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# The Lost War: The Prohibition of Impossible Drugs, Public Policies and Social Practices in Latin America in the 21st Century

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## The Lost War: The Prohibition of Impossible Drugs, Public Policies and Social Practices in Latin America in the 21st Century

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### 13.1. War and prohibitionism

In the post-Cold War era, drug control monopolized security policies in much of the Western hemisphere. The debate on drugs and drug trafficking was synonymous with the debate on the threat posed. The “war on drugs” promoted by the United States became the outcome. It was the logical – and extreme – expression of the paradigm that inspired public policies to combat drug trafficking: prohibitionism. This was built on an illusion: the eradication of the consumption of psychoactive substances, licit or illicit.

The prohibitionist paradigm was intertwined with various discourses – moral, religious, health, legal, economic and security – even though its legitimacy was above all in the authority granted by the health or medical discourse determining what an “at risk” substance was and from when it became so – although this discourse has since changed. Necessary dissuasions for potential consumers, these discourses had a central role in communication practices, emphasizing that the danger associated with drugs was multifaceted. As in the alcoholism movement in the United States<sup>1</sup>, the “war on drugs” has helped to shape a collective by establishing connections between actors from different circles: politicians, doctors, police, the military, religion, lawyers and moral leagues. The actors involved in this cause have succeeded in forging a representation of the world that is intended to

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Chapter written by Edgardo MANERO.

1 On this subject, see the work of Joseph R. Gusfield.

influence public policy. Among the various discourses, security has gradually gained ground, establishing itself almost in symmetry with the medical sector.

Even though, in practice, it is only a market regulation, prohibitionism corresponds to the total prohibition of drug use, to its definition as a crime and therefore to the need for punishment. The prohibitionist paradigm considers harmful drugs. It is in the name of a conception of “good”, not only in terms of health, that the prohibition of drug use and its criminalization are justified. It would be a bad activity in itself, degrading, not in line with what society considers to be an ideal of life. Criminalization only confirms its moral condemnation. However, if criminalization is influenced by a religiously-inspired morality, prohibitionism develops even in societies where the neutrality of the State with regard to conceptions of the good often leads to a certain tolerance, including in matters of morals.

The “war” has reduced the issue of drug use to a security problem that is not limited to the fact that those who consume must be and are prosecuted, thus creating the conditions for a social and health problem with a police connotation to be considered on the basis of a “military” logic. As part of the reduction of the drug problem, which is a combination of addiction and illegality, and subject to the logic of eradication – from crops to consumers – militarization has come to be involved in all aspects of Latin American societies. As part of the war on drug trafficking, the Mexican state destroyed places of worship dedicated to the Holy Death in 2009. The “war on drugs” must be seen as an integral part of securing socio-economic problems and the resulting militarization of solutions.

As a public policy, prohibitionism has its *raison d'être* in the attempt to reduce drug flows and stocks; it seeks to reduce drug demand by attacking, through the use of force – not just state power – the production and distribution process. With the “war”, the United States has brought to a climax the prohibitionist discourse, conceived as necessary to safeguard an aseptic social body. Like the anti-communist struggle, prohibitionism requires the elimination of “contagious” and “degenerate” agents. The figure of the enemy coincides with that of a foreign body to be destroyed to save the organism, the “sick society”. The prophylactic operation is part of a certain idea of “social cleansing”. Prohibitionism makes clear the traces of a representation of social life absorbed by biological metaphors of parasites that generate epidemics that threaten the integrity of the healthy organism. Imagery of the parasite and contagion is a key figure in the discourse of hostility. This imagery, in a broad sense that goes from predator to parasite, allows an analog system oriented to evoke the “infrahumanity” of this threatening Other. This representation of otherness and the action that accompanies it is based on a conception of social harm. This desire to eradicate is in line with the logic of prohibitionism, which proclaims the community’s self-defense in the face of aggression. Its actions

therefore fall within the pure and simple right to defend oneself against harm, showing us that devaluation remains in itself, beyond the economic situation, an essential recourse of the strategy.

The war advocates the criminalization of drugs in all its aspects – including that of the user – from the manufacture of drugs to consumption and trade, reducing the solution of this problem to the question of eliminating supply, mainly through the use of violence. In prohibitionist logic, supply must be controlled even though the effects of repression on consumption and trafficking are minor. As demonstrated by the number of members of the armed and security forces involved in the struggle, this elimination is primarily the result of the use of force. Prohibitionism has social implications in terms of criminalization first and repression second, not only of certain practices but fundamentally of certain populations. There are different scales in the narco-crime chain, which are perceived and addressed in a differentiated way – and not only by prohibitionist policies.

In the logic of sanctuarization, limited to US society, the repressive procedure is considered the only valid response. The prohibitionist unambiguously expresses this dimension of safeguarding, of setting aside and intangibility, which is specific to sanctuarization as the designation of a space benefiting from a set of measures ensuring protection. As a result of the supply-side concentration, the policies put in place by the United States have made eradication a priority by limiting Latin America to drug trafficking, which is perceived as the only source of corruption and violence, thus reinforcing the idea of a chaotic space. The limited treatment of the drug issue, which occurs from different fields, from politics to journalism, from literature to cinema, collaborates in this. Recurrent and classic points of view highlight the illegal dimension of the phenomenon, the security and economic implications of criminal activity. The problem is reduced to organizations involved in acts of violence, their confrontation with the State or other actors, the laundering of assets resulting from illicit activities<sup>2</sup> and a tangle of legality and illegality that rarely goes beyond the economies in which the circulation of drug trafficking money or the complicity of the security forces flows.

The “war on drugs” has gradually made it possible to abandon the Rousseauist idea that war is a matter for symmetrical state actors. It expresses the vision of the scenario from 1989, according to which the “novelty” of violent conflicts was linked to the increased autonomy of the actors involved in them from the state system. The representation of “war” is structured on a geographical distribution and topological allocation that ignores the multiple aspects of drug trade-related flows and pits Latin America, seen as a kind of global south, against a globalizing north, which is not

2 Tokatlian, Juan Gabriel (comps) (2010). *Drogas y prohibición. Una vieja guerra, un nuevo debate*. Libros del Zorzal, Buenos Aires.

only expressed by the United States. However, the problem posed by drug use and drug trafficking is no longer reduced solely to the demand of the United States. In the 21st Century, Latin America is also becoming an important consumer market, changing the traditional division of labor; Brazil occupies one of the leading positions in cocaine consumption and Argentina has moved from the transit to the consumption and manufacturing of drugs – even synthetic drugs – as well as to playing a supplying role in terms of chemical precursors to narcotic organizations, particularly from Mexico. In addition, the issue also requires considering the United States not only as a market, but also as an actor in the illegal trafficking of arms or money laundering.

The war on drugs is not only rooted in the US government or in the reactionary sectors of Latin American societies. It is necessarily plural: we must talk about wars. The “war” involves both the policies implemented by American governments, the public policies designed by the States of the region, as well as the behavior of large sections of society towards a specific population or the interests that emerge from criminalization. The repressive and functional scheme has a wide range of actors: suppliers of equipment to the armed forces and police, ideologically conservative social actors, pharmaceutical companies claiming to maintain a monopoly on the treatment of certain diseases, members of the judicial system, economic actors and members of the security forces and the political class who benefit from international funding and the benefits of the illegal economy.

The war cannot be reduced to a question of politically conservative sectors. The criminalization of drug use in different political regimes suggests that attitudes towards drugs are part of a world view where the right-left divide; authoritarianism-democracy must be relativized. Drug policies remind us that they reflect a particularly revealing image of the characteristics of social order, reflecting both the influence of “national” interests and the ambiguities of ideologies. The repressive management of the problem had no mechanical relationship with the political ideological variable or with the type of regime variable, either during or after the Cold War. Prohibitionism is not necessarily the property of dictatorial or right-wing governments. In Argentina, between 1968 and 1973, under the military government, there was no criminalization of drug use. However, in 1974, in a democracy, law 20,771 was passed, which tried to designate both drug traffickers and users as criminals. In the repressive paradigm, Castroist Cuba and Chavist Venezuela coincided with right-wing, democratic or authoritarian governments. The characteristics of prohibition in democratic and dictatorial regimes may change somewhat. This explains the absence of a break with practices and policies implemented during military regimes. Since the return of democracy, Latin American countries have devoted almost the entire budget allocated to the war against drugs to the repressive aspect.

## 13.2. Chronicle of an announced failure

Policies aimed at reducing supply through violence have not stopped either trafficking or the sale of drugs on the US market. The war on drugs was the focus of a policy reduced to the simple desire to limit the supply, particularly of cocaine, on this market. The war on drugs has not reduced its availability or quantity and, fundamentally, has not increased its price. The ban has neither affected supply nor made prices prohibitive. Cocaine has been made more accessible. The price per gram has gradually decreased. In the 21st Century, the gradual reduction in the US market of the importance of crack cocaine compared to methamphetamines and heroin has other causes than “war”.

Drugs are more available in terms of quantity and the risks involved in obtaining them are lower than in the past. The war has not affected the quality of cocaine either – it is less cut. The *National Institute of Drug Abuses* in the United States has shown that the purity of cocaine is even higher. Convincing users to stop their consumption because of a quality that is harmful to health is one of the areas of prohibitionism. In another form, the question of quality is also present in the alternative paradigm: risk reduction. Both positions are crossed by the debate on whether a purer drug is necessarily better for health or not.

Prohibition has not prevented, reduced or even controlled its consumption. The situation is quite similar in the United States, Europe or Latin America, where drugs have been naturalized, contributing to the socialization of young people. The latter may also be related to various forms of trafficking-related crime. This is a problem that affects Latin American slums, but not exclusively. Although there is a lack of accurate information on markets and consumption trends, in general terms, the profile of the consumer and the pattern of drug use have changed. The market is diversified<sup>3</sup>. In Argentina, alcohol, tobacco, synthetic drugs, “cheap” toxic substances such as ketamine, solvents and bases or *paco*<sup>4</sup> paste are consumed. In

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<sup>3</sup> See *Primer Estudio Nacional en Pacientes en Salas de Urgencia del país*, SEDRONAR, December 2003; *Estudio sobre consumo de sustancias psicoactivas en niñas, niños y adolescentes en situación de calle*, Observatorio Argentino de Drogas, SEDRONAR, 2005; *Estudio nacional en población de 12 a 65 años, sobre consumo de sustancias psicoactivas*, SEDRONAR, 2006; *Tercera Encuesta Nacional a estudiantes de enseñanza media*, Observatorio Argentina de Drogas, SEDRONAR, 2007; Observatorio de la Deuda Social, dependiente de la Universidad Católica Argentina. *Barómetro del narcotráfico y las adicciones en la Argentina informe N° 3 – año 2016*. Venta de drogas y consumos problemáticos. una aproximación diagnóstica a las adicciones en jóvenes de barrios vulnerables barómetro del narcotráfico y las adicciones en la Argentina. <http://www.uca.edu.ar/uca/common/grupo68/files/2017-Observatorio-Informe-3-Narcotrafico-Adicciones-Venta-Drogas-y-Consumos-Problematicos.pdf>.

<sup>4</sup> Usually confused with crack and misnamed as a paste base, *paco* is an intermediate product in the manufacture of cocaine hydrochloride involving toxic solvents. In Argentina,

relation to users, diversification requires considering the differentiation – established by the World Health Organization – between use, abuse and dependence or between occasional or recreational users and drug addicts. Diversification also implies considering the difference in sensitivity compared to the drug user, the fact that while the social and generational boundaries of drug use are increasingly diffuse, judgment remains dependent on social representations that focus more on the user's profile than on use itself.

In the 21st Century, there is a less rigid consumption model that favors poly-consumption and raises the problem of overdose. This goes beyond the fact that the person who uses opiates or cocaine usually combines them with alcohol. Consumption patterns, especially in the upper and middle classes, are structured around the mixing of substances, and the search for novelties. In social events involving adolescents, prevailing consumption combines marijuana, psychotropic drugs, different types of alcohol and energy drinks.

From basic paste to methamphetamines, prohibition has opened the door to drugs, in some cases more toxic and at cheaper prices. It is not only what remains from processing. The drug market is highly diversified. With the efforts of governments still focused on combatting cocaine and marijuana trafficking, synthetic drugs have taken on a new dimension, not only because of their increasing importance in trafficking or the production of new substances. In Latin America, marijuana and cocaine have traditionally been the main focus of attention in the war against drug use. They now have to face the challenge of new substances. An increase in drug seizures reflects a rapid expansion. The use of amphetamine-type stimulants has increased among young people in countries such as Ecuador, Honduras and Venezuela, surpassing the use of marijuana or cocaine, and large ecstasy seizures have been made in Brazil and Argentina.

Synthetic drugs contribute to the diversification of a market that is changing at a rate faster than that detected by the authorities. As a fashionable phenomenon, production seeks to change the structures of synthetic drugs in order to impose new products, which has consequences for repression. When a component is modified, illegality disappears; it is a new drug not considered by legislation. In this way, producers can avoid being arrested on the grounds that, technically, they were not manufacturing or selling prohibited drugs. The realization is different: reforms are carried out to incorporate new substances into prohibited drug lists.

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consumption is becoming widespread in the slums of Buenos Aires in the aftermath of the 2001 crisis. See *El consumo de Pasta Base-Paco en Argentina*, Observatorio Argentina de Drogas, SEDRONAR, 2006; Silvia Inchaurrega, "Reducción de daños y consumo paco. límites y desafíos de la práctica", *Paco*, A. Donghi (ed.). Ed JVE, Buenos Aires, 2017.

The normalization of drug use corresponds to a normalization of all manufacturing conditions and the marketing process. Drug trafficking has responded to repression with segmentation and tertiarization, the main consequences of which are primary changes in criminal structures. The subdivision of the cartels involved the end of the traditional model of criminal organization, i.e. an occult pyramidal structure, easily dismantled once identified. This change has consequences on the very essence of the military in the global disorder: the management of the control of legal and illegal flows and stocks.

Small laboratories, “kitchens”, have sprung up in houses in the slums, as well as in apartments in the centers of Latin American cities. This is a long way from the large laboratories of Mexican organizations in the 1990s. The stereotype of the trafficker is changing. The conditions under which synthetic drugs are manufactured contribute to this. The series *Breaking Bad* is revealing. The change in marketing methods implies a more obvious separation in the division of labor. This has consequences on probationary material. In Argentina, the bunker, as a physical sales space, is being transformed by adapting to market conditions. The development of delivery or Internet sales makes it easier to access goods. The days when consumers had to go to the outlying districts to buy supplies are somewhat over.

Militarization has had geopolitical consequences. It has encouraged the expansion and search for new cropland and the change of routing as a result of air traffic control. Air traffic is becoming less and less significant. Thus, in the case of Argentina, drugs circulate mainly by land, then by rivers, especially the Paraná. In the 21st Century, the expansion of production and transport areas goes beyond the traditional division of labor. While the relocation of production centers has reduced production in Colombia, it has increased in other countries, especially in the Andean region.

The war on drugs has created elements that destabilize the region. As Bill Clinton acknowledged, the policy towards Colombia has shifted the violence to Mexico. He admitted that the policy aimed at stopping maritime and air traffic from Colombia has led to changes in the geopolitics of drugs. Having always been a major focus of the Latin American agenda in Washington, Mexico has become a crucial issue in terms of its global security agenda. Since 2008, it has been compared to Pakistan. The United States of America’s Latin American neighbor is pointed out by some opinion-formers – politicians, journalists, members of think tanks – as a country threatened with implosion, a “failed state”, in which, for extreme positions, the US government should reserve the possibility, in the long term, of intervention. In 2010, Hillary Clinton referred to the existence of a “Colombianized” Mexico due to drug trafficking<sup>5</sup>. Mexico was, in her words, “*looking more and more like*

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<sup>5</sup> *El Universal*, 9/9/2010.

*Colombia looked 20 years ago*". Obama must have put these statements into perspective. He considered Mexico as a vast democracy, with a growing economy and, as a result, it was not possible to compare it to what has previously occurred in Colombia<sup>6</sup>.

The parallelism ignores, first, that Mexico has a state structure that comes from Benito Juárez and the Mexican Revolution, and second, that the ways in which violence has been conceived and spread are very different. In the case of Colombia, the cartels emerged and flourished in a society embedded in a politico-military conflict, in which non-state armed actors dared to challenge a weak state. In the case of Mexico, they emerged with the backing of a strong state, but eroded by corruption and the penetration of narco organizations into the political class and the Armed and Security Forces, and on the basis of cross-border circulation where the United States is a priority component through drug demand, small arms supply or money laundering.

In Mexico, drug trafficking has always involved a certain degree of violence. Military participation in the anti-narco fight has been active for a long time. The Mexican army was the first on the continent to get involved: since the late 1940s, increasing in the 1980s under the government of Miguel de la Madrid. However, in the 1980s and 1990s, Mexico's situation was not comparable to that of Colombia. The PRI's political hegemony established an order that made it possible to regulate drug trafficking through a series of more or less tacit agreements that guaranteed a level of violence that was tolerable by the political system and society. The end of the PRI's hegemony in 2000 with the triumph of Vicente Fox Quesada and Plan Colombia paved the way for a new cycle. Violence derived from drug trafficking was on the rise with Felipe Calderón and led to a declaration of war on drug trafficking in 2006 as part of the *Merida* Initiative. The confrontation between the State and narcotics is combined with the struggle between the cartels and the action of paramilitary and/or self-defense groups. Violence is spreading socially and geographically and new issues, such as internal immigration, are emerging.

Militarization has also had social and environmental consequences. The repressive policies inherent in "war" have affected the exercise of rights: phone tapping, detention of people without a judicial warrant, increased administrative custom controls to prevent the free movement of people, penetration of individuals' privacy spaces, for example in the workplace, to determine whether a person has consumed a substance. The institutions have deteriorated as a result of this repressive policy and the corruption it generates, not only in Latin America. In Colombia, in 1999, the wife of a colonel attached to the US Embassy was arrested

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<sup>6</sup> See <http://www.oem.com.mx/laprensa/notas/n1777236.htm>.

for drug trafficking<sup>7</sup> and in April 2005, American soldiers involved in the war against drugs were arrested for cocaine trafficking. The war on drugs also has an ecological dimension, in particular with a significant impact on the environment, in particular fumigation actions. In 2015, the uselessness of the latter was recognized by the Santos government in Colombia. The decision to arrest them was supported by members of the US Congress<sup>8</sup>.

### 13.3. The limits of a new era

In the 21st Century, oriented by failure, the emergence of a critical movement of the military approach to the problem characterizes the region. This movement is not necessarily linked to an ideological-political definition. Criticisms go beyond those traditionally leveled, which highlight both the strengthening of the policing role of the armies and the diversion of resources that could have been used to address factors contributing to trafficking in the region, such as farmers' poverty and corruption. The failure of the war is recognized by a large space. In 2009, the Latin American Commission on Drugs and Democracy, established by former presidents Fernando Cardoso, Ernesto Zedillo and César Gaviria, said that antinarcotic operations were not an effective method. It referred to the need to combat both supply and demand, to control use through prevention, treatment and education, and to decriminalize soft drugs<sup>9</sup>. In addition, members of the US Congress regularly argue that more money invested translates into fewer results.

Gradually, on the continent, governments are resisting US drug policies, and are going even further by challenging traditional positions, such as prohibition, crop eradication, fumigation, repression of farmers or the use of bases for military purposes. The change shows both the failure of methods to combat drug trafficking and the decreasing influence of the United States on the region, as well as the consequent consolidation of a relative autonomy of Latin American states. However, the rejection of the war on drugs promoted by the United States does not necessarily translate into the disarticulation of prohibitionist logic. This refusal is as much a challenge to the policies pushed by the United States as it is an expression of the changes in addressing the issue.

The reappropriation of national sovereignty experienced by the neo-populist protesters has played a central role in this refusal. In a context where the influence of nationalism and anti-imperialism in the region is significant, sovereignty is

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<sup>7</sup> *L'Express*, 25/4/2005.

<sup>8</sup> *El Tiempo*, 14/5/2015.

<sup>9</sup> Declaración de la comisión latinoamericana sobre drogas y democracia, Drogas y democracia: hacia un cambio de paradigma, [http://www.drogasedemocracia.org/archivos/livro\\_espanhol\\_04.pdf](http://www.drogasedemocracia.org/archivos/livro_espanhol_04.pdf).

expressed in drug policies. Very early on, there was rejection of Plan Colombia capsizing anti-drug policies to the questioning of the American presence on national territory. For his part, Correa questioned, soon after his victory, the American presence in Ecuador. The result was the non-renewal of the *Manta* base agreements and the inclusion in the 2008 Ecuadorian Constitution of a refusal to allow foreign interference with an explicit ban on military bases.

In 2009, Bolivian President Evo Morales expelled the DEA, claiming the traditional use of coca leaf, a cultural symbol in the Andean countries, while implementing regulations for this use. In addition, he defended a system that allows farmers to grow coca. However, not only did Morales not demand the legalization of cocaine and other drugs, he even went so far as to criticize them by putting forward “anti-imperialist” arguments. In 2016, as part of the US government’s approval of the transnational drug trafficking law, which considers coca leaf as a controlled substance of classification, President Morales said on Twitter: “*Bolivia is not a Yankee colony. The coca leaf represents the dignity and sovereignty of our ancient peoples in the Andean region.*” The law has generated concern among coca leaf producers.

As an expression of the change in the approach to the issue, the rejection of the repressive option was supported by countries in harmony with the hemispheric policies of hegemony. At the 2012 Cartagena Summit of the Americas, countries such as Mexico, Colombia, Guatemala and Uruguay proposed to the United States to establish a discussion on the legalization of soft drugs alongside the development of prevention and rehabilitation policies. Latin American practices are global perspectives that seek to move beyond the prohibitionist paradigm by considering the reasons why individuals use drugs or by trying to establish public health as a key area for understanding the drug problem and developing public policy.

In the context of an increasingly critical assessment of the 2009–2019 Action Plan, which focuses on all-out repression, the UN General Assembly Special Session in April 2016 aimed to mark a turning point in the approach to drug policy. The draft resolution, a non-binding document submitted to the vote of the Assembly, presented significant changes, with more emphasis on health and social issues. Far from the military response, the formulation of the drug problem in terms of health or society contributed to redefining the categories of political action.

The negative effects of prohibitionist policies have led to the search for alternatives, influenced by the debates around decriminalization or legalization. This has a major dimension in a continent where prohibitionism has prevailed, even though the impact in changing the social perception of the problem or in the measures taken in the field of public policies remains nuanced. With regard to marijuana, there is a willingness to experiment, mainly for medicinal use.

Alternative and progressive discourses are developing especially in the Southern Cone, where there is a social willingness to be able to revise legislation and produce new paradigms, even though legislative developments are slow. Criticism of prohibitionism considers that crime has benefited from it. Decriminalization should reduce the use of hard drugs and reduce crime. Yet, the consumption model of the population addicted to *paco* is not very appropriate for self-cultivation and cannabis clubs, designed on the cultural model of the middle classes.

Uruguay is the society most willing to hear the meaning of experimentation. This country has legislated on marijuana production, although differences within the *Frente Amplio* political coalition and state apparatus have made it difficult to implement. The slow implementation of the law speaks louder than bureaucratic obstacles; it reflects prejudices and moral positions. The logic of separating the market for hard and soft drugs, of which Holland was a pioneer, inspired the Mujica government in Uruguay to approve the law on the legalization of marijuana, arguing that drug users should not come into contact, via the marijuana black market, with other drug dealers.

In Argentina, although the influence of sectors defending responsible consumption and harm reduction such as the Argentine Harm Reduction Association remains limited, the progress made by consumers' applications for citizenship<sup>10</sup> or by the introduction of the debate on the decriminalization of cannabis consumption or the legalization of cannabis use for medicinal use, even though this remains marginal and limited to investigation, shows a certain willingness to disable the punitive logic.

Mauricio Macri's arrival in 2015 as part of a social demand for security was accompanied by a speech on the "war on drugs". The "Argentina without Drugs" Plan formulated by his government referred to "A World Without Drugs", proposed by the United Nations in 1998 and subsequently reformulated; these are statements with a very high level of generalization that reiterate ways of approaching the issue under the punitive logic of prohibitionism. The speech given as part of the presentation of the "Argentina without drug trafficking" program on August 30, 2016 is revealing<sup>11</sup>. The principles and objectives set out were identical to those of the 1991 decree of the Menem administration.

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10 For example, the documents prepared by the Argentinean Harm Reduction Association "*Si te detienen conoce tus derechos*" (2005); "*Que hacer si te detienen*" (2011) or the Manual on Human Rights and Drug Use. Silvia Inchaurrega, *Manual sobre derechos humanos y uso de drogas*, CEADS, UNR, Rosario, 2009.

11 <http://www.infobae.com/politica/2016/08/30/la-droga-se-extendio-por-todo-el-pais-dijo-macri-al-presentar-un-plan-contra-el-narcotrafico/>.

In December 2015, Colombia legalized by decree the use of cannabis for therapeutic purposes; permitted by a 1986 law, but without regulation. Brazil has approved a law that, in the case of recreational use, substitutes prison with measures such as community service or educational programs. However, with Jair Bolsonaro in power, the “war” is back. In Chile, the debate is also focused on the medicinal use of marijuana, although it remains marginal. The tendency to rethink prohibitionism also affects more socially conservative countries. Peru is an example of this. It argues that bilateral cooperation in the war against drug trafficking requires new programs to replace coca leaf cultivation and put in place a regulatory mechanism for traditional coca leaf use in 2011. As part of the policy to eradicate this crop, in 2012 coca was declared “part of the nation’s national heritage” by the Peruvian government. In Guatemala, President Otto Pérez Molina had asked for a new policy and he was willing to create a legal market, regulated by the government, for some drugs in order to neutralize drug trafficking. He linked his dismissal to this policy. In Mexico, President Enrique Peña Nieto said he was open to alternative points of view, but without pushing the debate. In Mexico City, a progressive stronghold, attempts to decriminalize have failed. In 2016, the arrest of El Chapo rekindled the debate and decriminalization was promoted by members of López Obrador’s party.

#### **13.4. A temporary closure**

In Latin America, since the end of the Cold War, drug trafficking, instituted as a major geopolitical issue, has become a major threat. At the heart of the reconfiguration of the military architecture in the region, it was, until 9/11, the main criterion for US intervention. With the militarization and the role of criminal organizations in strategic debates, drug trafficking is more a security issue than a public health issue. Approaching drug use as a pathology is practiced more by the criminal justice system than by the health care system. However, while drug trafficking is part of political discourse, it is rarely treated as a political actor or perceived as a power project. This is part of the failure in the struggle.

The results of the militarization of the war against drugs are negative. The effort to reduce the supply of illicit substances by means of repressive measures, both in the field of production and marketing, at the same time as the measures to penalize consumption, have not yielded results. Consumption has increased, the age of starting drug use has decreased and more dangerous drugs have developed. The market is also very diversified at the consumer level and a trend towards experimentation and polyconsumption is emerging. In relation to violence, this too has increased and goes far beyond Mexico. From the state of Guerrero in Mexico to

the city of Rosario in Argentina, it is clear that prohibition cases kill more than drugs themselves<sup>12</sup>.

Militarization has had geopolitical, social and environmental consequences, from neighborhood conflicts in relation to US intervention, particularly in the context of Plan Colombia, to the expansion of production and transport areas, corruption of the security force and the judicial system, pollution linked to defoliants, the strengthening of security discourse and the allocation of rights. The limits of the military option are not reduced to Latin America; as Afghanistan, a major producer of cannabis and opium under the occupation of prohibitionist countries, illustrates.

The failure explains, to a large extent, the innovations experienced across the American continent in the discourse on the need to reformulate the way the drug problem is addressed and, to a lesser extent, in public policies and social practices. The issue of decriminalizing the use or legalizing the use of cannabis for medicinal purposes crosses the Americas with varying results. Latin American experiences with drugs are constitutive of the glocal, they connect local and global scales, being part of the international debate on the subject that includes the United States. However, if in general terms, the visibility of the prohibitionist movement in the public arena has weakened, repressive policies prevail. The hegemony of this thinking emerges less from the continuity of arbitrary arrests or the use of false evidence by security forces, particularly against popular sectors, than from the fact that the prohibitionist's own assumption that drug use is harmful to everyone and everywhere has won the cultural battle.

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<sup>12</sup> In 2016, Mexico was the second deadliest country in the world after Syria. *Le Monde*, 10/05/2017.