

Illegal Drugs and Human Rights of Peasants and Indigenous Communities:

The Case of Peru

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Management
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Preface

This article focusing on Peru 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 Universidad del Rosario, Bogotá. 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, trafficking 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 related 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. In the Peruvian case the relationship between the industry and subversive movements during the 1980s is also explored.

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.



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 forms and shapes.

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

Social consequences of the development of the illegal drugs industry in Peru

The social impact of the illegal drugs industry in Peru has been weaker than in Colombia and Bolivia, although it is impossible to confirm that the scale of human rights violations has been larger or smaller in Peru than in Bolivia. During most of the last four decades, Peru's main role in the illegal industry has been to supply coca and cocaine base. The benefits generated by the industry have been spread broadly among the *cocaleros*, although while the "firms" of traffickers have become rich their profits have been much lower than those of Colombian traffickers. The illegal industry developed in rural areas on "the other side" of Sierra a great distance from Lima and other main cities. For this reason, drugs have been for many, "someone else's problem". Nevertheless, the illegal industry has had important consequences and has contributed to social decomposition. The situation in the areas of Chanca and Andahuaylas provide good examples of the illegal industry's impact. In Andahuaylas marijuana and cocaine are traded in small quantities at stores open all night, and in Chanca generalized crime and prostitution have proliferated (*El Comercio*, 2004).

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

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 "la 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 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 has 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 participating in subordinate or support positions while in Peru, and especially in Bolivia, the military has 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 these programmes were implemented a decade later. The U.S. 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).

2.3

Actors

As in Colombia, the illegal drugs industry in Peru has been linked with subversion, although the correlation has been much weaker in Peru. In the 1980s, Shining Path and the Revolutionary Movement Tupac Amaru (MRTA) used the illegal industry as a source of finance.

Coca, Cocaleros and the Shining Path

“Between 1980 and 1993 the Peruvian Sierra was the site of Shining Path’s uprising against the Peruvian State. Peasants were caught amid a war among strange powers” (Thoumi, 2002). Because peasants were already resistant to and frustrated with the police and those in charge of eradication, Shining Path had a clear opportunity to enter the Upper Huallaga Valley in 1984. The economic deterioration of Peru also contributed to the settlement of Shining Path and the Revolutionary Movement Tupac Amaru (MRTA) in the Huallaga. These two groups confronted each other, and Shining Path emerged victorious.

Labrousse explains that the emergence of Shining Path was facilitated by the existence of another Maoist group, the Puka Llacta (Red City), in the region. Also, peasant organizations were weaker than the Bolivian syndicates (Lee III, 1991). In late 1984, after a military offensive in the Ayacucho and Huancavelica departments, Shining Path advanced toward Huallaga with Puka Llacta’s support. It systematically attacked government officials who worked in eradication and crop substitution programmes and the leaders of the weak rural organizations, violating their human rights.

Shining Path later mediated between peasants and traffickers, and enforced minimum prices, becoming the sole middleman and “the only protection source for both groups against the police” (Thoumi, 2002). Shining Path achieved a strict control on the illegal market (it fixed coca prices and the dollar exchange rate, and determined how the leaves were weighed), which enabled it to gain both social advantages and revenues. Additionally, Shining Path created delegations of guerillas to negotiate with traffickers who in turn had to divert a certain amount of money to the delegation in order to be able to buy coca. Shining Path killed the traffickers’ security guards and replaced them with members of its own forces. It also charged a tax on each airplane that landed to pick up coca paste.

Initially, the military campaign in the Huallaga was not against drug traffic because the military needed the support of the peasants to confront Shining Path. “Further, the army simply refused to give protection to CORAH’s eradication teams, some of whom were slaughtered by Shining Path and the traffickers. This move quickly shifted the peasants, and paradoxically, the traffickers’, support towards the army, a shift which was a key in the army’s success in expelling Shining Path from the valley” (Thoumi, 2002).

At first, the farmers opposed eradication and the guerrillas protected them from the government's policies and from the traffickers. However, Shining Path's insistence on a forceful Maoist ideology aimed to control peasants and pressured them to take action with which they disagreed. Also, Shining Path began a campaign to eliminate the State's presence in rural areas that included the destruction of schools, health posts and physical infrastructure projects. "Indeed, with their emphasis on orthodox Maoist ideology, Shining Path exhibited a deep scorn for the indigenous culture. According to Maoist theory, culture is simply an ideological reflection of political and economic realities. Therefore, all manifestations of Andean culture represented a reflection of the past and had to be destroyed (Degregori, 1996: 210). It is not surprising then that Shining Path did not recognize, but instead tried to supplant the traditional Indian authorities" (Thoumi, 2002). The rights of these groups were seriously endangered because Shining Path objectives demanded adherence to a strict ideology which did not allow any space for minorities and their rights.

"In these circumstances, the government deployed the Marines in the Sierra, but many members of the Marines came from urban areas and like Shining Path members felt a deep scorn for Indian culture. In their zeal to extinguish to subversion, they attacked and murdered peasants. Peasants were caught in the crossfire as the marines attacked many peasants whom they thought were members of the guerrillas and guerrillas attacked the peasants thinking they were informants and followers of the marines" (Thoumi, 2002). The government then decided to send in the army to replace the marines. A large number of army personnel were of Indian origin and respected Indian rights. This was a positive change, since, "in the long run the armed forces were more respectful of the natives" (Ibidem).

There is no doubt Shining Path's ideology was a determining factor in turning peasants against the guerrillas.¹ Peasants united to face the guerrillas and started 175 committees organized under the auspices of the Defence

1. The police concentrated on capturing "traqueteros", "storers" and traffickers and left peasants in peace. "This worked in the short run and produced a substantial decline in coca prices (McClintock, 1988). In the medium run peasants realized that the police were responsible for their decline in income and that the government did not offer any reasonable alternatives and again positioned themselves against the police and the government (Obando, 1993: 85)" (Thoumi, 2003: 14).

Front Against Coca Eradication in the Upper Huallaga (FEDECAH) and the smaller Agrarian Federation of the Selva Maestra (FASMA), and with the support of the National Agrarian Confederation (CAN). “Many of these were armed, rural self-defense groups (Rondas Campesinas) organized to confront Shining Path. The emergence of these groups was a broad-based development that transcended the Huallaga Valley. Indeed, the most important Rondas took place in areas where Shining Path had a strong presence and where it had slaughtered peasants on several occasions, especially in the department of Ayacucho” (Thoumi, 2002). The armed forces motivated the formation of the “Rondas Campesinas”, replicas of organizations that had existed in the North Sierra, providing protection for the inhabitants against criminals. The rondas entailed sophisticated structures based on old traditions for confronting different types of repression and abuse. It is notable that in Peru the army’s effort supported by the peasantry weakened the guerrillas while in Colombia many years of fighting to weaken these groups has been both very arduous and fruitless.

In the late 1980s, President Alan García gave the army control over an emergency area. A Shining Path attack on a police centre in Uchiza in the Upper Huallaga during which some policemen were killed “changed the focus of the government’s policies: it was no longer a fight against drugs but against the guerrillas. The new commandant, Brigadier General Alberto Arciniegas Huby realized that government policies could not destroy the means of the peasants’ livelihoods and also win the war against Shining Path. He threatened to destroy Uchiza if the citizenship did not support the government institutions, restricted eradication activities and carried out aggressive military actions against Shining Path without special considerations toward human rights” (Thoumi, 2003).

After Alberto Fujimori was elected President in 1990, he had to organize State reaction against Shining Path, and in order to win the support of the peasantry he developed the Doctrina Fujimori to confront issues related to illegal drugs. According to this doctrine, peasant coca farmers were not considered criminals, although they were part of the drug trafficking industry. This policy avoided a direct confrontation with the illegal industry until the defeat of Shining Path. In 1991 Fujimori de-penalized the rural *cocaleros*, therefore diminishing their need for protection from the guerrillas or the traffickers. This measure left the status of coca cultivation

in legal limbo: coca could be eradicated, but the peasants could not be detained or tried for growing it.

The Fujimori government was able to break up Shining Path and imprison its leaders. Only after Shining Path's demise did the Fujimori government promote policies against illicit cultivation. The government's success against Shining Path was significant, but in the long term does not seem to have been total. There are indications that subversive organizations in Peru have learned from the Colombian experience. Recent journalistic reports indicate that a resurgent Shining Path group has been buying coca paste from peasants and that FARC representatives are also buying coca paste and providing "technical attendance" to Shining Path. It is worth noting that if Shining Path becomes involved in the illegal industry in the same manner as FARC, it would have to sacrifice its Maoist principles, a move which would indicate an evolution toward pragmatism. Only the future will answer questions regarding the resurgence of Shining Path and its participation in the illegal industry.

Cocalero Organizations and their Resistance

One of the most important groups in Peru is the National Confederation of Agricultural Producers of the Coca Basins of Peru, which has gained strength in recent years, although it still does not carry the weight of the Bolivian syndicates. This organization developed as a peasant response to anti-drug policies, and as in Bolivia, its agenda has begun to transcend illegal drug issues. The Confederation has outlined a wide and radical agenda that includes a call for the elimination of the National Commission for Development and Life Without Drugs (DEVIDA), the government office whose mission is "to design and to guide policies against drugs in the country in an efficient and concerted way, by coordinating, promoting and guiding programs and projects directed to this end, with the support of State resources and the support of the international community, in order to support the Peruvian population to eschewing activities linked to the production and consumption of drugs and to privilege healthy lifestyles" (www.devida.gob.pe). Other goals are to eliminate NGOs that implement Alternative Development programmes, to free the production and industrialization of coca, and to eliminate ENACO. When Nelson Palomino, the National Secretary of the Confederation, was detained, his detention gen-



erated strong protests and demands for his liberation during 2004. The *cocaleros'* demands have been very ambitious and they have left the Government with very few options with which to respond. The elimination of DEVIDA and ENACO are not feasible, and would imply the total liberation of the coca market, independently of how the coca is used. It would seem that the *cocaleros* and their cocólogo advisers do not think it is important that if their demands were accepted, they would be allowed to sell coca and coca paste to drug traffickers without any restriction.

An evident tension exists between DEVIDA and the *cocaleros*. The discourse in this respect has been quite confused. For his part, Nils Ericsson, the director of DEVIDA insisted that its objective is not to attack the *cocaleros* but drug traffic and that the forced eradication is being carried out in old coca plantings and not in the new ones (RPP Noticias, 30 April 2004).

Massive protests similar to those in Bolivia have been used in Peru to press the Government to changes in policies and to respond to their complaints. In April 2004, a large march made clear the *cocaleros'* displeasure with President Toledo, demanding his resignation and replacement, along with the end of "abuses and lies" (La Razón, 2004). The Defender of the Pueblo, Walter Albán, admits that "a good part of the complaints of coca growing peasants can be taken care of" and that the dialogue should resume. The restlessness of the *cocaleros* should be channelled "through meetings with Ministers of State and the President of the Republic, Alejandro Toledo" (RPP Noticias, 30 April 2004).

The *cocaleros* agenda has taken on radical nationalist and cultural overtones. For example, cocalero Genaro Cahuana asserted "that the Government is submissive towards the United States Embassy and we do not agree with that because there is a militarist focus that infringes on human rights, and we are defenders of our ancestral culture". His motto is "Coca or Death, we will be victorious" (Cusco, 2004). The *cocaleros* "demand that the government recognizes the use of the coca leaf and declare it a cultural good and patrimony and that internationally the government defend this product and exclude it from the narcotics Schedule One of the United Nations".

In conclusion, it is clear that among the Andean peasantry there is the conviction that the State simply forgets, segregates and abandons rural marginal areas. This conviction generates confrontational feelings and responses

to feelings of marginalization. These peasant groups have developed in parallel to mainstream society, and accordingly it could be argued that two very different sets of nations coexist within the borders of Peru, Bolivia and Colombia. Therefore, it is not surprising dialogues do not produce understanding and agreement and that negotiations are very difficult.

Complaints about the State's unfulfilled promises

The rural *cocaleros'* rejection of President Toledo is due in part to their feelings of betrayal stemming from what they regard as the Government's failure to fulfil promises made in 2003. The following is a list of cocalero grievances taken from the newspaper *Ojo* (2004):

- 1.** There has not been a strategic association between *cocaleros* and government to work for the development of the *cocaleros'* and drug trafficking areas. These remain abandoned, and there is no infrastructure for promised Alternative Development.
- 2.** DEVIDA authorized a programme of gradual and concerted reduction of illicit coca plantings which in turn have produced formal programmes which have failed to satisfy farmers who claim that the resources given to NGOs never reach them.
- 3.** DEVIDA was mandated to do studies in order to determine the demand for licit uses of coca. According to peasants, these would reflect a need for larger legal coca plantings. These studies have not been carried out.
- 4.** Through CORAH,² the Ministry of the Interior was instructed to eliminate new coca plantings, nurseries and maceration pits along with parallel Alternative Development programmes which have themselves been insufficient.
- 5.** The National Coca Company (ENACO) should modernize the cocalero registry database established in 1978. This has not been done, thus preventing a determination on the increase in legal coca purchases.
- 6.** The Ministry of Agriculture should articulate the productive chain in the coca areas based on the data and recommendations of multi-sectoral teams working in these areas, but this has not been put into effect.

These complaints point to the difficulty of establishing a fruitful dialogue. Frequently the parties involved interpret the same sentences of an

2. Special Project for the Control and Eradication of Coca in the Upper Huallaga.

2.4

Resources

Data on the illegal industry and the coca market in Peru is weaker than in Bolivia and Colombia. As noted above, there is a controlled legal market for coca. However, there is little knowledge about it. A recent study of the National Statistics Institute (INE) on Licit Use of Coca Leaves estimates that 4 million Peruvians chew coca (20% of the population). Also, 72% of consumers reside in the Sierra, 20% in the Coast and 8% in the rest of the country (*La República*, 2004).

DEVIDA Director Nils Ericsson indicated that according to this study “some 43,700 tons of coca leaf, out of a total of 52,700, go to drug trafficking. Only 9 thousand tons are used to satisfy the legal demand. The report points out that this amount could be cultivated in an extension of 10 to 12 thousand hectares, one third of the 31,500 hectares cultivated now” (*La República*, 2004). Unfortunately these figures are contradictory because the estimate of legal consumption (9,000 tons) is a sixth, not a third, of total coca production. This contradiction highlights the need for a study estimating legal coca demand that would be credible to peasants, the State and international donors.

3. Legal Framework

Manual eradication of illicit crops was very slow and required a large labour force. Fujimori's priority was to fight Shining Path and not drugs, his initiatives sought out peasant support. Since 1995, levels of illicit drugs have dropped in Peru, and the production regions have been in crisis. Depending on the source, this drop was attributed to diverse causes like manual eradication, alternative development policies, etc. A very close relationship between the Peruvian elite and the illicit drugs industry developed. There is no doubt that the corruption of the Fujimori government influenced the ineffectiveness of anti-drug policies. The *cocaleros* opposed eradication policies, policies that in some instances violated human rights. The growing distance between the *cocaleros* and the State has become more evident.

3.1

Anti-drug Policies and Human Rights

During the 1980s anti-drug policies in Peru followed a pattern common to those in other countries, aiming to eradicate coca and to develop substitute crops. During Fernando Belaúnde's second administration in the early 1980s, the United States started the Special Project for the Control and Eradication of Coca in the Upper Huallaga (CORAH). A year later a crop substitution project began: Special Project of the Upper Huallaga (PEAH).

CORAH used peasants to eradicate coca manually; but this process was very slow and required a lot of manpower. For example, "between 1983 and 1985 8,666 hectares were eradicated. But during this period the total coca plantings area increased several fold" (Thoumi, 2003). This result led to a search for other options such as fumigation with the well-

known chemical compound “Tebuthiuron”, which ultimately could not be used after its manufacturers refused to sell it for this purpose because they were not sure of its possible effects.³

These policies obtained few results, and Peru remained the largest coca producer until the mid-1990s. As noted above, in its fight against Shining Path, the Fujimori government de-criminalized the *cocaleros*’ status in order to gain their loyalty. “The government’s priority was to eliminate Shining Path, not drugs (...) The Fujimori policy was based on recommendations by his adviser Hernando De Soto who defined the drug problem as one of poverty rather than one of criminal behaviour. De Soto emphasized alternative development programs (...) This ‘Fujimori Doctrine’ defined coca farmers as individuals alien to drug criminal organizations who required large infrastructure development in transport, storage, and other facilities and help from the international community, including private sector companies’ guarantee of the purchase price of alternative products (Obando, 1993: 90). The Fujimori policy was to postpone the direct attack on drug traffic until the subversion had been eradicated” (Thoumi, 2002).

**Illegal coca crops reductions:
Fusarium fungus, manual eradication,
coca price decline and alternative development**

From 1995 onward, areas under coca cultivation declined substantially and coca growing areas suffered a deep economic crisis. This decrease in cultivation was caused by a combination of supply and demand factors. One factor was the expansion of the *Fusarium Oxysporum* fungus that the peasants called “Clinton” or “el gringo”. This fungus is generated spontaneously in tropical areas where single crops are established. It is possible, however, that it was introduced as an eradication measure. The deliberate use of this fungus has never been accepted officially by the Peruvian or the United States governments. Some fear that the mushroom can affect not only coca but also other plants and people (*Semana* N° 27, 2004).⁴ It has

3. Currently there is talk about substituting this herbicide for glyphosate in Colombia in response to growing evidence of coca plantings’ resistance to the latter.
4. This reference is to *Semana*, the Peruvian magazine, not the Colombian one with the same name.

not been easy to investigate the use of the fungus. For example, Sharon Stevenson, a *Newsweek* journalist and correspondent in Peru, was investigating what she considered the evident undercover use of the mushroom in eradication, “a fact insistently denounced in the coca basins of the northeast the Río Apurímac-Ene River Valley, without anybody denying this fact” (*Semana* N° 27, 2004). On 10 December 2003, the day on which she was apparently due to receive equipment used in fumigations that would have enabled her to ascertain evidence of the fungus’s presence, Ms Stevenson was brutally beaten. This aggression against the journalist sent a very clear warning to stop investigating this issue.

While manual eradication also contributed to the decrease in illegal crop plantings, the most important factor was the decline in coca prices below production costs which in turn led to a massive abandonment of coca fields. This fall in price was due mainly to the fact that Colombian traffickers had stopped demanding coca paste in Peru because of the incarceration of the Cali and the destruction of the Medellín cartels, the emergence of a large number of small groups of traffickers in Colombia for whom it is not attractive to buy relatively small quantities of drugs in Peru, and finally, the expansion of illicit plantings in Colombia.

ODCCP (2000) attributes this decline in price to Alternative Development Programmes. Peruvian Government documents and officials, in contrast, frequently attribute the fall in coca prices to their “air bridge denial strategy” that aimed to shoot down, destroy or confiscate airplanes that trafficked drugs, especially with Colombia. This explanation, however, is not satisfactory because while this programme began in 1990, was intensified over the four years, and showed remarkable results in terms of the number of neutralized airplanes, coca prices in the Upper Hualaga remained high and relatively stable and did not fall until late 1995 (Thoumi, 2003).

The Fujimori government’s corruption: the Achilles heel of anti-drug policies

Corruption within the Fujimori government was a key factor in the lack of effectiveness of anti-drug policies. Dammert Ego-Aguirre (2001: 287) details the connections between the illegal industry and the power elite in Peru. After Fujimori’s coup d’état against his own regime in April



1992, Montesinos controlled the diverse trafficking 'firmas' in order to open up space for his own cartel. Montesinos used his control over intelligence services and the police to establish a de facto franchise system for drug traffickers. Dammert Ego-Aguirre also shows that not all the money obtained from drug trafficking ended up in the hands of corrupt officials. Part of these monies were used to buy military equipment for the armed forces as part of Montesinos' attempt to increase his control over them. Montesinos' control of drug traffic allowed him to produce results in terms of neutralized airplanes without affecting Peruvian illegal exports.

Once Shining Path lost its power, "the State agencies that controlled the territories where the illegal industry operated, supported by the industry and some agencies, became involved directly in drug traffic (Rospigliosi, 2001, Dammert Ego-Aguirre, 2001). Rospigliosi and Dammert Ego-Aguirre (...) assert that Montesinos and members of the army, the police, and the System of National Intelligence (SIN), charged a "toll" or quota for each airplane that took off loaded with cocaine" (Thoumi, 2003). In the early 1990s "Pablo Escobar and Vladimiro Montesinos agreed that for each "coronado" kilo that left Peru and arrived in Colombia without problems, 300 dollars were to be paid to Montesinos and his people. That is, each trip could easily yield 100 to 120 thousand dollars" (Thoumi, 2003). Corruption was so broad and so high-level that it was very difficult to confront and counteract the illegal traffic.

Starting in 1993, cases of corruption intensified. About 15 trafficking organizations began to pay "taxes" to army personnel that previously had been collected by Shining Path. An investigation showed "that more than 100 army officials were implicated in several crimes other than having received bribes to allow traffickers to operate. These crimes included drug trafficking, killing traffickers to sell cocaine base, freeing detained traffickers and even constructing a landing strip for the traffickers' airplanes" (Thoumi, 2003). The traffickers' new support was clearly the Military Forces, where they found fertile ground for bribery and in which to carry on actions that allowed them to continue with their business. It is not surprising "that several United States reports pointed out the incompetence of the Peruvian army and accused it of corruption and human rights abuses" (Thoumi, 2003).

Eradication: Conflict and separation between the Government and the *Cocaleros*

The forced manual eradication of coca plantings was promoted during the last part of the Fujimori government, and the policy was continued by the Toledo administration. This policy has generated strong reactions among *cocaleros*, emulating those of the Bolivian *cocaleros*. Peruvian *cocaleros* frequently allege that forced eradication has been violent, repressive and violated human rights (Leiva-Gálvez, 2004). The peasants express dissatisfaction with eradication. Their feelings are very strong: “it is not fair that the Government sees all our coca production as illicit. (...) It is not fair that we do not have highways, electricity or water and they have the audacity to request that you eradicate your coca. It is not fair” (Ibidem). Besides, they perceive their coca plantings are legitimate: “I won’t exchange coca for anything in the world. And do you know why? We have twenty years of experience that we cannot throw away. I plant coffee, cocoa, everything, but I don’t have a market for those products. The only market I have is for coca leaf and I am fighting for its industrialization”. According to the perspective of this *cocalera*, it is not easy to denounce the drug dealers. She explains that “when you warn the police, the drug dealers come and shoot you. Why? Who did you warn? Wasn’t it the police? They are also tainted, not only the producers” (Ibidem).

In general, lack of understanding and confrontations have unleashed violent behaviour in the population. The late April 2004 case in which Cirilo Robles, the mayor of Ilave, was lynched and murdered by peasants exemplified some of those tensions and conflicts. Remarkably, this murder generated an Aymara solidarity movement protesting the supposed corruption of some mayors. The Bolivian Indian leader Felipe Quispe supported the rebellion in Ilave, near the Bolivia border that ended with the mayor’s death, and made a strong call to “his ‘Peruvian brothers’ to rebel against the authority ‘qara’ (poor whites)” (La Razón, 2004). He also expressed the firm will to establish an Independent Indian Nation. These pronouncements make clear the lack of national unity in Peru and in Bolivia, and the simmering conflicts among the indigenous population and whites that can explode at any moment. “After calling the lynching of the mayor of Ilave, Cirilo Robles, at the hands of Peruvian Aymaras ‘a historic event’, Quispe asked the Ilaveños for ‘strength and coercion’ stability and solidar-

ity, because it is already time to free ourselves, to fight for the original Indian nation, because sooner or later we are going to govern ourselves" (Ibidem). Also, he concluded by justifying the lynching of Robles: "We (Aymaras) kill the traitors and thieves" (Ibidem). In an interview the following day Felipe Quispe predicted that given some time, Aymaras settled in Peru and other countries would secede and join Bolivia, "because sooner or later the Aymaras should take political power" (*El Correo*, 2004).

Such conflicts have expanded: "the lamentable events of Ilave have been followed by others in five different municipalities in Puno like the kidnapping of 20 Indians in the Municipality of Cahuapanas in Ucayali, the frustrated attempt by street merchants to take over the Municipality of Chiclayo, and demands of more than 700 communities that struggle to collect enough signatures to repeal their authorities" (*El Expreso*, 2004).

3.2

Alternative policies

- ▶ Reorganize the legal coca system – ENACO
- ▶ Establish negotiation channels with peasants
- ▶ Legitimate the State and alternative development activities
- ▶ Unfortunately, the weakness of the current President makes it more difficult to propose any original drug policy.

4. Implications of the policies discussed

4.1

Lessons learned

The pattern of causation explained at the beginning of this essay which 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 widespread 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.

4.2

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 asset 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 damage it causes (some irreparable) generates long-term environmental problems and distances

the rural and indigenous populations from the Colombian State. 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.

4.3

Replication/Transfer

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 different types of indigenous organizations that could be replicated in Peru.

5. Monitoring and evaluation during implementation

5.1

Preliminary evaluation

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

5.2

Indicators

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

5.3

Feedback mechanisms

In the three countries the drugs have acted as catalysts for processes that result from persistent unresolved conflicts. This catalysis has increased violence and a disdain for human rights. Even if the illegal drugs industry is eliminated, these societies still have high thresholds of violence as part of their cultures. Many members of these societies have already become accustomed to living with violence. This acceptance of violence has been another deleterious consequence of the development of the illegal industry.

The persistence of criminal activities stimulates a cycle of violence which induces violence in nearby regions. Acknowledging this is key for Colombia and its neighbours, since the sort of violence common in many Colombian regions tends to multiply crime in other zones, culminating in a “domino effect” at external and internal levels that is reflected in the fear of neighbouring countries’ governments.

5.4

Control

The formulation of “solutions” requires starting with a correct diagnosis of the causes underlying the growth of the illegal drugs trade. It is thus necessary to understand the different problems of individual countries, to identify the possible areas for reform and the institutional shifts required to move beyond current, common policies.

The illegal industry has strengthened rural political movements in the three countries, though this effect has been strongest in Bolivia, followed by Peru, and then Colombia. Today the governments of the three countries face great challenges in reaching agreements with the rural and indigenous sectors. The lack of mutual respect and understanding, and distrust are some of the obstacles that must be overcome. Illegal plantings have given peasants and Indian communities a power that they have never had before. For this reason, eradication requires the generation of equitable spaces of negotiation for these countries’ diverse social groups in which elites have had very strong control over political and economic power.

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