicit drugs on our economies and ethical values, and on public health and the social structure, we will unite in the fight against the consumption, production, trafficking and distribution of narcotics, as well as against money laundering and the illicit trafficking of weapons and precursor chemicals.

We will also cooperate to formulate feasible strategies for alternative development in countries where illicit crops are grown". It is true that at the end there was a reference to the international nature of the problem when they recognized that "cooperation should be extended to national and international programs aimed at reducing the production, use and trafficking of illicit drugs and the rehabilitation of drug addicts (First Summit of the Americas, 1994).

The second focuses on the creation of regional instruments to combat drugs. And the third (Quebec 2001) continued following the same line, approving the Quebec Action Plan, which stresses the requirement to establish the economic needs of the countries and, based on these needs, to request assistance from the Inter-American Development Bank (IDB). As for the fourth meeting, held in Argentina, the issue of drug trafficking is not one of the main priorities and the issue continues to be linked to the need to control production, although it is not yet seen as a cross-cutting problem. Even so, the La Plata Final Declaration reiterates the support of the participating authorities "to ensure that alternative development projects contribute to economic growth, foster the creation of decent work and support the sustainable economic



viability of communities and families in countries affected by the presence of illicit crops" (IV Summit of the Americas, 2005).

The fifth summit, held in Port of Spain, Trinidad and Tobago, in 2009, was the first time a significant change in the context of the fight against drug trafficking and its collateral consequences was detected. It already refers to drugs as a global problem that requires a global and international approach to combat them.

Thus, they commit to increase efforts "to prevent and combat all aspects of the world drug problem and related crimes, by strengthening international cooperation and an integral and balanced approach, based on the principle of common and shared responsibility, in accordance with the principles contained in the United Nations and OAS Charters, international law and our applicable legal frameworks" (CICAD, 2021).

At the next summit, held in Cartagena de Indias in 2012, the transnational nature of the problem of drug trafficking and related crimes was maintained, since "the activities of transnational organized crime constitute one of the greatest threats to the security and well-being of our peoples, as they have transcended the sphere of drug trafficking and have spread to other crimes". It also stated that "their economic and corrupting capacity, as well as their broad access to large quantities of high-powered weapons, have increased violence and affected the social structure of many of the countries of the American continent", recognizing that the negative effects were felt both in the territories of production, transit and consumption.

However, they were still conscious of this global dimension, as they referred to the necessity of creating a "coordinating entity to harmonize the strategies and actions of the American States against transnational organized crime" that would at the same time interact in "existing universal, regional and sub-regional forums and mechanisms aimed at international cooperation against transnational organized crime in its various manifestations" (VI Summit of the Americas, 2012).

The seventh, held in 2015, with headquarters in Panama City, has significantly as its slogan the phrase "prosperity with equity". There is no specific section on drug trafficking, but it is incorporated into the section dedicated to security. The leaders gathered at the meeting stated that they take note of the report "The Drug Problem in the Americas" issued by the General Secretary of the OAS, while recognizing the progress that has been made on these issues. They reaffirm their commitment to the agreements reached at both the third regular session and the forty-sixth special session of the OAS General Assembly and endorse the document "Reflections and guidelines for formulating and following up on comprehensive policies to confront the world drug problem in the Americas". They also commit to continue the dialogue in order to reach a joint position in the meetings corresponding to the United Nations General Assembly Special Session on the World Drug Problem, scheduled to be held in 2016. To the foregoing is added the combat and prevention against the illicit trafficking of firearms and other related materials. To this end, they declare that the existing mechanisms of the OAS and the United Nations will be used (VII Summit of the Americas, 2015).

And the eighth took place in 2018 in the Peruvian capital. In this case, the slogan was "Democratic Governance against Corruption". In the "Lima Commitment" there is already a clear awareness, although it does not speak specifically about drug trafficking, that this and related crimes are a global and cross-cutting problem that must be tackled jointly. Thus, the participating countries recognize that "preventing and combating corruption are essential for strengthening democracy and the rule of law in our countries, and that corruption weakens democratic governance, citizen confidence in institutions and has a negative impact on the effective enjoyment of human rights and the sustainable development of the populations of our Hemisphere, as in other regions of the world" (VIII Summit of the Americas, 2018). They also devote considerable space to international legal cooperation, the fight against bribery, international bribery, organized crime, money laundering and asset recovery. They commit to encourage as much joint work as possible with the Mecanismo de Seguimiento de la Implementación de la Convención Interamericana contra la Corrupción "Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption" (MESICIC by its Spanish acronym) and with the Mecanismo de Cooperación Interamericana para la Gestión Pública Efectiva "Inter-American Cooperation Mechanism for Effective Public Management" (MECIGEP by its Spanish acronym).

The last summit held, the IX, took place in June 2022 in Los Angeles, with the slogan "building a sustainable, resilient and equitable future for our hemisphere". There were notable absences, such as Cuba,

Nicaragua and Venezuela, because the host country, the United States, left them out due to the absence of democracy and respect for human rights in those countries. As a consequence, it is also important to note the absence of several presidents who decided to send representatives in response to an exclusion they did not consider appropriate. The drugs topic was overshadowed at this meeting, with issues such as democracy (together with corruption, gender and equal opportunities) or health and resilience taking center stage, and within this section the pandemic was the main concern. Digital transformation or the environment and global warming also took center stage. In fact, in the approved Inter-American Plan of Action on Democratic Governance there is no specific reference to the issue of drug trafficking.

## **CONCLUSION**

The fight against drug trafficking and related crimes is a process that is very difficult to solve, as the documents analyzed show, despite the good intentions and promises to combat this social scourge that are constantly approved at the different international meetings that are held.

The commitment of governments on paper is clear and unequivocal, but the results are unsatisfactory and scarce, if not non-existent. As the fight against drugs advances, drug traffickers find new elements to continue their work, always one step ahead of the authorities, both national and international.

The change of strategy followed by some countries regarding the fight against drug trafficking does not seem to have produced the expected results, since, as the INCB report of 2022 acknowledges, "the legalization of cannabis seems to lead to an increase in consumption, especially among young people, and to a lower awareness of the risk involved, and does not reduce criminal activity" ([https://www.incb.org/documents/Publications/AnnualReports/AR2022/Press\\_Kits/INCB\\_press\\_kit\\_spa.pdf](https://www.incb.org/documents/Publications/AnnualReports/AR2022/Press_Kits/INCB_press_kit_spa.pdf)). In other words, the hope that changing the fight for legalization would end, or at least reduce, delinquency and organized crime around drugs, has proven to be, at least for the moment, a frustrated rather than a real hope. This may also be negatively influenced by the fact that each country in which the drug has been legalized applies a different model. There has been no significant progress on other types of drugs either, which means that, although hope is the last thing to be lost, it is difficult to maintain hope on this issue, particularly when we see (think of the Ninth Summit of the Americas) that the concerns of governments are beginning to focus more on issues other than drugs. We will certainly have to wait to see if this sensation is real or not. Time will tell.

## **ACKNOWLEDGEMENT**

Translated & edited by American Publishing Services (<https://americanpublishingservices.com/>).

## **ENDNOTES**

1. The INCB report published in 2021 and referring to 2020 showed a clear concern about the effects of the pandemic, both in terms of drug trafficking and the illicit economy, as well as those derived from the need to ensure the availability of controlled substances and access to them for scientific and medical purposes, since governments, due to the needs arising from COVID 19 have increased their demand for them ([https://unis.unvienna.org/pdf/2021/INCB/INCB\\_Report\\_S.pdf](https://unis.unvienna.org/pdf/2021/INCB/INCB_Report_S.pdf)).
2. The first one dates back to 1912 and was followed by 12 others until the adoption of the 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs.
3. It is true that the first international conference on narcotic drugs was held in 1909 in Shanghai, but it is not the purpose of this paper to go back to that time.
4. Over the years this document has undergone various modifications in the 1970s, 80s and 90s.
5. The work of this organization in this field is very broad and has inspired almost all the actions carried out by international organizations and countries. For space reasons it cannot be analyzed here, but some of the most important resolutions are the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances, the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the 2009 Action Plan on International Cooperation on the

Eradication of Illicit Drug Crops and on Alternative Development and the 2014 Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, to mention a few examples.

6. The previous year, resolution 67/193 ( December 20, 2012) had been adopted, highlighting the need for Member States to commit to "promote, develop, review or strengthen effective, comprehensive and integrated drug demand reduction programs, which are based on scientific evidence and cover a range of measures, such as primary prevention, education, early detection and intervention, treatment, care and related support services, recovery support, rehabilitation and social reintegration activities, aimed at promoting the health and social well-being of individuals, families and communities and reducing the adverse effects of drug abuse on individuals and society as a whole" (UNDOC, 2013).
7. An interesting article on this topic is Ledebur, K. and Youngers, C.A (2013).
8. All information regarding these documents can be found on the following page: [http://www.cicad.oas.org/Main/Template.asp?File=/mem/background/default\\_spa.asp](http://www.cicad.oas.org/Main/Template.asp?File=/mem/background/default_spa.asp).
9. The following countries were analyzed: Antigua and Barbuda, Argentina, Barbados, Belize, Bolivia, Brazil, The Bahamas, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Grenada, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States of America, and Uruguay.

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