



## INFORMAL DIALOGUE ON DRUG POLICIES

An initiative of the Washington Office on Latin America (WOLA) and the Transnational Institute (TNI)

Buenos Aires, October 22 to 24, 2009



Under the framework of the series of Informal Dialogues on Drug Policies in Latin America, the sixth meeting was held in the Hindu Club, Buenos Aires Province, Argentina. The meeting was organized by WOLA and TNI, and sponsored by the Argentine Government through the Chief of Cabinet and its Scientific Advisory Committee with the support of our colleagues from Intercambios.

Participants included 38 individuals from Latin America, Europe and the United States who are directly or indirectly involved in the current reform processes of national and international legal instruments related to drug issues. Debates centered on three key areas: (1) Reforms in policies regarding the prevention and treatment of problematic use of substances; the future of Harm Reduction programs in Latin America; (2) Decriminalization of possession; limits to and extent of current penal reforms; and (3) Legal reforms in the international arena: the case of the coca leaf.

The Dialogue, as with all previous meetings, was held under Chatham House rules to facilitate the free exchange of ideas and confidentiality. As a result, this report offers a general view of the opinions expressed during the meeting, the status of the processes of each of the themes considered and the principal debating points or future actions. All opinions expressed were kept anonymous and some points of the strategic debates are omitted. To summarize, the report does not include conclusions but serves as an input for future analysis of the subject.<sup>1</sup>

### Introduction

This Dialogue is the first following the process of reviewing progress in drug policy at the United Nations. In this context, the focus is on Harm Reduction (HR) as the lens for reconsidering the discussions that occurred in Vienna and for reviewing legal proposals that have come out of Latin America in response to the need for a new direction in drug policies.

In recent years, the region has been generating legislation and/or reform projects that debate and question critical elements of policies regarding assistance, prevention and treatment and other areas, recognizing the failure of the current paradigm, the continuous abuse of individual rights and the lack of compliance with principles and guarantees established under international law. Therefore, a scenario of new proposals is appearing, which should incorporate lessons taken from those historic processes that have been effective in prioritizing such principles as: the right to health and welfare, proportional sentencing and respect for human dignity.

### **First session: Reforms in policies for prevention and treatment of the problematic use of substances; the future of Harm Reduction programs in Latin America**

Harm Reduction (HR) continues to be a widely debated and polarizing topic in national and international arenas. Various Latin American countries have gradually accepted the logic of this approach. However, the development of ideological positions on this subject has led to conflicts and ambiguities that today have become challenges to proposals for public policy reforms.

**Challenge 1: Replacing ideological positions on Harm Reduction:** HR in Latin American has been presented not only as a unique conceptual approach to change the treatment of drug issues but as another tool for proposing policies and strategies that restore basic rights to all citizens. In either case,

<sup>1</sup> Reports of previous dialogues held in Latin America can be found in <http://www.tni.org/es/article/dialogo-informal-sobre-politicas-de-drogas-en-america-latina>

it is obvious that there have been multiple interpretations of the concept and that this has created resistance – resistance that has been exacerbated by the ideological positions predominant in the region.

Also, still predominant is the perception that HR aims at legalizing drugs. This perception has limited the introduction of this approach, which in turn restricts the possibility of reaching a better understanding of patterns that are linked to the topic of consumption of substances and its variants. Even though institutional public health structures have been gradually accepting HR proposals, the focus on “medicalization” has also implied limited progress in other areas where the State still falls short in providing assistance and highly punitive penal laws still dominate.

The establishment of ideological positions on HR has not permitted the consideration of processes that go beyond the penal system. Present thinking on drug policies has remained focused on the area of consumption, which is considered problematic and criminal. Such thinking ignores conceptual and practical development centered on improving education systems, proposing policies based on social networks and providing access to appropriate social services for vulnerable groups that are absolutely marginalized and treated as criminals.

Replacing ideological positions on this approach may require the use of alternative terminology which, without using the term Harm Reduction, is able to more effectively communicate its meaning; aiming toward the building-up of citizenship as well as working on a better interpretation of international drugs conventions. To accomplish this change, it would be helpful to review experiences such as Brazil’s, where a public policy has been developed based on this approach. Or a review of Colombia, which has used terms such as “mitigation” for identical intervention strategies, and a review of Chile’s experiences where the concept has not been used directly but the approach has been incorporated in concrete strategies. In any of these cases, the question remains: is the resistance to the HR approach a product of the unfamiliarity of the approach or of a proposed change that has not been approved.

Finally, replacing ideological positions regarding HR also implies a push for deeper reflection on other critical elements such as social exclusion (where drug consumption is permeated by structural themes), the reality of judicial systems in countries (where the problematic user still has limited access to protection networks) and community participation (where there are still limitations in the involvement of actors who are better positioned for understanding and addressing the problem).

**Challenge 2: Work with Public Opinion:** Countries in the region continue to have a conservative view in terms of public opinion and media messages in which the dominant general criteria is that the substance user is, in principle, a criminal and a danger to society.

The prevalent belief is that the addict becomes a social non-conformist and that drug policies are a security issue. This creates contradictions in public perception such as in Argentina where for example *Mothers Against Paco*, a civil women’s platform, is demanding jail for their children<sup>2</sup> or Colombians who consider current policies successful because they have forced a retreat of guerrilla groups.

In response to this situation, one should change the existing paradigm and view the situation from the perspective of the substance user and insist on the need to prevent citizens from entering into a legal framework. That is, to see a person who consumes as a citizen, not as a criminal, and assure that their condition is addressed from a health perspective. All of this implies that information regarding HR, especially as it relates to public opinion, must refer directly to the user, to come from a perspective that prioritizes the user’s rights.

In each case, one needs to be careful when managing messages for public consumption. Pushing the concept of dependency as a public health issue, and as a permanent condition that requires permanent

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<sup>2</sup> Red de Madres Contra el Paco y por la Vida at: <http://www.madrescontraelpaco.org.ar/>

care and attention could perpetuate the image that the substance creates the addict and that addiction lasts all of their life.

**Challenge 3: Have valid spokespersons:** The response to drug policies should include representation from a social point of view and legitimate spokespersons to facilitate a serious and transparent debate. Distortions of reality and speculations are a prevalent practice in the region and processes for policy reform require key actors involved in social networks to produce more effective proposals.

**Challenge 4: Consolidate valid information, impact indicators and evidence:** Research and information systems are still deficient in Latin America and, in regard to HR, valid mechanisms have not been established to provide evidence of impacts before, during and after proposed policy changes.

Indicators of consumption and its tendencies are still being used as the most accurate measures to understand the subject and there is no guarantee that the mechanisms used provide totally accurate information. Therefore, while not replicating national institutions and mechanisms to monitor the cycle of public drug policies, (ex., drug observation offices) there is a need to establish a culture of impact evaluation and to use statistics only if they are useful to understand the phenomenon

We recognize the failures and deficiencies of current policies and mechanisms for measuring impact, but it is critical to incorporate lessons learned via the progress made in HR and to show the impacts these reforms may produce. Deficiencies in information systems will limit deeper ideological questioning, since prejudice against HR can be accentuated when there is no evidence or no attempt to prove specific elements of its proposals.

In this sense, it should be acknowledged that there is a high cost in promoting policies without evidence and without clearly anticipating impacts derived from these developments. Beyond measuring the prevalence of consumption, we should assure that policies inspired by HR contribute to quality of life indicators, for consumers as well as their environment.

**Challenge 5: Accompany changes in policies with functional institutional structures:** It is recognized that each omission by the State in fulfilling its roles is, in itself, an act of violence, and that proposed reforms of public policies should be accompanied by governance and institutional capacities to make them effective. Beyond the executive branch, public policy agreements are interrelated and should be passed through congress, parliament and sector offices and should guarantee effective transparency mechanisms that respond to civil society.

Making changes in policy centered on HR has been, to date, an effort by civil society more than the State itself. In the case of Argentina, the State is demonstrating that it is open to the option of analyzing policies from a HR perspective and to connecting State strategies for health to other areas such as education, work and others that are related to welfare and the exercise of individual rights.

In any case, institutional structures continue to function poorly in relation to the proposed reforms for drug control systems. This is related to structures, mindsets, political will and available resources. With maybe some exceptions (for example, Brazil and Ecuador), political and operational coordination among government bodies is still deficient, as is their willingness to address the theme of drugs from a HR perspective. The principal vulnerability civil society and social networks face is their limited capacity to demand concurrence between proposed policies and their implementation.

To improve this situation, national debates must combine conceptual and operational elements to make them effective. Emphasis should be placed on the complementary character of these policies and HR should be used as a focus that can transcend sectors and be related to other debates (national budget, income distribution, transparency laws, etc.). They should show that the final goal is complementary interaction among policies, not just integrating them, and that interventions in the area of HR should address a population group that is not presently attended to by existing social safety nets. The institutional application of the policy should be addressed. They should also show that it is necessary

to provide a certain oversight of the private sector, to assure that public policies are translated into actions in the private sector.

They should insist that the parallel (and disconnected) development of penal codes and public health policies continue to be a serious problem given the prevalent pattern that persons who enter the penal system under drug charges have no opportunity to be considered under public health policies and even less chance of being considered under another alternative.

**Challenge 6: Complement national actions within a bilateral and international framework:** Starting with the subsidiary as the basic principle for public policy, drug policy reform issues should be placed where they can be best managed. This includes international organisms as well as national governments. In the past years, the disconnection between these two areas has grown and it is now recognized that these institutions have become less functional.

The limited involvement of parliamentary or congressional bodies in activities related to drugs reflects the short term and electoral dynamics behind policy formation in the region. This also reflects the large discrepancy between official and opposition parties, where the consensual development of policies is limited, where countries have little ownership of the entities that represent them and where there is still excessive paternalism in the national arena.

In the bilateral arena, analyses of drug policies do not necessarily include the potential contributions or impacts of different countries' strategies. Bi-national cooperation is still limited to the integration of police, border forces, etc. On the other hand, exchanges between regional entities have been limited to transferring weak debates to the multi-lateral arena, without careful analysis or questions regarding the legitimacy of national proposals.

To correct this limitation, it is necessary to work more on exchanges among countries to complement understandings of HR as applied to areas of common interests regarding social vulnerability, decentralization, legal frameworks, intervention and participation on the community level, development of citizenship and guarantee of individual's rights, experiences in the provision of primary health care, work strategies in mental health processes, public health and others.

**Conclusion:** In general, it is clear that progress in incorporating HR into the reform of standards in the region translates into increasing the number of positions favoring new strategies to address the issue of drugs. We see important examples such as the defense of traditional use of plants (Bolivia), the decriminalization of possession or consumption and new developments toward the proportionality of sentencing (Brazil, Argentina, Ecuador, and Paraguay), the participation of civil society and the establishment of reference centers (Uruguay), etc. What remains is to continue addressing these countries' need to guarantee structures that implement reforms effectively, achieve greater knowledge and involvement by civil society and assure judicial systems that take into account national realities.

## **Second session: Decriminalizing possession; and limits and extent of current penal reforms**

Various governments in Latin America are working to reform judicial and penal frameworks related to possession and trafficking of drugs, concentrating efforts on redefining the use of penal law to punish (or not) the possession of certain substances. In this context, it is important to review the development of the debate on reform in these countries, including their scope and limitations, and to identify the principal arguments concerning citizen security, humane treatment of criminals and proportionality of sentencing.

Before addressing those issues, it is also important to understand the **current evolution of drug policies in countries that are influential in the debate** and their repercussions in the region. In this sense, it is perceived that the United States appears to be considering new proposals concerning domestic drug policy, including the possibility of eliminating the prohibition of federal funds for needle exchange programs, the review of differentiated sentences for the possession of crack/ cocaine,

changes in guidelines under the attorney general of not continuing operations against users and providers of marijuana for medical use in states where this is legal, etc. On the other hand, the same tendency is not perceived in the international arena and expectations for changes in the Obama administration concerning drugs are limited given that the issue had no role in his electoral campaign and no significant changes are expected in the debate. On the contrary, there are indicators of major negative actions in the region (e.g. military bases in Colombia, the Merida Plan in Mexico, not renewing the ATPDEA with Bolivia).

England, on the other hand, and as a principal promoter of HR, maintains a pattern of incorporating elements of HR, however penal measures still prevail where a person is criminalized before given access to treatment and where initial treatment is coercive. This is the least constructive way of establishing effective drug policies. It is recognized that the State has not been totally honest with the proposed approach and this has raised questions.

In spite of this, countries in the region are dedicating more effort to a change of paradigm that evolves from an exclusively repressive approach and is worth reviewing. **In Argentina, the debate** has centered on Article 3 of the 1988 Convention on Trafficking, with the idea of eliminating persecution of persons for simple possession. The 1988 Convention has given rise to changes in legal standards in Latin America in the early 90's (Argentina, Brazil, Paraguay, Venezuela, Dominican Republic, Chile, Ecuador), paving the way for the adoption of a predominant repressive paradigm that is not necessarily an indicator of legislative coordination in the region but deciding on a policy applied without exception. Here, it should be noted that Uruguay managed to develop a distinct concept from other countries.

The Argentine law 23737 becomes the basis for a criminal policy that pursues persons in possession of substances for personal consumption on the assumption that this would lead the prosecution to the trafficker. Taking a counter position, the Court at one point was able to strengthen an interpretation of the law based on a constitutional determination that favored individual rights, justifying Article 19 under the concepts of personal autonomy, privacy and civil and political rights and guarantees. At the time, this decision recognized that drug policies dealt not only with penal issues and transnational crime but with a criminal policy under which persons not only disappeared for political reasons related to dictatorships but for reasons related to consuming substances.

Today, **progress in reforms** is centered on the work of the Supreme Court to again review the constitutionality of possession for personal use. To this end, analysis has been done of Constitutional reform processes in the region as well as relevant international instruments and it has been concluded that all Constitutions include elements of human rights and principles of legality, exception, due process of law, rights to equality, etc. In conclusion, criminalizing drug possession does not pass the Constitutional filter and none of the Conventions concerning narcotics requires criminalizing personal consumption. Along the same line, adherence to the *pro homine*<sup>3</sup> principle is sustained in reference to human rights and it is proposed that victimization, stigmatization and the concept of the threat of a person who uses, abuses or is addicted to substances does not correspond to any decisions of the Inter-American Commission on Human Rights.

With these elements, the Argentine Court's ruling ends the discussion on the prohibition -advocating human rights and the use of international instruments, emphasizing respect for personal autonomy and the principle of exception - which establishes insurmountable barriers for the State to punish a person. Based on this, **the next steps for consolidating reforms** will include changes in the national legislature that recognize individual rights and instruct the Executive office to incorporate initiatives by the appropriate sectors (Health concerning treatment, Justice concerning the persecution of traffickers). In addition, it is expected that parliament will address more specific aspects to determine concurrent responsibilities for prevention and treatment, money laundering, seizing property, etc.

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<sup>3</sup> Latin "For Mankind"

As a learning experience, it is important that reform processes include mechanisms that review the fulfillment (or not) of the responsibilities of State agencies. The incorporation of the Scientific Advisory Committee in Argentina provided the State, for the first time, the possibility of acting in a systematic manner with a prominent group of professionals, who acknowledge that not all is resolved through prisons. The next challenge is finding a language to help citizens understand the proposed changes.

In **Ecuador, the debate** has focused on incorporating drug legislation into the Constitution. The Constitution has recognized that “*addictions are a public health problem*” (Art. 364) and individual rights are recognized within the Constitution, independent of whether or not they use drugs. **Next steps** include modifying legislation to address and clearly explain the difference between occasional and problematic consumers. The existing legal framework on illegal drugs (law 108) will disappear and drugs offenses will be integrated into the newly proposed penal code, penal procedures and sentencing guidelines, as one of legal crime. Currently it consists of three separate legal texts that respond to different realities and were developed in different contexts. The new Ecuadorian Constitution proposes a Constitutional State of Rights in which the substantive, executive and procedural aspects of drugs will be addressed in only one sole text.

In **Brazil, the debate** has distinct characteristics as government representatives and senators have become involved as key actors to facilitate the elimination of ideological positions on these issues and avoid placing them within party politics. Progress around reforms has been strengthened by a legal research program with the Ministry of Justice in which universities are participating. This initiative is formulating solid arguments which recognize that the existence of drugs is inevitable and that prohibition is the predominant paradigm.

With this, some reforms were adopted in 2006, which introduced the possibility of alternative prison sentences for consumers, recognizing their basic rights and guarantees. Concerning trafficking, more severe sentences (5 to 15 years) have been incorporated for traffickers but the small scale trafficker has been classified. This has worsened prison conditions. In 2008, 70% of prisoners, 80.000 in total, were small-scale traffickers who did not necessarily participate in criminal activities. The law clearly prohibits changing sentences related to drug trafficking into alternative sentences and still prohibits releasing prisoners on bail when they are being processed for trafficking. **From this, the next steps in the reform process include** consolidating a plan for provisional parole for small-scale traffickers and alternative sentencing.

In summary, the Brazilian success in terms of reforms is centered around dialogue about Brazil’s reality in a way that is not ideological by recognizing that the system continues to imprison persons who consume drugs and have no connection to organized crime and that, after a year in jail, consumers continue using drugs and end up linked to organized crime.

**In Mexico, the debate** is centered on reforms of the federal penal code and penal procedures, reflected in the small scale traffickers law. This law, which typifies crimes against health under the category of drug offenses and establishes a national program against dependency on pharmaceuticals, tends to be seen as progressive, which it is only to a certain extent.

The law categorizes drug trafficking crimes and defines who prosecutes which crimes. For example, a crime is federal if it involves organized groups. The office responsible for processing the crime is determined by the amount of illegal substance found. Additionally, the law also defines conduct that does not require imprisonment, such as the possession of small quantities for personal use. Although these figures were removed from sentencing, they did not lose their status as a crime. They were not sanctioned but will be prosecuted, by referring them to a health authority instead of a judge. A threshold was established under which a federal representative sanction and intervenes in such conduct and, above which (multiplied by 1,000), it falls under a federal penal code.

Reforms in Mexico provide examples of conceptual management and penal definitions incorporated into standards under which, for example, the following terminology is used, “persons who present (or not) symptoms of dependency,” and suppositions are made that compare a micro-trafficker with a

small-scale consumer. The law still is ambiguous and disproportional in sentencing for possession, establishing ranges of 10 months to 3 years for possessing between 5 grams and 5 kilos, and defining other categories that are highly questionable such as “those who possess substance with the intention of consuming.” Even though a threshold of possessing 5 kilos is established for someone to be considered a large-scale dealer, the law maintains sentencing for possession and is considering maintaining the status quo or returning to a punitive focus that obligates State structures to participate in more prohibitive actions with longer term and disproportionate imprisonment.

Concerning progress in reforms, it is clear that the program against pharmaceutical dependency introduces treatment based on free will and scientific studies. Also, it proposes a difference between dependency on and consumption of pharmaceuticals and recognizes the ceremonial use of peyote and hallucinogenic mushrooms. The complication here is that everything continues to be framed within a criminal paradigm that allows little room for the consideration of the rights of the accused.

**In conclusion**, it is important to have follow up and exchange among the different reform processes in different countries in such a way that all can capitalize on lessons learned and can resolve the needs for deeper analysis and definitions concerning:

- i)** differentiated classification standards regarding consumers and those involved in drug trafficking;
- ii)** relevance of the establishment of minimum and maximum quantities as thresholds that define categories of crimes;
- iii)** differentiation between a crime and misdemeanors (for example, in Chile, consumption in public areas, possession or growing for personal consumption are considered misdemeanors, not crimes.);
- iv)** relevance of strengthening the legislative level over the judicial, or both;
- v)** addressing the subject of imprisonment;
- vi)** strengthening the capacity of law enforcers to understand reforms and change the discretionary way processes are managed;
- vii)** address the need to promote social insertion within social ministries;
- viii)** relevance of applying reforms to broadening the reforms made to legal standards into other governmental sectors with an administrative rather than a punitive character;
- ix)** address classism: better anthropological and demographic understanding by those immersed in the subject - what methods and what options;
- x)** address the grey area that connects health issues with penal issues into one area; the consumer who sells in order to support his/her dependence;
- xi)** address the situation of the so-called mules and their treatment under existing legal standards;
- xii)** address the area of investigations to eliminate discretionary decision-making: What is the treatment for under-cover operations? What investigative actions are linked to intelligence laws or to the judicial system?;
- xiii)** produce clear messages about definitions of decriminalization/depenalization and legalization.

In this last aspect, it is important to conceptualize and reconcile certain elements. Currently, it will be important to determine if we all understand depenalization as a situation in which there is no prison sentence but there is control under the penal law and decriminalization as a situation where there are administrative sanctions that are not under penal law. A valuable aspect of this exercise will be to guarantee that reforms address realities in the region and that they overcome limitations in the interpretation of terms and even language issues.

### **Third session: Legal reforms in the international arena: the case of the coca leaf**

**The Bolivian Government** has been developing a process to present to the United Nations that aims at **decriminalizing the chewing of the coca leaf**. During the UN sessions of June 2009, they presented a request for an amendment (annulment) focused on Articles 49 1.c and 2 of the 1961 Single Convention requesting that countries be granted a state of exception for using the coca leaf. Bolivia’s request was accepted by the Secretary General and transferred to the ECOSOC (United Nations Economic and Social Council) and its members. The 64 countries that comprise ECOSOC had no

objections to the proposed amendment, which implies that in 18 months the countries that are parties to the Convention should declare their decision on the amendment and, if there are no objections, it will enter into effect.

The current challenge for Bolivia is to obtain the international community's support for the process. Through a series of procedures, (some more successful than others) the balance/results to date shows an openness to support the process by the governments of Paraguay, Uruguay, members of the Bolivarian Alliance for the Peoples of Our America (mainly Venezuela and Cuba), Argentina, and members of the Union of South American Nations, except Colombia. Gaining support of Arab and African countries is the most difficult as they are made up of regimes with a prevailing prohibitionist focus concerning drugs and other issues.

Regarding support by the European Union, the EU has been involved in financing a comprehensive study on the coca leaf. It has established as a condition for the study that the results should aim to guarantee the traditional use and any excess not used in this manner should be eradicated. However, the Bolivian government is considering alternatives for greater industrialization of the coca leaf following the experiences of Ireland, Singapore and Peru.

Therefore, much more effort is required on the international level by representatives of the Bolivian government and it is important to review the experiences and realities of other countries to strengthen Bolivia's argument for this request. If annulment is achieved, the next phase will be to request the removal of coca from list 1, but there are still weaknesses in the latest categorical studies supporting the position that coca is not harmful to health.

**Northern Argentina is one of the areas where elements are found to support the Bolivia's argument for this request.** This is a region where chewing coca was a practice during the colonial period and where the practice, originally used by indigenous in rural areas and workers in cities, has evolved into use by all social classes and is supported by legislative representatives who have declared strong messages such as, *"I've studied, have children, I chew coca, and am a parliamentarian. If I have mental problems, show them to me."*

In this region, the consumption of coca generates a **border income** where there are scales of prices that range from USD 4 per kilo on farms in Bolivia to USD 6 per kilo in markets in Bolivia and 34 USD in the city of Salta in Argentina. Also, there are obvious alternatives for industrialization that should be analyzed in-depth, recognizing that the Bolivian farmer has the "know-how" to produce coca with standards of flavor, aroma, quality and other aspects that could create alternatives. The consumption of coca could be addressed from the perspective of fulfilling an individual's right to consume the coca leaf in different countries.

There are similar realities in different countries that should be examined and redeemed to support Bolivia's position and facilitate alliances. The question that is still valid is, what proposals for change does this process offer?

The **proposals for change that this process offers** include:

- i)** a new paradigm for social inclusion, for new power relations and for policies aimed at better income distribution and tolerance for minorities' customs;
- ii)** a new understanding from a pharmaceutical perspective: acceptance that the human organism absorbs alkaloids when coca is chewed but in minute quantities. All studies carried out have been with cocaine, not with the coca leaf, which precludes comparison. Refute the pharmaceutical statements that the coca leaf can be somewhat harmful and carry out in-depth analysis on its potential as a food supplement (source of calcium);
- iii)** respect for a ritual reality in which peoples' social forms and disciplines are also methods for controlling the use of other substances. Explain the different forms of its use;
- iv)** raise the debate on coca to an ethical plane: the Convention is a new edition of a medieval vision of evil and devils that threaten societies. In contrast to this view, the current process

- provides an opportunity to understand how social dynamics and individual responsibilities lead to individual control of problematic use of substances;
- v) address the traditional use of coca that teaches us the idea of inter-subjectivity between humans and other species (ex., the conception of Mother coca that manifests the idea that we are in dialogue with another species and that it is not just a source of primary material or another object of consumption.)

With all of this, it is important to recognize that the **HR movement has not found an answer nor a proposal for considering key issues related to the uses of the coca leaf**. Concerning the problematic uses of derivatives of the coca leaf, for example, it is possible to think of using the coca leaf as a form of prevention of improper use, not just for the treatment of problematic users and detoxification but as a form of general reeducation of the demand for coca and its derivatives.

Based on examples such as this, it can also be seen that the coca leaf can play an important role in changing paradigms and policies of HR. If Bolivia has successfully initiated a process of questioning the paradigm, it is evident that this revives the right of peoples, traditions and cultures and questions the predominant discourse. However, it must be recognized that consumption of coca leaf is not currently a crucial element of the debate and it is possible that its inclusion will not evolve much in the near future. This is exacerbated by the internal resistance of civil society to understand and debate customs and rights within countries themselves and the State's reduced capacity to assure participatory processes in this debate.

A key element that should be addressed is to clarify the propositions being discussed to avoid repeating ambiguities. For example, the thesis, "coca is not cocaine", creates ambiguities when it tries to deny that the coca leaf contains cocaine. The thesis "development with coca", also is ambiguous when eradication is still the predominant strategy. The thesis, "traditional use of coca", has to explain why traditional ways are necessarily the best condition. Therefore, it must be recognized that countries in the region share certain phenomena related to the use of coca and other plants but not their particular aspects and the propositions that are under discussion (chewing coca in northern Argentina, coca teas in Colombia, cultivating marijuana for personal use in Paraguay, etc.).

Finally, little will be gained in the international arena if instruments and arguments are not developed that resolve the principal questions of other countries, especially concerning the cultural value of the consumption of the coca leaf, the recognition of economic rights around coca production, the ease of extracting cocaine from the coca leaf and the potential threat of the expansion of growing coca if its use is decriminalized. If it is a challenge to think of studies to sustain this change, the strategy would then be to reach sufficient scientific and social consensus.

### **Conclusions; the viability of the reforms of drug policies**

The processes being carried out in Latin America are, to date, an important source of experiences, progress and lessons learned in addressing drug policies. The proposals for Harm Reduction offer alternatives for correcting the penal and/or criminal character of the use of substances and the accompaniment of different initiatives in the region to improve the debate and facilitate building consensus.

In any case, these processes will continue to produce results as well as new necessities to be resolved, which will require more in-depth review of

- i) discursive elements,
- ii) elements of research and monitoring of impacts associated with the reforms,
- iii) mechanisms for learning and accountability,
- iv) elements of relating debates to the building of consensus around public opinion (overcome the dichotomy of user-criminal),
- v) ideological elements around HR,
- vi) means for identifying valid spokespersons,

**vii)** institutional structures to make existing reforms more viable as well as newly developed reforms.

Two key questions came up during the dialogue: 1) What are the obstacles to reform processes in the region and how to address them; and 2) How can it be assured that these processes achieve their objectives of guaranteeing that consumers do not end up in the penal system.

The fate of drug policy reform processes in the region depend greatly on the transparency with which the debates are presented, the way in which precise proposals are made and the way in which experiences are utilized to establish positions. Although the international system continues to be resistant to change, realities in Latin America provide valuable lessons for proposing and carrying out reforms.

Reform processes in these countries can appear very similar or very different (if we compare reforms in Mexico with those in Argentina, for example). However, details reveal common strategies and the exchange of lessons learned will be valuable for identifying those commonalities.

In the short term, the South American Council for Drug Trafficking provides an important platform for raising the level of many of the proposals and debates to a new regional scenario. Currently, the Council is developing statutes, strategies and an action plan. An important objective is to assure that they do not operate along traditional lines, that is, that they incorporate new ways of working and new contents

In general and in conclusion, we have to keep in mind that the paradigms that we present from these countries should include a mix of rigor and creativity. We have to be clear that the reform processes are long and that we are still debating new possibilities in an environment in which the very opposite is predominant.