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American States

The OAS Drug Report

**16 Months of Debates
and Consensus**

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The OAS Drug Report:

16 Months of Debates and Consensus

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Secretary General Insulza presented the Drug Report to the plenary of the OAS Permanent Council. May 2013, Washington, DC

At the Sixth Summit of the Americas, held in Cartagena de Indias, Colombia, in April 2012, our Heads of State and Government entrusted the Organization of American States with the task of preparing a Report on the drug problem in the Americas. The instructions, as communicated by the President of the Summit, Juan Manuel Santos, were clear-cut: the Report should be frank, thorough, and shed light on actions taken so far to confront the drug problem, without shying away from sensitive issues and without fear of breaking taboos in order to pave the way for new approaches to the drug phenomenon.

One year later the task had been completed. In May, 2013, we delivered the Report on the Drug Problem to the same President of Colombia and, through him, to all the Heads of State and Government. It had a huge, immediate impact. Less than one month later, the OAS General Assembly met in Antigua Guatemala, for the first session ever to address this significant issue that we have lived with for several decades. Its conclusions testified to the pressing need our governments and peoples felt to revisit the policies that had predominated in the Hemisphere and yet had failed to achieve expected outcomes.

In just 16 months, the Report managed to open up a discussion as frank as it was unprecedented of all the options available in the quest for more effective policies for dealing with the drug problem in the Hemisphere. The influential North American daily, The New York Times, wrote that the report “effectively breaks the taboo on considering alternatives to the current prohibitionist approach.” The Colombia magazine *Semana* wrote that “this report opens

The Drug Problem in the Americas:

Consensus on the Report entrusted to the OAS

José Miguel Insulza

another front in debate between the various alternatives to address the drug business in its various stages, as well as the consequences of its consumption.”

“The OAS and the countries of Latin America are making a positive contribution to efforts to break the taboo that for so long has silenced debate about a more humane and effective policy,” wrote the former Presidents Fernando Enrique Cardoso, Ricardo Lagos, Ernesto Zedillo, and César Gaviria in a statement about the Report on May 2013.

The Global Commission on Drug Policy, which includes the four former Presidents mentioned, plus Jorge Sampaio, Ernesto Zedillo, Kofi Annan, Mario Vargas Llosa, Javier Solana, George Schultz, Paul Volcker and other renowned personalities - says in its latest publication “Taking Control: Pathways to Drug Policies that Work,” coinciding with our report that “putting health and community safety first requires a fundamental reorientation of policy priorities and resources, from failed punitive enforcement to proven health and social interventions.

Why do I highlight these two statements, among so many other comments? Because they pinpoint the chief merit of the study entrusted to us by the presidents of all the countries

of the Hemisphere. The Report has set a “before” and an “after” in our way of addressing the drug phenomenon, by breaking down the barriers to transparent dialogue and paving the way toward a debate without blinders or false prejudices that can only benefit our societies as they confront an issue so destructive that it wreaks havoc with rich and poor, men and women, children, youth, and the elderly. And it does so drastically, equally, to all.

The Report on the Drug Problem clearly recognized the scope of that problem, as highlighted by the region’s leaders:

“...the Problem exists and is a cause for concern. It worries not just the Heads of State and Government who commissioned this Report, but ordinary citizens as well. It worries women who see the drug trafficking in their neighborhood as an imminent threat to their children and to the integrity of their home; judges who have to convict a seller or, in many countries, a user of drugs; volunteers in NGOs trying to help drug-dependent young people; and legislators trying to make sense of the conflicting desires of their constituents vis-à-vis the problem... All of them experience the problem, albeit in different ways. And the same is true of countries, wherein the problem manifests itself in different ways depending on their particular

circumstances... This is not just because of the diversity among each country of the Hemisphere, but because the problem itself comprises different manifestations. These also have varying impacts on our countries, to an extent that renders it difficult, if not impossible, to encompass in a single set of policy recommendations the variety and magnitude of the challenges posed by the problem in its numerous manifestations.... The starting point for this analysis is, therefore, that there is not just one drug-related problem but rather a host of problems which are, in turn, related both to the diverse characteristics of our countries and peoples, and answer the crucial questions it poses.”

To tackle this huge task, we brought together more than 300 civil servants, specialists from the private sector and international organizations, academics, and social and political leaders from all over the Hemisphere who contributed with their opinions, their inputs on specific aspects, and their experience and willingness, to the preparation of the Report entrusted to us.

● Ricardo Lagos Former President of Chile

The main impact of the OAS Report on the Drug Problem in the Americas has been to trigger a timely and useful debate, based on a realistic, clear, and comprehensive diagnostic assessment, of a pressing issue for the region and the world. **It is thanks to that assessment that there is now “a before” and “an after” in the discussion on drugs,** because the Report not only throws light on the problem; it also helps us define policies for dealing with the scourge.

Key to the Report is the evidence that, after 40 years of criminalization and battling to stop the expansion of drugs in our Hemisphere and in other parts of the world, that policy has proved a dismal failure. This means: 1) Realizing that when we are faced with an incurable drug dependent, we are up against a health problem that needs to be treated as such. If we act on that, illicit demand by drug dependents will decline. If need be, one possibility is that it is the State itself that provides the drug. 2) Decriminalizing the use and sale of marijuana. Today, a large portion of the region's prison population is the result of trafficking in so-called “soft drugs” and, in many cases, not even trafficking, but, rather, the mere possession of small quantities of marijuana. That makes it difficult to understand the reasons for maintaining such vigorously repressive policies, especially when in several states in the United States and in Uruguay the possession and use of marijuana is now regarded as licit. 3) Drug trafficking should only be addressed multilaterally; domestic policies by each country on its own do not work. Many Central American countries, for instance, are demanding that measures be adopted by other countries, especially those that are the biggest users of hard drugs. 4) The OAS Report is a huge step forward. The idea of using an innovative methodology to depict future scenarios, depending on which policies are pursued, bodes well for greater certainty in decision making with regard to a future strategy.

Why were we entrusted with this task? Because, the fact is, there is no other body in the region in which a hemispheric problem can be addressed as broadly and frankly as we are able to in the OAS. It is clearly a hemispheric issue: the drug problem affects practically all the countries in the Americas, albeit in different ways and with different impacts. That diversity of circumstances generates a variety of approaches and even interests which, although they do in some way converge, prompt a variety of possible responses. Only the OAS can bring that variety of approaches, interests, and options together under one roof in such a way that, thanks to frank dialogue and our urge to forge unity and cooperation among our States, we can find areas of convergence and consensus within

that diversity and continue to forge ahead in a framework of solidarity, cooperation, and unity.

We devoted the entire OAS General Assembly in Antigua, Guatemala, to this topic. That meeting issued a Declaration negotiated among the 29 ministers of foreign affairs who attended, calling on our member states to embark on a series of consultations that would take our Report into account. Those consultations took place at the national, subregional, regional, and hemispheric level and were both intense and fruitful. In some cases, they led to new areas of debate being opened up, while in others they gave rise to important points of consensus and valuable tools for future progress.

Personally, I would like to single out the opportunity I had to present the Report at the summits of the Central American countries, through the Central American Integration System (SICA) and at those of the Caribbean countries, through CARICOM. Of the SICA countries, Guatemala has established a National Commission on Drugs to analyze the current status of Guatemala's domestic drugs policy. In the coming months, it is due to present an official report on the subject. For their part, the Caribbean countries have established a commission to study issues relating to decriminalization of the personal use of marijuana.

In the United States, where I had the opportunity to present the Report to a number of civil society bodies, the problem is being hotly debated, particularly following the emergence of a legal marijuana industry in the states of Colorado and Washington, in addition to the medical use of marijuana that numerous other states have authorized. The same country, at the initiative of the Department of Justice, and bearing in mind the approach that seeks to protect the principles of proportionality and the protection of human rights, has embarked on a process of reviewing and reducing sentences for various crimes related to the world of drugs, among them those of simple possession and micro-trafficking.

Interestingly, the Obama Administration has stopped referring to the “war on drugs.” That is not just a shift in rhetoric. It reflects a different notion of the best ways to address the problem. The President himself has explicitly stated: “We are not going to arrest ourselves out of the drug problem.”

In Uruguay, I presented the Report directly to President Mujica and his chief advisors just before the passing of a law establishing a regulated

market for cannabis. The design of that regulated market recognizes the public health approach advocated in our Report, as well as a preventive approach to violence and illicit trafficking.

In June last year, I took part in a debate in Mexico about future drug policy options with representatives of the Federal Government, members of Congress, the government of the Federal District, and civil society organizations. The new “National Program for the Social Prevention of Violence and Crime” implemented by President Enrique Peña Nieto’s administration posits the need to adopt broad and multisectoral prevention programs, which coincide with our Report.

In Chile, I was able to present the Report to academics, members of the legislature, and government ministers. I also met to discuss the subject with evangelical churches and social leaders, who had diligently studied all the contents of the Report. There is currently a very lively debate in the media and in Congress about possible reforms to the classification of substances.

Colombia has been one of the countries with the liveliest drug policy debates. There, we presented the Report to President Santos as the host of the Summit and, through him, to the Governments of the Americas. Later on, a National Interdisciplinary Commission was established and agreements have now been reached on how to address the subject of drugs and drug trafficking in the peace negotiations between the Government

President of Colombia, Juan Manuel Santos, receives the Report on the Drug Problem in the Americas - May 2013, Bogotá, Colombia

“Why were we entrusted with this task? Because, the fact is, there is no other body in the region in which a hemispheric problem can be addressed as broadly and frankly as we are able to in the OAS”.

and the FARC. President Santos was the most energetic driving force behind the OAS Report and his recent statements testify to his determination to implement major policy changes.

In Brazil, I explained the contents of the Report to more than 500 representatives of the federal and state health sector, as well as civil society representatives. The ensuing debate focused on ways to meet the growing demand for treatment and prevention services, a central theme of our Report.

European countries have also examined the Report with considerable interest. We had a chance to present it in several forums in London, Madrid, Lisbon, and Paris, as well as at a hearing with the European Commission in Brussels and with the British Secretary of State for Foreign and

Commonwealth Affairs in London. Approaches focused on public health and the decriminalization of personal use, as well as and evidence-based policies fully coincide with the views espoused by the OAS’s European partner organization, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

We also had an opportunity to discuss the Report and the next steps to be taken at three meetings of the Inter-American Drug Abuse Control Commission (CICAD), the Hemisphere’s technical body for this matter. The issues of prevention and rehabilitation, to which the Report attaches considerable priority, have long been topics on CICAD’s agenda and figure prominently in its current Hemispheric Plan of Action on Drugs. That work plan includes public health initiatives, alternatives to



OAS Secretary General receives mandate from the Heads of State of the Hemisphere at the VI Summit of the Americas to prepare a report on drugs. April 2012, Cartagena, Colombia

incarceration, social integration, and the management of seized assets: all of them in line with the Report's conclusions. Within CICAD, there has also been a new rapprochement with civil society and academic circles, along with a very intense discussion of new policies toward cannabis in the Hemisphere. The debate focuses on the challenges of implementing regulatory systems while paying due attention to prevention and impacts on health, above all among young people.

A unique opportunity to strike up a dialogue with the ministers of health of the Hemisphere presented itself at the General Assembly of the Pan American Health Organization in Washington D.C. last September. There, we managed to further strengthen the ties between us, with

a view to boosting the public health approach through a joint work plan with that important organization.

A similar opportunity arose at the IV Meeting of Ministers Responsible for Public Security in the Americas (MISPA) in Medellín, last November. There, I was able to present the main contents of the Report and to garner from the ministers, and from the debate among them, important points of view regarding the Report's impact on the design of future hemispheric cooperation initiatives in this field.

It is worth underscoring the interest in this topic shown by numerous Heads of State during the United Nations General Assembly in New York, on September 2013. There, we were able to hold bilateral meetings



Fernando Henrique Cardoso Former President of Brazil

The OAS Report had a major impact because of its technical content and because it took a bold and pragmatic approach, unfettered by ideological constraints, to possible ways of dealing with the drug issue.

Moreover, because it was the first report by a multilateral organization to break the taboos on options going beyond the United Nations Conventions, it has influenced public opinion and encouraged UN agencies to prioritize a discussion on drugs that focuses on public health, citizen security, human rights, and development.

Over the next five years, the debate about and experiences with regulating cannabis will be center-stage in the drug policy agenda. The impact of those experiences on drug use levels and on the overwhelmed criminal justice systems of several countries will shape the progress of regulatory models for that substance.

Additionally, putting an end to the criminalization of drug users and learning from European experiences with reducing the damage from use of stronger drugs, such as heroin, are other ideas worth highlighting in the countries of the Americas.

in which the Report, the Declaration of Antigua, and the upcoming United Nations General Assembly Special Session on Drugs were the main points of interest. The joint intervention by the presidents of Colombia, Guatemala, and Mexico testified once again to the readiness of governments in the region to make substantive changes to their drug control policies and to do so in the context of ample dialogue amongst themselves.

Regarding forums organized by civil society, we also presented the study to a European group at Chatham House in London, as well as at the Inter-American Dialogue, the Council on Foreign Relations, and the Woodrow Wilson Center in the United States. On those occasions, we had an opportunity to hold in-depth discussions of each section of the Report with renowned international experts. In addition, the latest meeting of the Ibero-American Network of Nongovernmental Organizations Working in Drug Addiction, held in

Montevideo, Uruguay was devoted exclusively to analysis of the Report.

Through all these presentations and dialogues, the Report has established the leading role played by the OAS in confronting the multidimensional challenge of the drug problem, including its health and citizen security aspects. It has also helped to reinforce the humanitarian approach to this topic as the preferred approach in the Western Hemisphere and in Europe.

Clearly, it takes time to change laws and policies and we never expected change overnight. Forty years of the “war on drugs” have spawned a host of provisions, entrenched bureaucracies, and convictions that do not just go away. For that reason, it is unreasonable to expect that the changes needed will come about at the same time, in all countries, and promptly. We said in the Report that each country had to address its own particular manifestations of the problem and time has proved us right.

“President Santos was the most energetic driving force behind the OAS Report and his recent statements testify to his determination to implement major policy changes”.

POINTS OF CONSENSUS, SIXTEEN MONTHS LATER

After almost a year and a half since the Report was published, the most important point, in my opinion, is that we can identify significant areas of consensus in the debate it triggered. I believe that those points of consensus should be considered the principal impact of all our efforts when we decided on this Report, wrote it, and analyzed it.

The first point of consensus:
The drug problem needs to be addressed from a public health perspective.

Even though our 2010 Hemispheric Drug Strategy already identified drug dependence as “a chronic, relapsing disease,” that needed to be “addressed and treated as a public health matter,” in practice few countries had managed to assume the obligations needed at a political level to provide the necessary backing and support for this approach, or to earmark resources and commit to addressing the problem.

The public health approach aims to develop comprehensive interventions with a focus on three areas: interventions that are designed to impact the individual or the population at risk, the availability of substances, and the environment that tolerates

Executive Secretary of CICAD, Paul Simons, participates in the OAS Policy Roundtable on the Drug Problem in the Americas from the Human Rights Perspective

or accepts consumption. An effective policy of demand reduction requires political support, a solid legal framework and adequate resources and budget to back such policies.

That was why we pointed out in the Report that it was totally contradictory to treat a drug addict as someone who is ill and, simultaneously, punish him or her for drug use or for having committed a drug-use related offense. For that same reason, we insisted that it was necessary to embark on a proactive search for alternatives to incarceration for minor players in the drug distribution chain. We also pointed out that the option of depenalization of personal use - already adopted by 12 countries in our Hemisphere - merited serious consideration as an option for the other countries as well.

That criterion, which we dubbed “the public health approach,” has now prevailed as a point of consensus within our countries and between our States. As a result of our meeting with the directors of the Pan American Health Organization in September 2013, we were able to boost interest in the drug problem among our Ministers of Health. The follow-up to that was the negotiation of a joint CICAD/PAHO work plan, which includes specific activities, such as the convocation of joint subregional meetings of Ministers of Public Health and National Drug Commissioners. The first such meeting - which brought the Central American countries together under the aegis of SICA -- took place in San Salvador in June 2014.

We are not oblivious to the reality that there is a long work

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Rafael Bielsa

Former Minister of Foreign Affairs of Argentina

What aspects of your participation in the scenarios team for the OAS Drug Report would you like to underscore?

The idea was to come up with unconventional responses to a challenge that is by its very nature, scope, and special features extremely complex and to elicit agreement on those responses from very different political leaders in sometimes almost opposite contexts. By combining practices from a variety of academic schools, forging flexible and imaginative schemes and structures, and attempting to single out the essence of the challenge, we were able to construct scenarios in a kind of laboratory atmosphere, with multiple actors contributing their expertise with admirable generosity, precision and conscientiousness, thanks to the methodological guidelines set by the OAS for producing the Drug Report entrusted to it.

What was the impact of the Report on the Drug Problem in the Americas on hemispheric and global discussion of the issue?

The Report on the Drug Problem in the Americas had the opportunity and privilege of identifying issues and problems that, because of the failure of the “drug policies” fashioned over the past three or four decades, could provide an objective basis for the start of an extensive debate, inasmuch as it reviewed and systematized the empirical evidence supporting a series of positions.

The discussion takes a different course in each country. In that sense, it is likely that its importance will vary from country to country depending on the national political agenda and the channels of communication opened up with civil society organizations, academic and research institutions, social movements, and the international community. Because of the nature of the Report, it had an international impact and in some countries (Chile, for instance) it has served as a point of reference to trigger internal debate on drug use policies and regulations. The Sixteenth Seminar on Drugs and Cooperation organized by RIOD (the Inter-American Network of NGOs working in Drug Addiction) in May of this year was also devoted to consideration and analysis of the documents drawn up by the OAS, and the Drug Problem in the Americas, in particular.

In your view, what key issues will dominate the discussion on drug policy over the next five years?

There is currently broad international consensus on the need to move forward with measures to depenalize use in those countries where it is penalized, in such a way as to lighten its impact on prison systems and the costs associated with police and judicial procedures, in addition to actually decriminalizing use. This initial questioning of strict provisions punishing use is being followed by more far-reaching proposals, which have to do with the regulation of drug markets, not only for marijuana but also the so-called “hard drugs,” such as cocaine (hydrochloride and crack). Faced with evidence of the increase in organized violence and in the number of people killed in consumption and trafficking turf wars, several countries have considered regulating their marketing. Uruguay has already taken that step with marijuana and in Central America the subject has prompted public statements from high ranking government officials, such as President Otto Pérez Molina of Guatemala.

Another related topic that will undoubtedly trigger further discussion has to do with preventive and health-care approaches focusing on the human rights of users and dependents from a public health perspective. The emergence of consumption patterns involving highly adulterated drugs, such as smokable forms of cocaine, and concentrated in socially deprived sectors, are driving debate about new ways to approach the problem.

The surge in new psychoactive substances (NPS), which now even outnumber controlled substances, is bound to be a topic of increased debate, given how quickly they are spreading and gaining acceptance. Although Europe has an Early Warning System in place with respect to these synthetic drugs, the use of amphetamine-like stimulants is on the rise in almost all parts of the world. In Latin America they are becoming increasingly prevalent, albeit at a slower pace.

The use and abuse of psychoactive pharmaceuticals, especially tranquilizers, already highlighted in UNODC’s recent annual reports, will certainly be a more prominent topic of debate in years to come. Increased consumption, with or without a medical prescription, and their use in combination with other drugs like alcohol, marijuana, or cocaine, are causing serious harm to people’s health and surfacing as factors in violent situation and accidents.

“An effective policy of demand reduction requires political support, a solid legal framework and adequate resources and budget to back such policies”.

to be done in this area, as the work of instrumentalization of that vision and approach to health has many sides, and involves a long process of institutionalization. However, we are also aware that the progress made in these months would not have been possible if it weren't for the process of analysis that the report caused in our Member States, and outside of them.

Second point of consensus: Judicial reforms must be enacted to provide alternatives to incarceration.

As we pointed out in the Report, the enforcement of harsh drug laws has sent the incarceration rate skyrocketing in many of our countries, contributing to serious overcrowding in prisons. At the same time, drug use does not stop at the prison gate, which means that the root problem is sometimes not addressed (or treated, in the case of drug dependence) at any stage of our judicial and/or criminal proceedings.

Several countries have already decided to examine the need to adopt measures to revert this situation, in such a way that human rights and fundamental penal guarantees are respected,

while at the same time public safety is maintained and guaranteed. This issue is clearly spelled out in the Declaration of Antigua, reflecting the concerns felt by many of our member states. The specific issue of the proportionality of sentences is a priority, for instance, for the United States and it was center-stage at our meeting with Attorney General Eric Holder during the Meeting of Ministers Responsible for Public Security in the Americas (MISPA) mentioned earlier.

As chair of CICAD, in December 2013, Colombia proposed establishing a working group to analyze and generate alternatives to penal and penitentiary treatment at every link in the chain of the world drug problem, with a gender

perspective and covering both producers and users. That Group was formally installed and began its activities and deliberations in June 2014. It has analyzed options for differing categories of individuals, looking at situations that arise before an individual comes into contact with the criminal justice system; to pretrial diversion alternatives within the justice system; through alternatives for individuals who have been convicted of crimes; to alternatives for individuals currently serving in prisons. A second technical-political meeting of vice ministers of justice in countries that have expressed interest in this Working Group is scheduled to be held on October 20-22, 2014 in Cartagena de Indias, Colombia.

Several specific lines of action have been proposed for this area. Among the most important are revising the severity of sentences and reviewing the criminalization of specific types



Ivor Archie
Chief Justice of Trinidad and Tobago

The main impact of the OAS Report on the Drug Problem in the Americas is that it has contributed to greater acceptance of and inclination to embrace alternatives to incarceration and wider forms of restorative justice which address the root causes of drug abuse.

The key issues that will dominate drug policy formulation and implementation over the next five years are marked by increasing public pressure, and concern over violent drug-related-crime will influence the direction of policy. Nevertheless, limited resources will continue to be an issue which affects implementation of such policies.

of offenses for some specific profiles of drug related offenders; the search for alternatives to incarceration for drug-dependent offenders and for individuals who commit minor offenses and constitute the weakest links in the drug trafficking chain; application of a public health approach for drug-dependent populations within the prison systems; as well as options for integrating into society and the labor market individuals with drug related offenses. The last-mentioned approach may be envisaged either within the modality of alternatives to incarceration or as an option for those already within the prison system.

Given the above approaches and the experiences that have been identified, the adoption or design of alternatives to incarceration should be directed to the search for proportionality in punishment for drug-related behaviors and reducing the role of the penal system in response to such conduct. What we would like is to

promote is the creation of a menu of possibilities that each state can adapt to their particular context, given the different realities each of them faces.

The OAS has promoted a parallel continuous dialogue with the judiciary (including the presidents of supreme courts, public defenders, and prosecutors), the government itself, the health system and civil society actors, to identify concrete alternative measures to incarceration under judicial supervision for drug-dependent offenders. As a result, in the last four years we have grown from 4 member states to a total of 17 countries in which, under the model of the drug treatment courts, are exploring, implementing or strengthening alternative models.

Third point of consensus:
Transnational organized crime is a major player in the drug problem.

As the Report pointed out, in addition to damage to health, the process whereby drugs are produced, distributed, sold, and used has generated an illicit business that is detrimental to the human and material well-being of our citizens and to the integrity of our institutions. The Report goes on to state that this activity has fostered the rise or strengthening of gigantic transnational criminal networks, that have ended up extending their operations to other types of crime, so much so that one wonders whether even the disappearance of the illegal

OAS Secretary General presented the report on the drug problem to U.S. experts and general audience – Wilson Center



Joaquín Moreno

Member of the Board of Directors of Colombia's Liderazgo y Gestión

What aspects of your participation in the scenarios team for the OAS Drug Report would you like to underscore?

Apart from the background and experience of each of the members of the Scenarios Team, one notable feature of the team was its tolerance of diversity. Neither the controversial nature nor the complexity of the various drug-related issues prevented individuals from all possible backgrounds from embarking on a collective effort to reach a deeper understanding. It set a precedent with respect to the possibility of reaching minimal points of consensus despite so much polarization and the extraordinarily wide range of perspectives. If there is anything that the next generation of the drug debate is going to need, at any level, is its readiness to follow that example of setting aside interests and preconceived ideologies to discuss alternatives with their real costs, scientific evidence, and common sense. The choice of a scenario-based methodology for dialogue once again demonstrated its usefulness for identifying and formulating alternative ways to solve complex sets of problems, through constructive and transformative dialogue.

What impact has the OAS Report on the Drug Problem in the Americas had on hemispheric and global discussion of the issue?

The OAS Report is the first produced by a multilateral organization on a complex issue that for too many years was hidden from the public eye. From that, two basic conclusions can be drawn: first, that the national, regional, and global discussion of the issue is now irreversible (in other words, the Report broke the taboos surrounding the subject forever), because it is no longer confined to specific niches with a limited impact, such as academia, social organizations, and the media; and, second, any changes, reforms, or adjustments stemming from that discussion will enjoy greater legitimacy and be more rigorous because, from now on, they are underpinned by an innovative, realistic, exhaustive, and, above all, binding theoretical framework. Today, the Reports prepared by the OAS are living documents being used extensively by institutions and countries to nurture a constructive debate on the need for alternative policies to ensure a more effective way of addressing the illicit drug problem.

In your view, what key issues will dominate the discussion on drug policy over the next five years?

In the short term, the key issues can be listed in connection with the broad lines of the scenarios proposed in the Report:

- Gradual depenalization of use through experimental changes in public policy, above all in respect of soft drugs. Nevertheless, it is quite possible that pressure brought to bear by several countries will intensify the debate about depenalization and the legalization of crops, production, and trafficking.
- New international and regional cooperation opportunities, especially in countries in which drug production fuels armed conflict and international terrorism.
- New approaches regarding drug use as a public health problem and, as a result, new public policy initiatives.

“As a result of our meeting with the directors of the Pan American Health Organization in September 2013, we were able to boost interest in the drug problem among our Ministers of Health”.

drugs economy would bring an end to their criminal activities.

Other illicit transnational activities perpetrated by these organizations include arms trafficking, contraband, product piracy, trafficking in persons, the smuggling of migrants, trafficking in human organs, trafficking in endangered animal species, and trafficking in archaeological remains, among others. At the national level, organized criminal activities include - apart from the production and sale of controlled substances - the illegal sale of arms, the sale of pirated

products and contraband, the control and exploitation of prostitution, robbery and the sale of stolen goods, illegal mining, kidnapping, and extortion, including the victimization of migrants.

Today, there is a consensus in our region that such criminal networks committing what we have legally defined as transnational organized crime must be prevented and fought through international cooperation. Accordingly, last year's OAS General Assembly



in Antigua, Guatemala declared that the American states were committed to stepping up efforts to prevent, detect, and punish laundering of the proceeds from criminal activities, especially the illicit trafficking of drugs and corruption, and to reinforce international cooperation to prevent the entry, flow, and exit of such proceeds into, in, and from our financial systems.

For its part, the General Assembly in Asunción in June of this year adopted a resolution instructing the OAS General Secretariat to establish and coordinate an Inter-American Violence and Crime Prevention Network. In that same context, consideration should be given to the amendments made to the 40 Recommendations of

the International Financial Action Task Force on Money Laundering (FATF/GAFI), adopted in February 2012. Those amendments seek to place greater emphasis on developing operational skills in international cooperation to recover and seize the proceeds of transnational organized crime.

Fourth point of consensus:
It is essential to strengthen judicial and law-and-order institutions.

In the Report, we pointed out that in many countries in our Hemisphere, and especially in those that might be described as transit countries for controlled substances, the weakness of state institutions is

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exacerbated by acts of corruption committed by the criminal organizations themselves that enable them to make violence their main modus operandi. Under those circumstances, violence becomes their only way of resolving disputes with their competitors and of imposing their power over the community and in many cases over the State itself.

► The public health challenge

In recent years, our region has been home to a debate, involving a wide range of key players, about the need to revise policies on drugs. One frequently mentioned recommendation concerns the need to strengthen the public health approach in addressing the use of psychoactive substances and its consequences for individuals, society, and the economy. These debates have served as a basis and catalyst for shifting the current drug policy focus toward a person-centered approach.

The Pan American Health Organization (PAHO) took several resolute strides in that direction when it adopted its Strategy and Plan of Action on Psychoactive Substance Use and Public Health, which are now being implemented through actions coordinated with member states. Together with the Organization of American States, we played an active part in preparing the Report on “The Drug Problem in the Americas,” which has been a key factor and point of reference for opening up discussion of the issue in the countries of the region. We also worked jointly with the Inter-American Drug Abuse Control Commission (CICAD) on developing the Coordinated Activities Program, which underscores the importance of public health as a core component of drug policies in the Americas.

From a public health perspective, the approach taken to substance use and its consequences focuses on the individual and his or her right to health. This takes place in a collective dimension encompassing users and non-users, within their social settings, with different degrees of vulnerability. This complexity requires a wide range of interventions, centered on the health sector but requiring a coordinated multisectoral response, with civil society participation.

The public health approach views a user as someone suffering from a disease who needs medical treatment and psychological support, which should be extended to her or his immediate family and sometimes the workplace as well. Likewise, depenalization of the individual user is essential for treating his or her addiction, which needs to be regarded as a pathology requiring comprehensive treatment aimed at providing support for reintegration into the family and the workplace.

PAHO is committed to strengthening the public health approach to the use of psychoactive substances in the Americas by helping to make resources available for preventing and treating substance use-related problems in a timely and competent fashion and by facilitating complete reintegration into society. That constitutes a goal in line with the vision of achieving universal access to health care.

Dr. Francisco Becerra
Deputy Director
Pan American Health Organization (PAHO)

“The quest for alternatives to incarceration for drug-dependent offenders or for individuals who commit minor offenses in the drug trafficking chain is another pressing need today”.

In the same document, we recalled the observation made in the 2010 joint UNDP-OAS report entitled “Our Democracy,” to the effect that “not enough States explain why we have the world’s highest homicide rate, why drug cartels rule whole territories and influence public decision-making, and why there are large areas [in our territories] that are not ruled by law.”

Today, as a result of that state of affairs, a broad consensus exists within our countries and between our States regarding the need to strengthen judicial and law-and-order institutions. Some countries have made huge efforts to professionalize their police forces and to clean up and strengthen their judicial institutions. For others, however, this is an ongoing challenge that will require major financial and human capital resources, over a lengthy period of time, if they are to achieve more robust judicial and law-and-order institutions.

Adriel Brathwaite

Attorney General and Minister of Home Affairs of Barbados

In your opinion what has been the principal impact of the Report on the Drug Problem in the Americas on the drug policy debate both in the Hemisphere and beyond?

The Report has principally highlighted the common issues which the hemisphere faces with regard to drug use, policy implementation and the societal impacts resulting from this challenge. It is recognized that country responses will vary based from country to country, but the Report can be said to provide a dynamic blueprint for the way forward which takes account of the diverse demographics of the Hemisphere.

Another contribution is the conceptualization of the four scenarios: 'Together' explores the effects of stronger judicial and public safety institutions and improved international cooperation; 'Pathways' focuses on individual alternative approaches focusing on the legalization and regulation of drugs, especially cannabis; 'Resilience' considers strengthening communities against drugs and organized crime through improving public safety, health, education, and employment; and 'Disruption' looks at a negotiated truce between states and organized crime, which are flexible and not time-bound, reflect that countries can move forward simultaneously towards the same goal- reduction of illegal drug use- while embracing different methodologies.

In your view what key issues will dominate drug policy formulation and implementation over the next five years?

Embracing Drug Use as a Public Health Issue: Currently all drug use is illegal and therefore attracts criminal sanctions, regardless of the quantity of drug at time of arrest. This therefore means that the numbers of persons incarcerated for drug related offences is disproportionately high. Incarceration is proving to be increasingly ineffective as there are limited drug rehabilitation facilities at the prison. It is clear that chronically dependent drug offenders must therefore be channelled into the public health system in order to receive treatment that may delay/prevent relapse and subsequent reoffending. Efforts must therefore be increased to ensure that the public health system is able to respond effectively to this dynamic.

Decriminalization/ Legalization of Marijuana: Amid the growing call for decriminalization in other parts of the Western hemisphere Caribbean governments are being challenged to actively review the current stance on marijuana by decriminalization and legalization advocates in the Caribbean. As a result, the topic was an important agenda item at a CARICOM Inter-Sessional Heads of State Summit held in March 2014. After much discussion, the Leaders opted to commission a comprehensive study on marijuana use. It is expected that this study will provide clear insight with regard to patterns of marijuana consumption and use in the Caribbean, in order that any relevant changes can be effected to the current legislation if deemed necessary.

Rise in Pharmaceuticals- Internet Pharmacies: Internet pharmacies have facilitated a growing problem: prescription drug abuse. The Internet makes the process more accessible, convenient, and virtually anonymous for both the buyer and seller. There are no controls in place to prevent the sale of pharmaceuticals over the Internet which has become a major concern in some countries.

Legislative Reform: All of the issues raised must be supported by the introduction of new legislation or by the upgrading of the existing legislation. Inasmuch as there is an effective legal framework in place to support law enforcement agencies, issues surrounding inconsistency in the sentencing of offenders need to be reviewed. In general, periodic revision and strengthening of the existing legislation will be necessary to support changes in the national response to drugs as a public health issue. Any legislative reform must take cognizance of the mandate of existing agencies without losing sight of the long-term objective of creating a community of information necessary to curb the criminal element of drug use and to ensure that the drug dependent user is afforded the most apt interventions as required.

Julius Lang

Director of Technical Assistance at the U.S. Center for Court Innovation

What were the highlights of your participation in the OAS Drug Report Scenario Team?

I was particularly struck by the diversity of opinions held by Scenario Team members brought together by the OAS – strong advocates for liberalization of drug laws, strong opponents of liberalization, and everything in between. I was also impressed by the range of backgrounds of team members: academics, government policymakers, NGOs, judges, police, etc. There was even a dialogue with former gang members who'd been involved in drug markets.

In your view, what have been the principal impacts of the OAS Report on the Drug Problem in the Americas on the drug debate in the hemisphere and beyond?

I know that the Report has received a lot of media attention, and I believe that this has encouraged discussion along the various paths that the final scenarios envisioned. With a topic as potentially wide-ranging as drug policy, I feel that the Report helped to channel debates in directions that a team of experts from across the hemisphere felt were most useful.

How do you see the drug policy debate evolving over the next five years?

I feel that this is a very important time for drug policy and, as a resident of the United States, I can see that the legalization frameworks being implemented in Washington and Colorado are focusing a lot of discussion on marijuana. As things play out, there will be many lessons (good and bad) learned from these experiments and others that will undoubtedly follow. My hope is that the drug policy debate on all sides will be informed by more evidence of the impacts that these changes are having. For that to happen, we need to be sure that we are making meaningful investments in research.

▶ Working Group: Alternatives to Incarceration

The OAS member states adopted the Hemispheric Drug Strategy and its Plan of Action 2011 - 2015, in which they agreed to consider the possibility of taking the necessary steps to allow alternatives to deprivation of liberty for offenders who are also drug-dependent. Such measures are deemed to be essential because of the significant percentage of crimes related to alcohol and drug use. Further challenges identified in the Report on "The Drug Problem in the Americas" include the increase in the prison population due to drug offenses and consequent overcrowding; the lack of access to treatment and scant access to social services for drug-dependents; and the vulnerability and risks to which certain social groups are exposed.

Various academic studies and reports also point to the disproportionate number of drug offenses, compared to more serious crimes; the feminization of offenses and concomitant sharp increases in the number of women inmates; and the excessive burden being placed on the justice system, particularly due to the number of minor drug-related offenses.

With all the above in mind, at CICAD's 54th regular session, held in Bogotá in 2013, Colombia asked the Executive Secretariat to establish a Working Group to come up with proposals offering an alternative to incarceration. At their 55th regular session, the members of the Commission approved the establishment of that Working Group comprising experts appointed by the States, whose objective would be to identify and analyze alternatives to incarceration for drug-related offenses, based on the available evidence and on a public health and human rights perspective. That Working Group was entrusted with the task of preparing a Technical Report on existing alternatives to incarceration for drug-related offenses pursuant to the international drug control conventions and taking into consideration each country's regulatory framework and the contents of the Hemispheric Drug Strategy and Plan of Action 2011 - 2015.

Colombia's Ministry of Justice and Law, with CICAD support, will coordinate preparation of the Technical Report to be written by the Technical Support Group and submitted for consideration and observations to the Working Group. To comply with this mandate, a workshop was held in Antigua, Guatemala from June 17-20, 2014, with a view to showing the variety of alternatives to incarceration that exist and other countries' experience with them.

Dr. Miguel Samper Strouss
Vice-Minister for Criminal Policy and Restorative Justice
Republic of Colombia



PATHS TO PROGRESS

With respect to public health, we need to develop subregional initiatives and establish priority areas for joint action; to generate information, follow-up and evaluation systems and a reference framework to help countries develop public health-oriented drug policies; to promote higher quality care for individuals with drug use issues by establishing high standards for service delivery and designing curricula and materials for training health professionals to treat drug use problems.

As for judicial reforms aimed at providing alternatives to incarceration, the time has come to make a consistent effort in our States to review the severity of sentences and the legal definition/classification of offenses for certain types of drug-related offenders.

The quest for alternatives to incarceration for drug-dependent offenders or for individuals who commit minor offenses in the drug trafficking chain is another pressing need today. In some countries' legislations there appears to be an obvious need to eliminate imprisonment for individuals in possession of small quantities of drugs. For them, as well as for those

43th OAS General Assembly debates the topic "Towards a Comprehensive Policy against the World Drug Problem in the Americas.". La Antigua Guatemala, Guatemala.

sentenced to serve time in jail, there need to be judicially recognized mechanisms for integrating them into the job market and society.

Likewise, it is important to consider that one of the objectives pursued by any judicial reform in this area must be implementation of a public health approach for drug-dependent offenders inside the prison system.

► Cannabis and the OAS Drug Report

The OAS Drug Report, including its Pathways Scenario, has generated a very active and serious discussion of possible changes in cannabis laws throughout the hemisphere, from Chile to Jamaica. In its conclusions, the Report asserted that sooner or later decisions will need to be taken on assessing signals and trends that lean toward the decriminalization or legalization of the production, sale, and use of marijuana. Since then, a handful of Member States and some of their subnational jurisdictions have begun to democratically discuss changes in restrictive cannabis laws.

This new debate has shifted in tone from one principally about morality to one that recognizes a broad scope of gains and losses. For example, there is now an understanding that cannabis legalization may well affect heavy alcohol consumption but it is unclear whether that consumption will rise or fall and there seems no other way of resolving this other than observing what happens in the sentinel jurisdictions. Similarly, there is debate about how to balance the gains from bringing many young people into conformity with law against normalizing the use of a psychoactive drug whose long-term dangers are still not well understood.

The debate has also focused on the alternative models for legalization and decriminalization. Some jurisdictions are considering a legalized system in which the state retains control of all or much of the system of production and distribution. Other jurisdictions have given more freedom to private entrepreneurs to serve the market. Similarly decriminalization can remove the power to arrest and simply have police hand out tickets or can give the police more control. Choosing the right approach involves taking account of the national political and social circumstances as well as institutional capacities of member states.

Prompted in part by the OAS Drug Report, the current debate surrounding cannabis policies in the Western Hemisphere is at the forefront of a reinvigorated global discussion about drug control. The outcomes of such policies will serve as rich inputs for the coming UN General Assembly meeting in 2016. The OAS should maintain its position as a regional policy forum and continue to monitor and study these changes.

Dr. Peter Reuter
Professor of Public Policy
University of Maryland

Evidence of the part played by transnational organized crime in and outside the drug problem should induce us to adopt measures, not just within our States but, and above all, between them, to foster and broaden judicial, police, and preventive cooperation. Now that crime and violence are international in scope, we have no option but to come up with equally transnational ways of preventing and fighting it.

Finally, we need to persevere in our efforts to strengthen judicial and law-and-order institutions and, for that, we must generate as many international cooperation agencies as are needed to get the job done. In the area of judicial cooperation, the OAS already deploys important cooperation tools. Major international cooperation efforts have also been undertaken in connection with the

restructuring and professionalization of police forces, albeit in this case mainly at the bilateral level. There is enormous potential for developing a police cooperation system at the hemispheric level, regulated by our Organization. That potential needs to be exploited because the challenge is enormous and one weak national link would inevitably undermine the whole international crime control chain in the Hemisphere.

There is little doubt that we have come a long way since the day, 16 months ago, that we presented the Report commissioned from us by the Heads of State of the Americas. Nevertheless, we still have a long way to go. As we continue down that path, many hurdles are likely to put our solidarity as States of the Americas to the test, along with our resolve to seek collective solutions

to the collective problems that beset us. As I reflect on that, all I can do is reiterate the recommendations made in our Report. Whatever form it takes and whatever hurdles it encounters, cooperation is necessary. It will need to be shaped by a comprehensive, evidence-based, and scientific approach, acutely aware of each country's circumstances and needs. ■



The Report on the Drug Problem in the Americas is Presented at the opening of the 52nd PAHO Directing Council

Emiliano Martin

Former Deputy Director-General of Spain's National Drug Plan

What aspects of your participation in the scenarios team for the OAS Drug Report would you like to highlight?

First, I would like to highlight that the organizers undoubtedly chose the participants very wisely, based not just on their professional competence but also on their personal commitment to address the challenge posed by drugs. The knowledge and experience amassed by this exceptional team provided us with a wealth of content and a wide range of approaches (economic, political, social, security, health, youth, ethnic, and so on).

The second aspect worth underscoring is the methodology used, as it certainly had a positive impact on the dynamics and outcomes of our work. It was a suggestive and innovative methodology that prompted not just rigorous analysis but also the generation of new ideas and new approaches. It facilitated debate and exchanges of views among the team's members and it deployed a number of different techniques and strategies to trigger dialogue and encourage participation.

Third, I would emphasize the spirit of tolerance which prevailed throughout, enabling any opinion or position to be expressed freely and spontaneously. Indeed, the team addressed the major topics discussed at all forums on drugs: violence, legalization, and the lack of preventive and health care-oriented resources.

In your view, what impact has the OAS Report on the Drug Problem in the Americas had on hemispheric and global discussion of the issue?

Experts and the international press have considered that this document takes a broader and more flexible approach than any other papers published on this matter by the OAS. The text of the Report takes into account the scientific evidence available today together with the perspectives of numerous experts working in the field, who contributed with a wide range of experiences and models tested on the ground.

To begin with, it has defined and clarified numerous issues that had previously clouded the discussion of drugs in the Hemisphere. For example, it has relativized the distinction between producer and consumer countries and it has not shied away from an issue as complex as the link between drugs and violence, which is a key issue following the resurgence of violence in Central America and Mexico. Thus, the Report finds that the impact of violence is felt most acutely in countries with weaker states and it pinpoints the root causes of these problems, such as poverty and inequality.

The report advocates overcoming the prohibitionist approach, and its most important contribution, in my opinion, is that it comes out solidly in favor of a public health model. This is a model that focuses squarely on individuals and communities, with a view to making them healthier and more competent, which signifies a radical shift away from the previously dominant paradigm, which emphasized substance control and security. I think we Europeans can take some of the credit for this stance by the OAS, which brings the Hemisphere closer to our own position on the subject.

However, there is no doubt that the most polemical issue addressed by the Report is the legal and regulatory framework for drugs. Understandably, the Report does not prejudge the issue; rather, it puts forward a series of arguments in favor and against that lay the foundations for an inevitable debate in coming years.

As a result, this Report is going to have a notable medium- and long-term impact on specific national, and international, policies. I am convinced that it will be an indispensable point of reference for all the countries in the Hemisphere and will guide the decisions taken by the leaders of the Americas over the coming years. Likewise, I believe that its analyses and proposals will reverberate in other parts of the world and help to open up new channels for exchanges and collaboration, especially with Europe.

In your view, what key issues will dominate the discussion on drug policy over the next five years?

The first and most controversial issue has to do with drug laws and regulations. So far anti-drug policies were based primarily on a punitive model geared to reducing the supply of illicit drugs, which, 100 years later, has generated profound frustration in many countries of the Hemisphere. That is why more and more of them are clamoring for a change of paradigm. For that reason, I believe that the debate now will not be about whether to make changes, but rather about the nature and scope of those changes.

From that perspective, I consider that the experiences embarked upon in the states of Washington and Colorado and in Uruguay will polarize the debate. I suspect that the rest of the world will pay close heed to that debate and, in some areas such as Europe, it will help revive discussions on legalization.

The second key issue has to do with the far-reaching change in public policies associated with the public health approach to the problem. That approach accords priority to reducing demand through measures such as community-centered prevention programs; diversifying treatment options, including damage control programs; fostering programs geared to the social reintegration of rehabilitated individuals; and establishing specific programs in prisons. Most countries in the Hemisphere currently lack mechanisms capable of tackling this challenge. Therefore, their governments will find themselves forced to re-allocate budget appropriations and step up financing for the implementation of preventive and public health-oriented networks.

In countries in which we have worked continuously for decades, we have discovered that the right combination of strategies may help us make headway and pursue a safer and more effective path: by gradually adopting more and more flexible and balanced positions; supporting policies that focus on prevention and on treatment of those affected and, without resorting to liberalization, move ahead with regulation of both illicit and legal drugs from a public health perspective focusing on the health and quality of life of individuals and communities.

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¹ On June 3, 2009, the Ministers of Foreign Affairs of the Americas adopted Resolution AG/RES.2438 (XXXIX-0/09) which resolves that the 1962 Resolution that excluded the Government of Cuba from its participation in the Inter-American system, ceases to have effect in the Organization of American States (OAS). The 2009 resolution states that the participation of the Republic of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS.



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