



Drug Certification

By Bill Spencer with Gina Amatangelo, Washington Office on Latin America

The U.S. drug certification process, referred to by Clinton administration officials as “a major source of foreign policy friction,” became one of the first foreign policy challenges for the Bush administration. Despite continuing questions about the efficacy of the process, there has not been a full-fledged debate in Congress about the need to reform drug certification since 1997, when Senators Dodd and McCain introduced an amendment to suspend the process.

At the beginning of the Bush administration, the debate about the wisdom of the certification process once again opened up. At a meeting with the president in February, Mexican President Vicente Fox raised this issue as undermining good bilateral relations. A bipartisan initiative introduced in the U.S. Senate also presented a renewed opportunity to debate the merits of the

certification process. The resolution, S. 219, was introduced January 30, 2001 by Senators Christopher Dodd (D-CT), John McCain (R-AZ), Chuck Hagel (R-NE), and Ernest Hollings (D-SC). It proposes a two-year suspension of the process, allowing President Bush to take concrete steps during the two-year period to develop more effective tools.

Enacted by Congress in 1986, the certification process was designed to press the administration to demand tougher counternarcotics measures by other governments. Under its

provisions, the administration must produce an annual list of major drug-producing or drug-transit countries. Countries included in the “majors” list face mandatory sanctions. However, these sanctions are not imposed if the administration certifies by the end of February that a country is fully cooperating with U.S. anti-narcotics efforts or if the U.S. deems that the country is taking sufficient steps on its own to meet the terms of the 1988 UN drug control convention. The administration can also waive sanctions if it determines that doing so is in the “vital national interests” of the United States.

Sanctions include the withdrawal of most U.S. foreign assistance not directly related to counternarcotics programs and U.S. opposition to loans to these countries from multilateral development banks. Congress has

thirty days to attempt to overturn the president’s certification decisions through a resolution of disapproval by both the House and Senate (although such a resolution is subject to a presidential veto).

This “score card” approach is deeply resented in Latin America, which produces nearly all of the world’s cocaine and an increasing amount of the heroin sold in the United States. In Latin America and elsewhere, governments commonly criticize the certification process as a unilateral, hypocritical, and sometimes arbitrary exercise by the world’s largest consumer of illegal drugs. Such reactions matter. More often than not, the certification process erodes the very sense of common purpose and partnership that must be the foundation of international cooperation on any issue. A rising number of U.S. policymakers share these criticisms.

Mounting evidence shows that—even with full-fledged cooperation by Latin American governments—U.S. interdiction and “source-country” programs (eliminating drug production in countries of origin) cannot deliver what drug warriors promise. Despite an investment of nearly \$30 billion in drug control programs over the past decade and a half, cocaine and heroin are as easily available in the U.S. as they were 15 years ago—and at cheaper prices. Meanwhile, the violence and corruption of the international drug trade are damaging economies, judicial systems, and democratic institutions throughout the hemisphere.

Eliminating the certification requirement will not be easy. Many in Congress who acknowledge its shortcomings don’t want to appear soft on drugs, and they are reluctant to abandon the leverage the process gives them. But the case for reform is finally gaining ground, and many who initially supported the process now indicate a willingness to consider reform proposals. Repealing the process would send a signal that the U.S.—with its \$50 billion demand for illicit drugs—sees its Latin American neighbors as essential partners, rather than adversaries, in combating an international drug trade. It would restore a sense of balance in our debate about policy priorities in the hemisphere. Moreover, such a reform might signal that the U.S. government is finally ready to turn its attention to the domestic roots of U.S. drug problems—to preventing and treating drug abuse and addiction in our own homes and communities.

Key Points

- The certification policy has been an ineffective tool for drug control.
- The certification process is resented in Latin America and elsewhere as a unilateral, hypocritical, and sometimes arbitrary exercise by the world’s largest consumer of illegal drugs.
- Repealing the certification process would send the signal to Latin American countries that the U.S. regards them as essential partners in combating the international drug trade.

Problems with Current U.S. Policy

The drug certification process is bad drug policy and bad foreign policy.

It is bad drug policy for three reasons. First, it sends mixed signals to other countries about the rewards or punishments for their efforts in the war on drugs. To date Mexico has always been fully certified, although the degree of its actual cooperation with the U.S. and commitment to drug control were questionable. Despite numerous hearings in past years about the shortcomings in Mexico's drug control efforts, it was clear that the administration and congressional leadership would not permit the country to be decertified because it is a major trading partner. Those countries that are repeatedly decertified are those with whom the U.S. does not have relations, such as Afghanistan and Burma, making the sanctions symbolic at best. If drug producing countries are important enough to other U.S. interests, their drug control performance will not be the sole basis of certification decisions.

Second, while cast as a means to increase cooperation, the process repeatedly fosters conflict. In some cases, reluctant governments have been pushed to crack down on cartels, expand eradication, or permit U.S. ships to pursue traffickers into their territorial waters. But the imposition of such measures comes with a high cost. Anti-U.S. sentiment is stoked by newspaper headlines across the region denouncing the hypocrisy of the U.S. for judging the efforts of others to cut off the supply for our insatiable demand. Leaders stepping up to the challenge of drug control are lambasted for yielding to Yankee dictates. Threats of withdrawing cooperation regularly follow the inevitable tensions surrounding the policy. Mexico's former president, Ernesto Zedillo, was perhaps the most blunt, calling the certification process an offense and suggesting that the U.S. be subjected to the same review process.

Third, and most important, certification symbolizes and reinforces the misguided U.S. international drug control strategy that concentrates on stopping illegal drugs from entering the United States. The strategy has failed to achieve this goal. Despite years of costly drug control programs, the United Nations reports that international interdiction efforts only intercept approximately 13% of heroin and 28-40% of cocaine.

While drug warriors attribute this lack of success to insufficient firepower or failing morality, market forces are primarily to blame. Trafficking drugs brings astronomical profits. Even when effective, eradication and interdiction efforts result in only marginal and localized increases in drug prices. Supply siders argue that price increases decrease use. However, when prices rise, trafficking profits remain high or even rise. Price increases raise the incentives for new growers and traffickers to step in and meet the demand.

The drug certification process has skewed spending on drug control programs, as it allows the U.S. government to place the blame abroad without taking a serious look at the failure of U.S. efforts to curb demand. According

to the White House Office of National Drug Control Policy (ONDCP), the budget for prevention programs increased by only 33% between 1994 and 2001 while funding for international drug control programs increased by 175%, and spending on interdiction increased by 68%. These increases ignore the findings of ONDCP studies that concluded that treatment for cocaine addiction is 10 times more cost effective than interdiction and 23 times more effective than eradication.

In addition to being bad drug policy, certification is also bad foreign policy, particularly toward Latin America. The hostility and enmity generated every year by the process strains relations over a wide range of issues, holding other priorities hostage to the single issue of drugs. The minimal commitment of resources that the U.S. makes to human rights, democracy, or civilian control of the military is overshadowed (and sometimes directly undermined) by the focus on drugs and the certification exercise.

In the Andean countries, U.S. drug policy has overwhelmed human rights concerns. With U.S. funding and training, Andean governments have established special courts to hear terrorism and drug trafficking cases. But these courts themselves systematically violate internationally recognized norms of due process. The anti-narcotics police forces that the U.S. has created in Bolivia brazenly intimidate, abuse, and torture peasants while carrying out eradication campaigns. The U.S. maintained a relationship with Peru's ex-intelligence chief, Vladimir Montesinos, who they viewed as an ally in the war on drugs, despite concerns about his involvement in human rights violations. Ties were cut only after it was publicly revealed that Montesinos was involved in corruption and implicated in arms and drug trafficking. In Colombia, the U.S. is pursuing a militarized anti-drug strategy that will escalate conflict, exacerbate the humanitarian crisis, and ultimately damage prospects for peace.

Certification distorts the U.S. national conversation on foreign policy toward Latin America. What is needed is more reflection about U.S. foreign policies that are central to improving U.S.-Latin American relations. Yet instead of better reflection on our common interests in and aspirations for such issues as economic development, human rights, trade, environmental protection, human migration, and drug use, the policy debate too often devolves into debates about drug certification.

Key Problems

- Certification is bad drug policy because it sends mixed signals to other countries, it fosters conflict, and it reinforces the focus on the failed "source-country" control strategy.
 - Certification is bad foreign policy because it holds other priorities, such as economic development, human rights, and the environment, hostage to the single issue of drug control.
 - Certification distorts our national conversation on foreign policy by focusing media attention and political debate on drugs, obscuring the search for our common interests with Latin America.
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Toward a New Foreign Policy

Over the past few years there has been a growing movement in Congress to reform the process and the current Senate initiative is gaining the support of some Members of Congress who have opposed past efforts. Most notable is that Senator Biden (D-DE), one of the original authors of the certification legislation, has stated his intention to support new legislation to reform the process. Even those who continue to be hesitant to promote reform now recognize the need for debate on the issue.

General doubts about the efficacy of unilateral sanctions as a foreign policy tool are also spurring policymakers to consider alternatives to the U.S. certification process. Some had hoped that the Multilateral Evaluation Mechanism (MEM), launched by the Inter-American Drug Abuse Control

Commission of the Organization of American States in 1998, might be seen as a viable alternative to the unilateral process. The MEM is the first multilateral attempt to standardize indicators of progress on drug control efforts, and also provides a forum to share technical expertise in counternarcotics programs. However, the MEM does not sanction those countries that have failed to combat drugs effectively. Consequently, staunch advocates of certification do not regard it as a viable substitute.

The certification process is failing our purposes. Moreover, it does more harm than good. A constructive alternative is needed. Such an alternative would have to meet three requirements.

First, the alternative should create the opportunity for real partnerships with other countries. This would remove a barrier to cooperation on drug control issues and relax the stranglehold of the drug issue on U.S. relations with Latin America.

Measures that develop mutually agreed objectives and design national and international strategies to meet them are badly needed. But such a consensus-building process will inevitably founder if the U.S. continues to

impose its rigid supply-side strategy. A truly multilateral approach will never satisfy hard-line drug warriors in the U.S. Congress. But unilateral evaluations and mechanisms, such as the certification process, are neither constructive nor effective.

Second, U.S. policy should emphasize support for programs that stem the corrosive effects of the drug trade on democratic institutions and societies throughout the Western Hemisphere. Such programs would combat official and private corruption, build effective civilian law enforcement and judicial systems that respect human rights, curb international arms smuggling, and stanch the explosion of international money laundering. The administration should vigorously enforce the existing legislation that prohibits our government from providing assistance to units of foreign security forces that violate human rights.

When Congress passed the \$1.3 billion anti-narcotics aid package for the Andes region in July 2000, it signaled that this aid should not be delivered to the Colombian military until the U.S. government certified that the Colombian government had met specific human rights requirements. But the Clinton administration thwarted Congress's intent by invoking a national security waiver in light of the Colombian government's inability to meet the majority of the requirements established by Congress. Both the new administration and Congress should strenuously oppose such efforts to sideline concerns about human rights or to relax the prohibition on aiding abusive forces.

Third, and most important, the alternative policy must embrace the essential principle that U.S. drug control begins at home.

International policies must be crafted with an understanding of the domestic roots of our drug problem and be backed by a commitment to take the steps necessary to prevent and treat drug abuse and addiction here at home. In the end, removing this yearly distraction of certification will allow us to face the real challenge of reducing the harm and repairing the damage of drug abuse and addiction in our families and communities.

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Key Recommendations

- The U.S. should craft a new drug policy that promotes real partnerships with other countries.
- The new policy should stem the corrosive effects of the drug trade on democratic institutions throughout the Western Hemisphere.
- The new policy should embrace the essential principle that U.S. drug control begins at home.

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Statistical Background

2000 State Department List of the Major Drug Producing and Transshipment Countries

Country	Years	Number	Certified	Denied	Waiver	Country	Years	Number	Certified	Denied	Waiver
Afghan.	87-00	14	0	12	2	Jamaica	87-00	14	14	0	0
Aruba	97-98	2	2	0	0	Laos	87-00	14	10	1	3
Bahamas	87-00	14	14	0	0	Lebanon	87-97	11	0	0	11
Belize	(87-98) except 95	11	10	0	1	Malaysia	87-98	12	12	0	0
Bolivia	87-98	13	11	0	2	Mexico	87-00	14	14	0	0
Brazil	87-00	14	14	0	0	Morocco	87-93	7	7	0	0
Burma	87-00	14	2	12	0	Nigeria	87-00	14	8	5	1
Cambodia	96-00	5	2	0	3	Pakistan	87-00	14	10	0	4
China	92-00	9	9	0	0	Panama	87-00	14	11	2	1
Colombia	87-00	14	10	2	2	Paraguay	87-00	14	9	0	5
Dom. Rep.	95-00	6	6	0	0	Peru	87-00	14	12	0	2
Ecuador	87-00	14	14	0	0	Syria	87-97	11	0	11	0
Guatemala	91-00	10	10	0	0	Taiwan	95-00	6	6	0	0
Haiti	95-00	6	4	0	2	Thailand	87-00	14	14	0	0
Hong Kong	87-00	14	14	0	0	Venezuela	92-00	9	9	0	0
India	87-00	14	14	0	0	Vietnam	95-98	5	5	0	0
Iran	87-98	12	0	12	0	TOTALS		373	277	57	39

Source: State Department

Sources for More Information

Organizations

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Executive Office of the President

Office of National Drug Control Policy
Website: <http://www.whitehousedrugpolicy.gov/>

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