



# International Drug Control Policy: Background and U.S. Responses

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## **Summary**

The global illegal drug trade represents a multi-dimensional challenge that has implications for U.S. national interests as well as the international community. Common illegal drugs trafficked internationally include cocaine, heroin, and methamphetamine. According to the U.S. intelligence community, international drug trafficking can undermine political and regional stability and bolster the role and capabilities of transnational criminal organizations in the drug trade. Key regions of concern include Latin America and Afghanistan, which are focal points in U.S. efforts to combat the production and transit of cocaine and heroin, respectively. Drug use and addiction have the potential to negatively affect the social fabric of communities, hinder economic development, and place an additional burden on national public health infrastructures.

### **International Policy Framework and Debate**

International efforts to combat drug trafficking are based on a long-standing and robust set of multilateral commitments, to which the United States has committed. U.S. involvement in international drug control rests on the central premise that helping foreign governments to combat illicit drugs abroad will ultimately curb availability and use in the United States. To this end, the current Administration maintains the goal of reducing and eliminating the international flow of illegal drugs into the United States through international cooperation to disrupt the drug trade, interdiction efforts, and support for demand reduction.

Despite multilateral commitments to curb the supply of illicit drugs, tensions appear at times between U.S. foreign drug policy and approaches advocated by independent observers and other members of the international community. In recent years, an increasing number of international advocates, including several former and sitting heads of state, have begun to call for a reevaluation of current prohibitionist-oriented international drug policies. Alternatives to the existing international drug control regime may include legalizing or decriminalizing certain drugs. Debates may also focus on shifting priorities and resources among various approaches to counternarcotics, including supply and demand reduction; the distribution of domestic and international drug control funding; and the relative balance of civilian, law enforcement, and military roles in anti-drug efforts.

### **U.S. Counternarcotics Initiatives and Foreign Policy Options**

Several key U.S. strategies and initiatives outline the foundation of U.S. counternarcotics efforts internationally, including the U.S. National Drug Control Strategy and International Narcotics Control Strategy Report (INCSR), both of which are updated annually and congressionally mandated. Other major country and regional initiatives include the (1) Mérida Initiative and Strategy in Mexico; (2) Central American Citizen Security Partnership; (3) Caribbean Basin Security Initiative (CBSI); (4) U.S.-Colombia Strategic Development Initiative (CSDI); (5) U.S. Counternarcotics Strategy for Afghanistan; and (6) West Africa Cooperative Security Initiative (WACSI).

Located within the Executive Office of the President, the Office of National Drug Control Policy (ONDCP) establishes U.S. counterdrug policies and goals, and coordinates the federal budget to combat drugs both domestically and internationally. Within the U.S. government, multiple civilian, military, law enforcement, and intelligence entities contribute to international drug control policy, including the U.S. Department of State, U.S. Agency for International

Development, U.S. Department of Defense, U.S. Department of Justice, U.S. Department of Homeland Security, U.S. Department of the Treasury, and the Central Intelligence Agency.

As an issue of international policy concern for more than a century, and as a subject of long-standing U.S. and multilateral policy commitment, U.S. counterdrug efforts have expanded to include a broad array of tools to attack the international drug trade, such as the following:

- reducing drug production at the source,
- combating drugs in transit,
- dismantling international illicit drug networks,
- reducing and preventing drug demand abroad, and
- creating incentives for international cooperation on drug control.

Congress has been involved in all aspects of U.S. international drug control policy, regularly appropriating funds for counterdrug initiatives, as well as conducting oversight activities on federal counterdrug programs and the scope of agency authorities and other counterdrug policies. For FY2016, the Administration has requested from Congress approximately \$27.6 billion for all federal drug control programs, of which \$1.6 billion is requested for international programs, including civilian and military U.S. foreign assistance. An additional \$3.9 billion is requested for interdiction programs related to intercepting and disrupting foreign drug shipments en route to the United States.

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## Background

Illegal drugs refer to narcotic, psychotropic, and related substances whose production, sale, and use are restricted by domestic law and international drug control agreements.<sup>1</sup> Common illegal drugs trafficked internationally include cocaine and heroin, as well as psychotropic substances, such as methamphetamine and ecstasy.<sup>2</sup> Cannabis, or marijuana, is also internationally proscribed. The illegal trade in these drugs represents a lucrative and what at times seems to be an intractable transnational criminal enterprise.

According to the U.S. Department of Justice (DOJ), the United States is particularly affected by this criminal activity. Describing the illicit narcotics trade as a “challenging, dynamic threat to the United States,” DOJ concluded in 2011 that the drug threat to the United States “will not abate in the near term and may increase.”<sup>3</sup>

## Drug Cultivation and Production Trends

Both cocaine and heroin are plant-derived drugs, cultivated and harvested by farmers in typically low-income countries or in regions of the world with uneven economic development and a history of conflict. The U.S. government monitors drug cultivation and production trends in key countries as part of its efforts to evaluate global trends in drug supply. As of March 16, 2015, data for 2014 are unavailable and data for 2013 are partially available.

Coca bush, the plant from which cocaine is derived, is mainly cultivated in three South American countries: Colombia, Peru, and Bolivia (see **Figure 1**). Since 1997, Colombia has been the primary source of coca bush cultivation.<sup>4</sup> Colombia’s proportion of the global total illegal coca bush cultivation, however, has declined in the past decade—from approximately 77% in 2001 (221,800 total hectares worldwide) to 51% in 2012 (153,500 hectares), according to U.S. estimates.<sup>5</sup>

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<sup>1</sup> With few exceptions, the production and sale of controlled substances is legally permitted only if used for medical and scientific purposes.

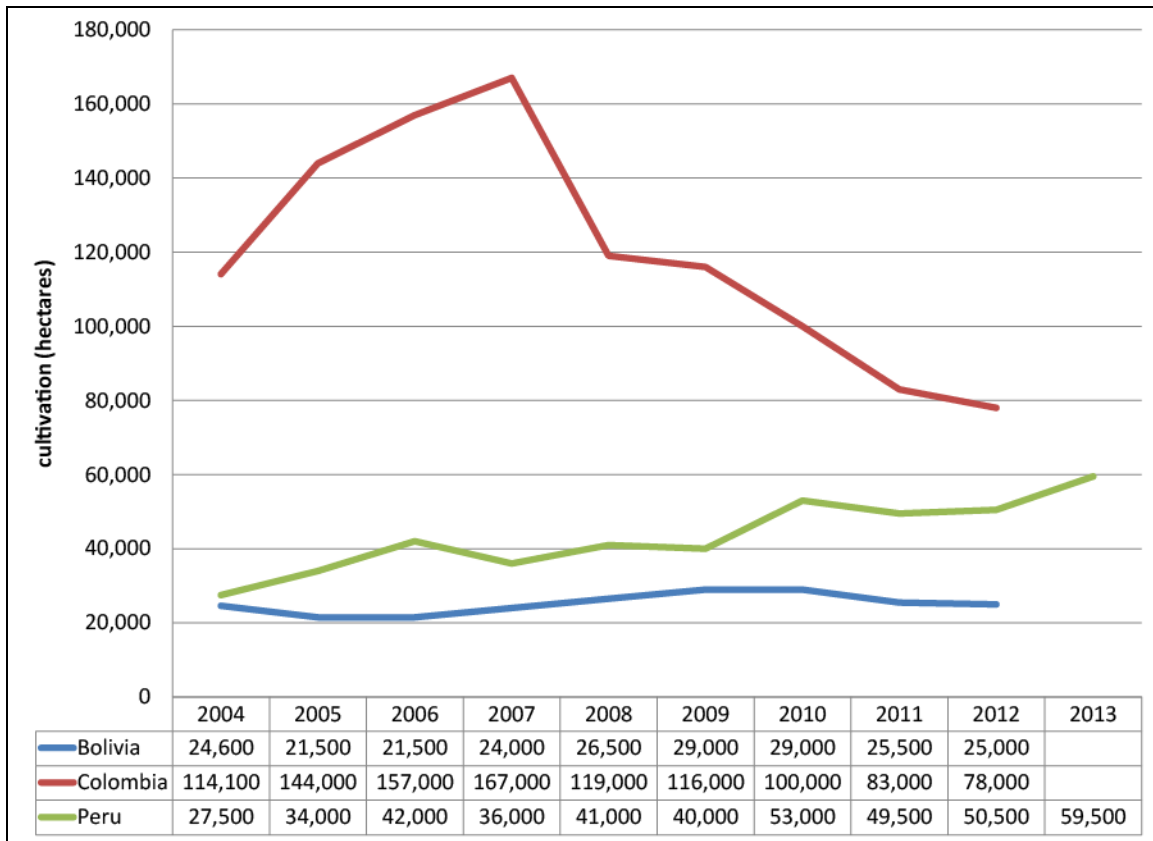
<sup>2</sup> Ecstasy is the popular term for 3, 4-methylenedioxymethamphetamine (MDMA).

<sup>3</sup> U.S. Department of Justice (DOJ), National Drug Intelligence Center (NDIC), *National Drug Threat Assessment 2011*, product no. 2011-Q0317-001, August 2011.

<sup>4</sup> U.S. Office of National Drug Control Policy (ONDCP), “Coca in the Andes,” <http://www.whitehouse.gov/ondcp/targeting-cocaine-at-the-source>.

<sup>5</sup> The U.N. Office on Drugs and Crime (UNODC) separately reports on coca bush cultivation trends. The resulting estimates differ at times from those reported by the U.S. government. See UNODC, *World Drug Report 2013*, June 2013.

**Figure I. U.S. Estimates of Coca Bush Cultivation, 2004-2013**



**Source:** ONDCP, *National Drug Control Strategy, Data Supplement 2014*, July 2014.

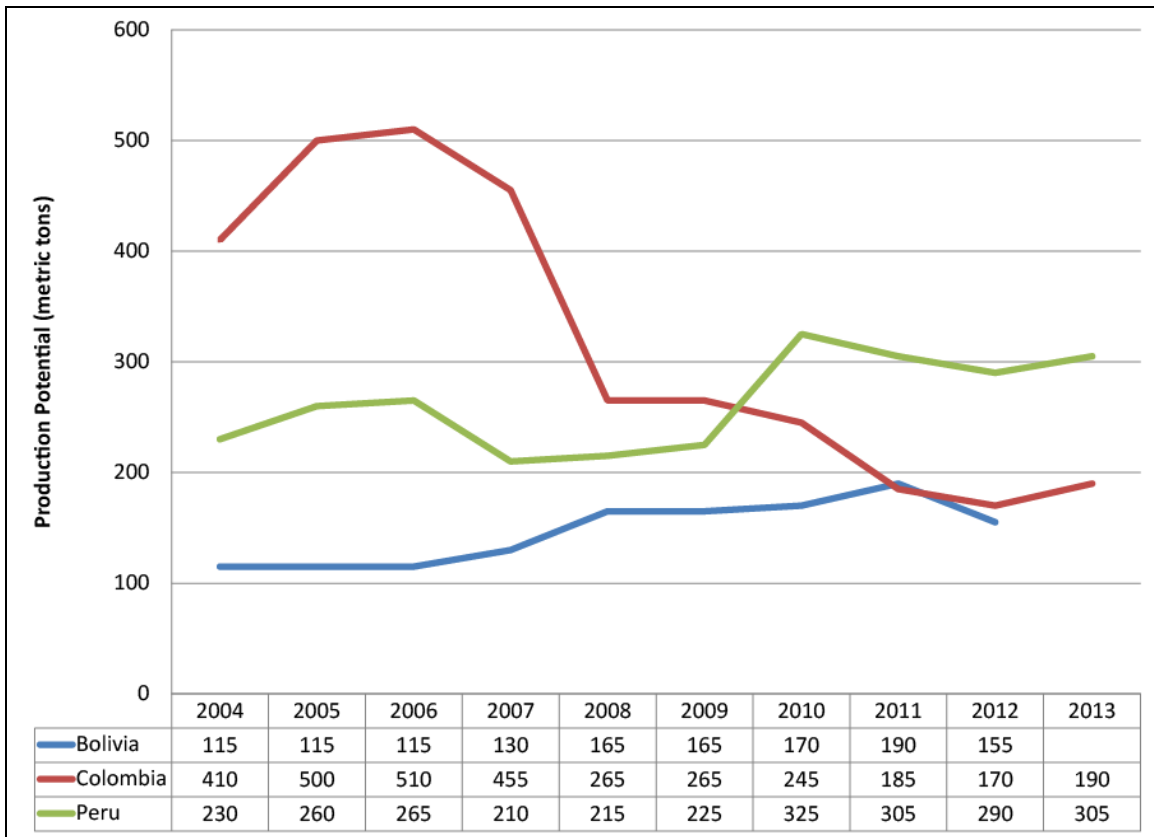
**Notes:** The U.N. Office on Drugs and Crime (UNODC) separately reports on coca bush cultivation trends. The resulting estimates differ at times from those reported by the U.S. government. For example, UNODC reported that in 2012, Colombia cultivated approximately 48,000 hectares; Peru, 60,400; and Bolivia, 25,300. UNODC has not reported figures for 2013. See UNODC, *World Drug Report 2014*, June 26, 2014.

Estimates of harvestable coca bush are used to calculate how much pure cocaine could theoretically be produced each year, taking into consideration the potency of sampled coca leaves, the amount of eradication that took place, and the efficiency of clandestine labs, where the leaves are chemically processed into cocaine. According to U.S. estimates, the global total potential manufacture of pure cocaine in 2012 was approximately 620 metric tons (see **Figure 2**). Cocaine production trends in the past decade, which were dominated by Colombia until 2010, are in flux. In 2012, Colombia ranked second in global cocaine production, behind Peru. This continues a trend begun in 2010, when Peru resumed its top spot in global cocaine production—a position it had lost to Colombia after 1996.<sup>6</sup> The Drug Enforcement Administration (DEA), however, reported in 2014 that most cocaine available in the United States continues to be produced in Colombia.<sup>7</sup>

<sup>6</sup> ONDCP, *National Drug Control Strategy, Data Supplement 2012*.

<sup>7</sup> DOJ, Drug Enforcement Administration, *National Drug Threat Assessment Summary 2014*, 2015. Observers note that there appears to be a two-year lag in the supply chain that begins with coca bush cultivation and ends with the retail sale of processed cocaine in the United States. As a result, some might soon expect a diversification in the sources of cocaine that are destined for the United States.

**Figure 2. U.S. Estimates of Potential Cocaine Production, 2004-2013**



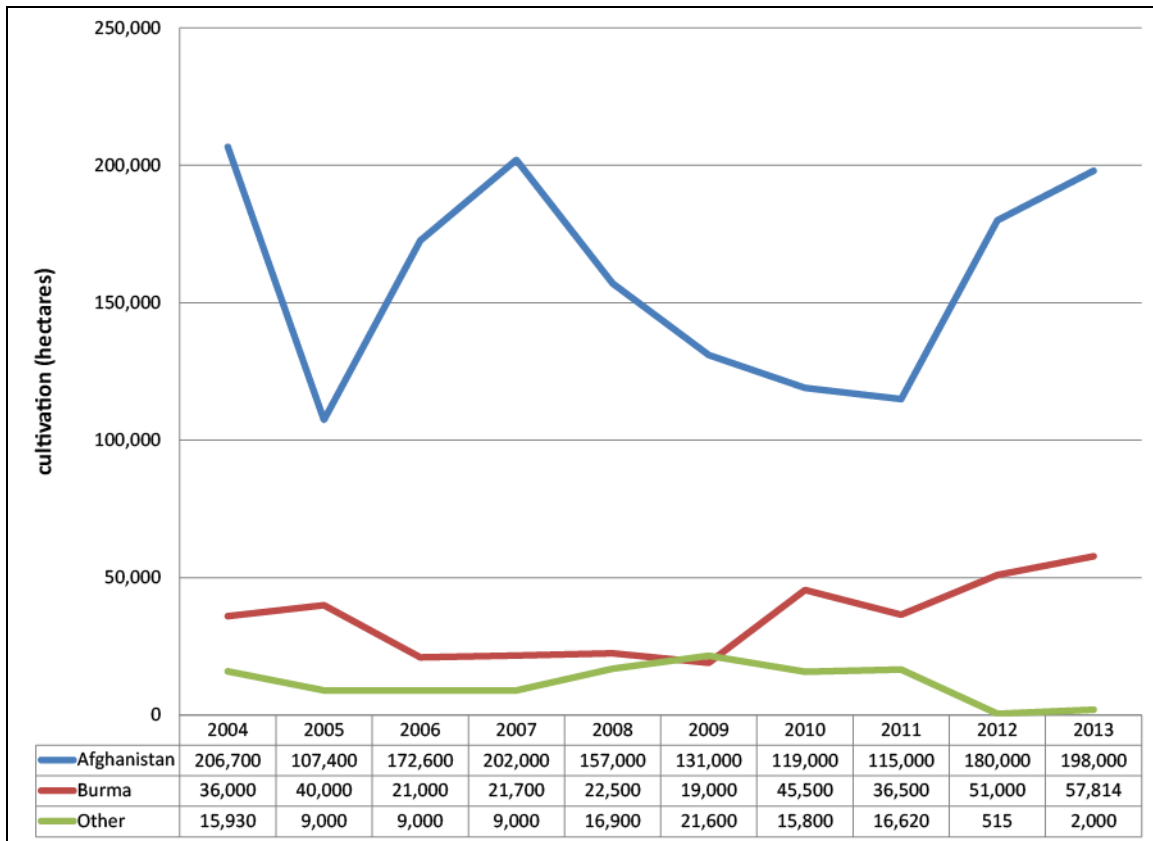
**Source:** ONDCP, *National Drug Control Strategy, Data Supplement 2014*, July 2014; Office of National Drug Control Policy, “ONDCP Releases Survey of Cocaine Production in Colombia and Peru,” press release, June 26, 2014.

**Notes:** UNODC separately reports on potential pure cocaine production trends. The resulting estimates differ at times from those reported by the U.S. government. For example, UNODC reported that potential manufacture of 100% pure cocaine in Colombia in 2012 was between 240 to 377 metric tons; 2012 estimates for Bolivia and Peru are not available. See UNODC, *World Drug Report 2014*, June 26, 2014.

Opium poppy, the plant from which opiates such as heroin are derived, is cultivated in Southwest and Southeast Asia, as well as in Latin America (see **Figure 3**). Opium poppy from Latin America, including from Mexico, Colombia, and Guatemala, is cultivated almost exclusively for heroin consumption in the United States. Over the past decade, Afghanistan has risen to prominence as the primary global source of illicit opium poppy cultivation, supplanting Burma, where the majority of opium poppy cultivation took place in the 1990s. Most of Afghanistan’s opiates are destined for Europe, Asia, and to a lesser extent Africa. Laos and Pakistan also cultivate opium poppy for the illicit global trade in opiates.



**Figure 3. U.S. Estimates of Opium Poppy Cultivation, 2004-2013**



**Source:** ONDCP, *National Drug Control Strategy, Data Supplement 2014*, July 2014.

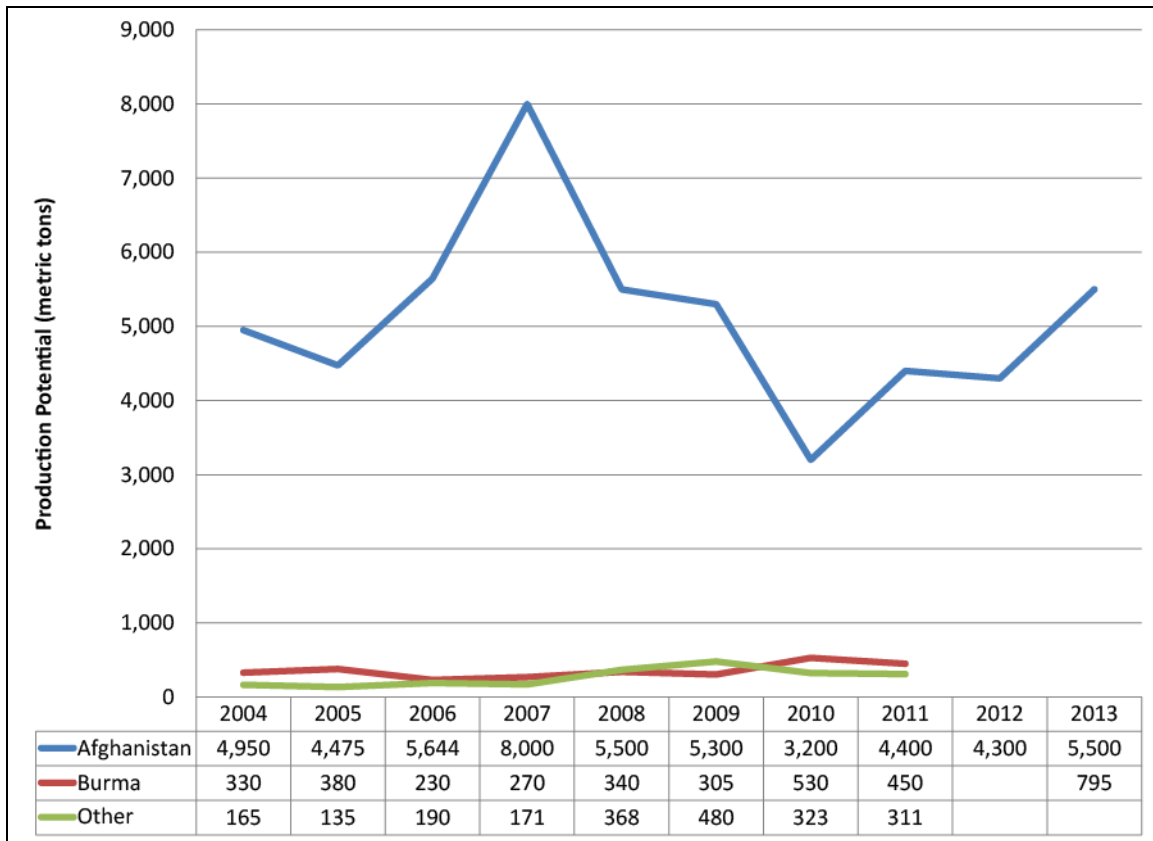
**Notes:** The category “other” includes data, as available, on Pakistan, Laos, Thailand, Colombia, Guatemala, and Mexico. UNODC separately reports on opium poppy cultivation trends. The resulting estimates differ at times from those reported by the U.S. government. For example, UNODC reported that Afghanistan cultivated approximately 209,000 hectares in 2013, and in Burma 57,800. See UNODC, *World Drug Report 2014*, June 26, 2014.

Similar to calculations used to measure how much pure cocaine could theoretically be produced each year, estimates of potential production of opium and heroin can be derived from opium poppy crop harvests and other factors. According to U.S. law enforcement data, the threat posed by heroin is increasing in the United States. Heroin availability and demand in the United States are on the rise, due in part to a switch among prescription drug abusers to heroin. Heroin overdose deaths are also increasing in many parts of the United States. Mexican transnational criminal organizations (TCOs) appear to be increasingly involved in heroin production and transportation into the United States.<sup>8</sup> Although Afghanistan dominates global potential opium production (see **Figure 4**), an estimated 4% of heroin available in the United States is sourced from Southwest Asia.<sup>9</sup>

<sup>8</sup> DOJ, Drug Enforcement Administration, *National Drug Threat Assessment Summary 2014*, 2015.

<sup>9</sup> Ibid.

**Figure 4. U.S. Estimates of Potential Opium Production, 2004-2013**



**Source:** ONDCP, *National Drug Control Strategy, Data Supplement 2014*, July 2014.

**Notes:** The category “other” includes data, as available, on India, Pakistan, Laos, Colombia, Guatemala, and Mexico. UNODC separately reports on potential opium production trends. The resulting estimates differ at times from those reported by the U.S. government. For example, UNODC reported that Burma cultivated approximately 870 hectares in 2013; however, UNODC’s estimate for Afghanistan in 2013 was the same as the U.S. government’s estimate. See UNODC, *World Drug Report 2014*, June 26, 2014.

Global illegal synthetic drug production is difficult to estimate because it is widespread and production sites can vary significantly in size. In general, the underlying chemicals needed for the production of synthetic drugs such as amphetamine, methamphetamine, and ecstasy may be legally manufactured and internationally exported for legitimate commercial and pharmaceutical purposes. In turn, some portion of the total legal production of these chemicals is clandestinely diverted and misused to manufacture illicit synthetic drugs. Such diverted chemicals typically are processed into illegal synthetic drugs in clandestine laboratories, which can range in size from small residential-sized kitchens to large-scale “superlabs” capable of processing high volumes of synthetic drugs. In recent years, several methamphetamine production labs have been discovered in West Africa, previously known primarily as a transit point for cocaine and heroin.<sup>10</sup> DEA

<sup>10</sup> Monica Mark, “Homegrown Crystal Meth Industry Sparks West Africa Crime Wave,” *The Guardian (UK)*, March 29, 2013; Rose Skelton, “Meth Labs Found in West Africa as Transit Hub Turns to Producing,” *Bloomberg*, March 15, 2013; International Narcotics Control Board (INCB), *Annual Report 2012*, March 5, 2013.

assesses that the majority of methamphetamine available in the United States in 2014 was produced in Mexico.<sup>11</sup>

## **Drug Trafficking and Consumption Trends**

Major trafficking routes connect drug producers with drug consumers, with often sophisticated drug trafficking organizations (DTOs) and transnational criminal organizations (TCOs) controlling various aspects of the supply chain. Significant drug transit pathways flow through Mexico and Central America (for drugs produced in Latin America and destined for the United States), West Africa (for South American cocaine destined for Europe and Afghan heroin en route to Europe and the United States), and all the countries surrounding Afghanistan (heroin destined to Europe, Eurasia, Asia, and Africa). Traffickers employ a wide range of land, air, and maritime methods for transporting illicit narcotics to include go-fast boats, shipping containers, self-propelled semi- and fully submersible vessels, non-commercial aircraft, commercial airlines, global mail delivery services, and private and commercial ground transportation.

Globally, the United Nations estimated that in 2012 some 162 to 324 million people, aged 15 to 64, used illicit substances, including cannabis, at least once in the past year.<sup>12</sup> In recent years, the global cocaine market has been stable, largely due to declines in consumption in the United States over the past decade.<sup>13</sup> UNODC, however, cautions that consumption trends may shift toward other regions, particularly those experiencing population growth, in South America, Africa, and Asia.<sup>14</sup> According to the State Department, one of the most significant and troubling developments in international drug trafficking trends is the spread of synthetic drug consumption. In the Middle East and in some parts of Asia, for example, synthetic drugs have become the primary drug threat.<sup>15</sup> Drug overdoses associated with heroin and other opioid use continues to remain the primary contributor to drug-related deaths.

## **Consequences of the Drug Trade**

The global illegal drug trade represents a multi-dimensional challenge that has implications for U.S. national interests as well as the international community. In 2012, some 95,000 to 226,000 deaths worldwide were reported to have occurred as a result of drug use. Drug use and addiction have been said to negatively affect the social fabric of communities, hinder economic development, and place an additional burden on national public health infrastructures. Intravenous drug users are at particular risk of contracting diseases such as Hepatitis B, Hepatitis C, and HIV/AIDS.<sup>16</sup>

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<sup>11</sup> DOJ, Drug Enforcement Administration, *National Drug Threat Assessment Summary 2014*, 2015.

<sup>12</sup> UNODC, *World Drug Report 2014*, June 26, 2014.

<sup>13</sup> According to the State Department, U.S. cocaine use has dropped by approximately 40% in the past decade. U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL), *International Narcotics Control Strategy Report (INCSR)*, Vol. 1, March 2013.

<sup>14</sup> UNODC, *World Drug Report 2013*, June 2013.

<sup>15</sup> U.S. Department of State, INL, *INCSR*, Vol. 1, March 2013.

<sup>16</sup> According to the UNODC, 3 of 16 million injecting drug users in 2008 were living with HIV; 46.7% of injecting drug users (7.4 million) in 2010 had hepatitis C; and 2.3 million injecting drug users are infected with hepatitis B. UNODC, *World Drug Report 2012*, June 2012. See also Global Commission on Drug Policy, *The War on Drugs and HIV/AIDS, How the Criminalization of Drug Use Fuels the Global Pandemic*, June 2012.

Observers suggest that drug trafficking also represents a systemic threat to international security. Revenue from the illegal drug trade provides international drug traffickers with the resources to evade government detection; undermine and co-opt legitimate social, political, and economic systems through corruption, extortion, or more violent forms of influence; penetrate legitimate economic structures through money laundering; and, in some instances, challenge the authority of national governments. In the process, some warn that transnational networks of criminal safe havens exist in which drug traffickers operate with impunity. As highlighted by the use of West Africa as a major cocaine transit hub for Latin American drug traffickers, criminal actors prey on states with low capacity for effective governance or the enforcement of the rule of law. This can exacerbate preexisting political instability, post-conflict environments, and economic vulnerability.

### **Drug Trafficking Organizations (DTOs), Transnational Organized Crime (TOC), and Transnational Criminal Organizations (TCOs)**

The 2010 U.S. National Drug Threat Assessment defined DTOs as “complex organizations with highly defined command-and-control structures that produce, transport, and/or distribute large quantities of one or more illicit drugs.”<sup>17</sup>

In addition to moving illicit drugs, DTOs are capable of generating, moving, and laundering billions of dollars in drug proceeds annually. Major DTOs of concern to the United States include Mexican and Colombian DTOs, which are responsible for the production and transport of most illicit drugs into the United States. Other major DTOs of concern include the West African/Nigerian DTOs and Southwest and East Asian DTOs.

While DTOs are commonly identified by their nationality of origin, they are known to be aggressively transnational and poly-criminal—seeking to expand their consumer markets, to diversify their criminal enterprises and product variety, and to explore new transit points and safe havens with low law enforcement capacity and high corruption. Many of them also have links to other illicit actors, including arms traffickers, money launderers, terrorists and insurgent groups, and corrupt officials.

Reflecting the fact that DTOs often engage in more criminal activities than just drug trafficking, the 2011 U.S. National Drug Threat Assessment used a different term to refer to the same criminal groups: transnational criminal organizations (TCOs). This term is derived from the Obama Administration’s July 2011 Strategy to Combat Transnational Organized Crime, which subsumes drug trafficking and DTOs as an element of a broader criminal phenomenon called transnational organized crime (TOC). The July 2011 Strategy specifically defines TOC as:

[S]elf-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organized structure and the exploitation of transnational commerce or communication mechanisms.

This definition of TOC is also used in Section 1004 of the National Defense Authorization Act for Fiscal Year 1991, as amended by Section 1012 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291; 10 U.S.C. 374 note).

By many accounts, drug trafficking, state weakness, political corruption, and powerful criminal organizations are part of a seemingly self-perpetuating cycle.<sup>18</sup> On the one hand, a drug

<sup>17</sup> DOJ, NDIC, *National Drug Threat Assessment 2010*, product no. 2010-Q0317-001, February 2010. Note also that the *National Drug Threat Assessment* defines drug “cartels.” Specifically, it defines drug cartels to be “large, highly sophisticated organizations composed of multiple DTOs and cells with specific assignments such as drug transportation, security/enforcement, or money laundering. Drug cartel command-and-control structures are based outside the United States; however, they produce, transport, and distribute illicit drugs domestically with the assistance of DTOs that are either a part of or in an alliance with the cartel.”

<sup>18</sup> See for example, Cornelius Graubner, *Drugs and Conflict: How the Mutual Impact of Illicit Drug Economies and Violent Conflict Influences Sustainable Development, Peace and Stability*, Deutsche Gesellschaft für Technische (continued...)

trafficking presence in a country can increase corruption and undermine political stability, while on the other hand, social and political instability may be causal factors for attracting a thriving drug industry. Further, academic literature on conflict duration indicates that control of a lucrative illegal drug trade in the hands of a particular political actor, rebel, or insurgent group can lengthen a conflict. State powers in the hands of a DTO or TCO through deeply entrenched kleptocracy serve as a force multiplier to enhance a criminal organization's power by harnessing the capacity of a state's infrastructure—roads, seaports, airports, warehouses, security apparatus, justice sector, and international political sovereignty—to further the group's illicit business aims.

The consequences of a thriving illicit drug trade co-located in a conflict zone are illustrated today in Afghanistan, where some portion of drug-related proceeds annually help facilitate the current insurgency.<sup>19</sup> In other regions, such as in the Western Hemisphere, Americans have been murdered, attacked, taken hostage, and tortured for their involvement in counternarcotics operations—highlighting the past and ongoing dangers associated with the international drug trade.<sup>20</sup> In addition, some observers are concerned about the potential spread of DTO- and TCO-related violence from Mexico into the United States. Moreover, several groups listed by the U.S. Department of State as foreign terrorist organizations (FTOs) are known to be involved in drug trafficking.

James R. Clapper, the Director of National Intelligence, presented the intelligence community's annual threat assessment to Congress in early 2015 and highlighted, among other issues, drug trafficking as a major transnational organized crime threat to the United States.<sup>21</sup> Mexico in particular was identified as the largest foreign producer of marijuana, methamphetamine, and heroin consumed in the United States, as well as a primary conduit for U.S.-bound cocaine from South America. According to Clapper, the drug trade affects U.S. interests in parts of Africa, Central America, and the Caribbean. Clapper also identified new psychoactive substances (NPS) as an “emerging and rapidly growing public health threat,” reporting that although 348 NPS have been identified worldwide, only 234 are under international controls.

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(...continued)

Zusammenarbeit (GTZ) GmbH, Development-Oriented Drug Control Programme (DDC), 2007.

<sup>19</sup> U.S. Embassy Kabul, U.S. Forces Afghanistan, *United States Government Integrated Civilian-Military Campaign Plan for Support to Afghanistan*, August 10, 2009.

<sup>20</sup> Examples include the shooting down of a drug eradication plane in Colombia in 1993, which resulted in the immediate shooting of the pilot and the taking hostage of three American defense contractors; the killing of five U.S. Drug Enforcement Administration (DEA) agents in Peru during the shooting down of a plane on a drug reconnaissance mission; and the torture and murder of DEA undercover agent Enrique “Kiki” Camarena Salazar in Mexico in 1985. More recently, Immigration and Customs Enforcement (ICE) Special Agent Jaime Zapata was killed in February 2011 in northern Mexico by suspected drug traffickers; another ICE agent was wounded in the same incident. In August 2012, U.S. government personnel were attacked and wounded outside of Mexico City while driving in an armored vehicle with U.S. diplomatic plates. They were reportedly in Mexico to provide support to the Mexican Navy's counternarcotics efforts. In 2010, two other attacks appeared to target U.S. consular officials and their families while stationed in Mexico.

<sup>21</sup> Prepared testimony of Director of National Intelligence (DNI) James R. Clapper, in U.S. Congress, Senate Armed Services Committee, *Worldwide Threat Assessment of the U.S. Intelligence Community*, February 26, 2015.

## Strategic Debate

Drug trafficking has been an issue of international policy concern for more than a century and a subject of long-standing U.S. and multilateral policy commitment. Yet, tensions continue to appear at times between U.S. foreign drug policy and approaches advocated by independent observers and the international community.

Many U.S. policymakers have argued that the confluence of political and security threats surrounding international drug trafficking necessitates a policy posture that emphasizes the disruption and dismantlement of the criminal actors and organizations involved in all aspects of the drug trade. In addition to counternarcotics responses that address public security, other dimensions to international drug control policy emphasize programs that address health consequences of drug abuse; drug demand reduction through treatment, rehabilitation, and social reintegration for drug users; and sustainable and comprehensive alternative livelihood options for impoverished drug crop farmers.

Existing approaches to international drug control, however, have long been criticized as ineffective. In 1998, for example, the United Nations committed to “eliminating or reducing significantly” the supply of illicit drugs by 2008. In 2009, when that goal had not been accomplished, U.N. Member States agreed to recommit to achieve this goal in another decade, by 2019.<sup>22</sup> In 2010, the Obama Administration’s Director of the Office of National Drug Control Policy (ONDCP) acknowledged to the press that contemporary counternarcotics strategy “has not been successful.”<sup>23</sup> He reportedly continued: “Forty years later, the concern about drugs and drug problems is, if anything, magnified, intensified.” Moreover, domestic initiatives on marijuana have fueled the debate and increased both domestic and international pressure to reconsider the contours of the current drug control regime.<sup>24</sup>

In recent years, some international advocates have called for a fundamental shift of current international drug policies, which are viewed by such observers as encouraging a prohibitionist approach to counternarcotics. In 2009, the Latin American Commission on Drugs and Democracy, co-led by three ex-presidents from Colombia, Mexico, and Brazil, released a report that challenged the international community to reevaluate drug control policies.<sup>25</sup> In 2011, the Global Commission on Drug Policy released a report that expanded the Latin American Commission’s drug policy debate.<sup>26</sup> Several sitting presidents have also expressed interest in exploring alternatives to the existing international drug control regime, who raised the topic at the

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<sup>22</sup> U.N. General Assembly (UNGA), Political Declaration, A/RES/S-20/2, June 10, 1998; U.N. Commission on Narcotic Drugs (CND), Report of the 52<sup>nd</sup> Session, March 14, 2008 and March 11-20, 2009), Economic and Social Council, Official Records, 2009, Supplement No. 8, E/2009/28, E/CN.7/2009/12.

<sup>23</sup> Martha Mendoza, “U.S. Drug War Has Met None of Its Goals: After 40 Years and \$1 Trillion, Drug Use is Rampant and Violence Pervasive,” *Associated Press*, May 13, 2010.

<sup>24</sup> See variously Alfonso Serrano, “U.S. Marijuana Laws Ricochet Through Latin America,” *Time*, January 7, 2013; Gary S. Becker and Kevin M. Murphy, “Have We Lost the War on Drugs,” opinion, *Wall Street Journal*, January 4, 2013; and Michael F. Walther, *Insanity: Four Decades of U.S. Counterdrug Strategy*, U.S. Army War College, Strategic Studies Institute, Carlisle Papers, December 2012.

<sup>25</sup> Latin American Commission on Drugs and Democracy, *Drugs and Democracy: Toward a Paradigm Shift*, April 2009.

<sup>26</sup> Global Commission on Drug Policy, *War on Drugs*, June 2011; George P. Shultz and Paul A. Volker, “A Real Debate About Drug Policy,” *Wall Street Journal*, June 11, 2011.

Sixth Summit of the Americas in April 2012 as well as at the annual opening of the U.N. General Assembly in September 2012.<sup>27</sup>

In January 2013, the government of Bolivia succeeded in carving out an exception for coca leaf, an internationally regulated substance pursuant to current U.N. drug conventions. After denouncing and withdrawing from the U.N. Single Convention on Narcotic Drugs, as amended, on June 29, 2011, Bolivia successfully rejoined the U.N. drug control regime in January 2013, this time with a specific reservation clause that obviates its requirement to criminalize the domestic personal use, consumption, possession, purchase, or cultivation of coca leaf. Some have criticized the action as contrary to the international convention's spirit, and some are concerned that it may risk the integrity of the global drug control system.<sup>28</sup> Others praise Bolivia's approach as a viable tactic to adapt the U.N. drug control regime, which some have criticized as antiquated.<sup>29</sup>

Recognizing the ongoing challenges posed by the global drug problem, many have questioned whether the current international drug control system requires partial or wholesale revisions. To this end, the U.N. General Assembly plans on hosting a Special Session (UNGASS) on the world drug problem in 2016. Experts view the upcoming UNGASS on drugs as an opportunity for the international community to potentially reaffirm the current policy approach to drug control or set the stage for a different path forward.

It remains unclear whether such policy debates may translate into lasting improvements to reduce the production, trafficking, use, and consequences of illegal drug trade.<sup>30</sup> However, changes could affect a range of foreign policy considerations for the United States, including foreign aid reform, counterinsurgency strategy (particularly in Afghanistan), the distribution of domestic and international drug control funding, and the relative balance of civilian, law enforcement, and military roles in anti-drug efforts.

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<sup>27</sup> Brian Winter, "U.S.-Led 'War on Drugs' Questioned at U.N.," *Reuters*, September 26, 2012; John Paul Rathbone, "Colombia and Mexico Push for Drugs Debate," *Financial Times*, April 6, 2012; "Remarks by President Juan Manuel Santos at the Opening of the Sixth Summit of the Americas," Sixth Summit of the Americas, OEA/Ser.E, CA-VI/INF.2/12, April 14, 2012; "Speech by the President of Costa Rica, H.E. Laura Chinchilla Sixth Summit of the Americas," Sixth Summit of the Americas, OEA/Ser.E, CA-VI/INF.9/12, April 2012; "Statement by the President of the Republic, Juan Manuel Santos Calderon, Following the Close of the Sixth Summit of the Americas," Sixth Summit of the Americas, OEA/Ser.E, CA-VI/DP-1/12, April 15, 2012; Joint Statement on Organized Crime, letter to the U.N. Secretary-General, joint declaration by the permanent missions of the governments of Colombia, Guatemala, and Mexico, October 1, 2012, in Spanish, <http://www.sre.gob.mx/images/stories/infografias/declaracion021012.pdf>. The Summit participants mandated that the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) prepare a report on the drug problem in the Americas, to be completed by 2013. See CICAD website "Drafting the Study on the Drug Problem in the Americas," [http://www.cicad.oas.org/Main/Template.asp?File=/Main/policy/default\\_ENG.asp](http://www.cicad.oas.org/Main/Template.asp?File=/Main/policy/default_ENG.asp).

<sup>28</sup> "U.N. Panel Regrets Bolivia's Denunciation of Narcotics Control Convention," *UN News Centre*, July 5, 2011.

<sup>29</sup> See for example Phillip Smith, "Bolivia Rejoins U.N. Drug Treaty, Sans Coca Ban," *Drug War Chronicle*, January 11, 2013.

<sup>30</sup> In support of current prohibitionist policies, see for example Bob Weiner, "Time to End Prohibition for Drugs?" *New York Times*, op-ed, June 18, 2009; "How to Stop the Drug Wars," *The Economist*, March 5, 2009; John P. Walters, "Drug Legalization Isn't the Answer," *Wall Street Journal*, op-ed, March 6, 2009.

## International Policy Framework

Reflecting historically broad consensus, international efforts to combat drug trafficking are based on a long-standing and robust set of multilateral commitments. One of the first multilateral efforts to combat drugs began with the International Opium Commission of 1909. Since then, the international community has broadened and deepened the scope of international drug control through several international treaties and monitoring mechanisms.

Today, international drug control efforts are grounded on the policy foundations laid by three United Nations treaties: the 1961 Single Convention on Narcotic Drugs, as amended; the 1971 Convention on Psychotropic Substances; and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. More than 95% of U.N. Member States, including the United States, are parties to all international drug control treaties.<sup>31</sup>

In combination, these U.N. treaties limit the international production and trade of a defined set of narcotic drugs, psychotropic substances, and the precursor chemicals used to make these substances for primarily medical and scientific purposes. The treaties also establish international mechanisms to monitor treaty adherence—through the International Narcotics Control Board (INCB)—and for the collection of data related to the illicit cultivation, production, and manufacture of proscribed drugs.

U.N. policymaking on drug-related matters takes place through the U.N. Commission on Narcotic Drugs, which is a functional commission of the U.N. Economic and Social Council. The U.N. Commission on Narcotic Drugs monitors global drug trends, develops strategies for international drug control, and recommends measures to combat the world drug problem. To support U.N. Member States in combating drugs, UNODC conducts field-based technical assistance projects internationally and conducts research and analysis on current drug market trends.

Regional counterdrug-related organizations also supplement multilateral efforts globally. Such efforts include the Inter-American Drug Abuse Control Commission (CICAD), which is the drug control arm of the Organization of American States (OAS) and the Drug Advisory Programme (DAP) of the Colombo Plan. CICAD serves as the regional policy forum for all aspects of Western Hemisphere illegal drug issues. DAP supports drug demand reduction, treatment, and rehabilitation in the Asia and Pacific regions. Other international counternarcotics initiatives include the U.S.-Russia Counternarcotics Working Group, which began in 2011; the Group of Eight Roma-Lyon Group meeting, which addresses a variety of counterterrorism and anti-crime issues, including counternarcotics cooperation; and the U.S.-Sino Joint Liaison Group on Law Enforcement Cooperation, a subset of which includes a Justice Department-led Counternarcotics Working Group. Related international efforts also reinforce counternarcotics policies through their cross-cutting focus on such transnational

### Key U.N. Treaties and Entities for International Drug Control

- 1961 Single Convention on Narcotic Drugs, as amended
- 1971 Convention on Psychotropic Substances
- 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- International Narcotics Control Board
- U.N. Commission on Narcotic Drugs
- U.N. Office on Drugs and Crime

<sup>31</sup> INCB, *Annual Report 2012*, 2013.



phenomena as money laundering, drug trafficking-financed terrorism, corruption, organized crime, and global health.

## **U.S. Foreign Policy Framework**

The United States has been involved in international drug control since at least the beginning of the 20<sup>th</sup> century. Contemporary U.S. counternarcotics efforts were brought to the forefront of U.S. policy debates in the late 1960s. In 1971, President Richard Nixon declared that illicit drugs were America's "public enemy number one."<sup>32</sup> President Ronald Reagan followed with a directive in 1986 that identified narcotics trafficking a threat to U.S. national security.<sup>33</sup> Successive administrations have continued to feature combating the international drug trade prominently among U.S. foreign policy priorities.

Since at least the late 1960s, Congress has also been active on drug policy issues, enacting key provisions in U.S. law that define U.S. policies and authorities relating to international narcotics control, exercising oversight responsibilities on U.S. counternarcotics policy, and appropriating funds for international counternarcotics programs.

In 1988, Congress established the Office of National Drug Control Policy (ONDCP) to coordinate all U.S. counterdrug policy, both domestically and internationally.<sup>34</sup> ONDCP's Director is the primary advisor to the President on drug policy issues. The State Department is statutorily designated as the lead U.S. agency responsible for international counterdrug foreign assistance, and the Defense Department is the lead in the detection and monitoring of foreign drug flows destined for the United States. The U.S. Drug Enforcement Administration (DEA) is the lead on drug-related law enforcement. Multiple other U.S. agencies are also responsible for various aspects of the U.S. counterdrug response.

The following sections describe several of the key U.S. government strategies and initiatives for combating drugs internationally and in specific regions around the world.

## **U.S. National Drug Control Strategy**

U.S. involvement in international drug control rests on the central premise that helping foreign governments combat the illegal drug trade abroad will ultimately curb illegal drug availability and use in the United States. To this end, the current Administration maintains the goal of reducing and eliminating the international flow of illegal drugs into the United States through international cooperation to disrupt the drug trade and interdiction efforts.

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<sup>32</sup> Richard Nixon, "Remarks about an Intensified Program for Drug Abuse Prevention and Control," June 17, 1971. Briefing transcript at John T. Woolley and Gerhard Peters, *The American Presidency Project*, at <http://www.presidency.ucsb.edu/WS/?pid=3047>.

<sup>33</sup> Ronald Reagan, *National Security Decision Directive 221*, "Narcotics and National Security," April 8, 1986, partially declassified on November 7, 1995, redacted version available at <http://www.fas.org/irp/offdocs/nsdd/nsdd-221.htm>.

<sup>34</sup> See Anti-Drug Abuse Act of 1988 (P.L. 100-690); Title VII of P.L. 105-277, the Office of National Drug Control Policy Reauthorization Act of 1998; and the Office of National Drug Control Policy Reauthorization Act of 2006 (P.L. 109-469).

Congress has required that the White House, through ONDCP, submit to Congress a National Drug Control Strategy report each year.<sup>35</sup> This strategy describes the total budget for drug control programs—both domestically and internationally—and outlines U.S. strategic goals for stemming drug supply and demand. The most recent National Drug Control Strategy was released in 2014.

The international component of the Administration's 2014 National Drug Control Strategy centers on three specific goals: (1) collaborate with international partners to disrupt the drug trade, (2) support drug control efforts of major drug source and transit countries, and (3) attack key vulnerabilities of drug trafficking organizations (DTOs). Through international counternarcotics efforts—including reducing drug production and trafficking; promoting alternative livelihoods and demand reduction interventions; and strengthening rule of law, democratic institutions, citizen security, and respect for human rights—the Administration intends to protect public health and safety and contribute to overall national security.

For FY2016, the Administration has requested from Congress approximately \$27.6 billion for all federal drug control programs, of which \$1.6 billion is requested for international programs, including civilian and military U.S. foreign assistance.<sup>36</sup> An additional \$3.9 billion is requested for interdiction programs related to intercepting and disrupting foreign drug shipments en route to the United States.

## **International Narcotics Control Strategy Report**

As required by the Foreign Assistance Act of 1961, as amended, the State Department annually submits to Congress an International Drug Control Strategy Report (INCSR).<sup>37</sup> The INCSR, released in two volumes each year, provides an overview of U.S. counternarcotics policies and programs internationally. It also provides a country-by-country analysis of progress that foreign governments, particularly those of major drug-producing and drug-transit countries, have made in adhering to its international commitments to combat drugs (volume I) and related financial crimes (volume II).

The 2014 INCSR report emphasized the U.S. role in international cooperation on drug matters, stating that:

International cooperation is essential, and the goal of protecting citizens from the consequences of harmful drugs is universally acknowledged by all governments. Despite occasional conflicting opinions over specific tactics, there is universal agreement over common goals: greater citizen security, honest government untainted by corruption, and sustainable economic development safeguarded by the rule of law.<sup>38</sup>

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<sup>35</sup> See Section 706 of the Office of National Drug Control Policy Reauthorization Act of 1998 (Division C, Title VII, P.L. 105-277; 21 U.S.C. 1705). The statutory authority for the office, including provisions related to the submissions of an annual National Drug Control Strategy, expired at the end of FY2010, but ONDCP continues to receive appropriations. Congress has also required ONDCP to produce three border-specific strategies every two years: the National Southwest Border Counternarcotics Strategy (pursuant to P.L. 109-469), the National Northern Border Counternarcotics Strategy (pursuant to P.L. 111-356), and the Caribbean Border Counter-Narcotics Strategy (pursuant to P.L. 113-76).

<sup>36</sup> ONDCP, *National Drug Control Budget, FY2016 Funding Highlights*, February 2015.

<sup>37</sup> See specifically Section 489 of the Foreign Assistance Act of 1961 (FAA), as amended, and Chapter 8 of the FAA generally.

<sup>38</sup> U.S. Department of State, INL, *INCSR*, Vol. 1, March 2014.

## **Selected Country and Regional Initiatives**

The majority of U.S. counterdrug efforts internationally are concentrated in the Western Hemisphere, including South America, Central America, and the Caribbean, as well as in Afghanistan. Other geographic regions of emphasis include West Africa, Central Asia, and Southeast Asia. Selected U.S.-funded regional initiatives are described below.

### **The Mérida Initiative and Beyond**

Beginning in October 2007, the United States and Mexico sought to reinvigorate bilateral and regional counternarcotics cooperation by announcing the start of a multiyear security agreement called the Mérida Initiative.<sup>39</sup> This initiative aimed to combat drug trafficking and other criminal activity along the U.S.-Mexican border, as well as in Central America.<sup>40</sup> Initial U.S. bilateral assistance to Mexico and Central America under the initiative consisted of a \$1.4 billion, three-year security package ending in FY2010 that would provide two main forms of assistance: (1) equipment, including helicopters and surveillance aircraft, and technical resources to combat drug trafficking, and (2) training and technical advice for Mexican and Central American military, judicial, and law enforcement officials.

In March 2010, the U.S. and Mexican governments agreed upon a strategic framework for continued cooperation as a follow-on to the Mérida Initiative after it technically ended in FY2010.<sup>41</sup> Follow-on counterdrug support to Central America would be provided through a separate implementation and funding mechanism called the Central American Regional Security Initiative (CARSI). For the next phase in U.S. security assistance to Mexico, the character of U.S. support shifted from a focus on major counternarcotics equipment acquisition that was designed to improve operational ability against drug traffickers to a longer-term emphasis on institutional development and capacity building to the Mexican justice sector. This shift included greater emphasis on social reforms that can galvanize community support to fight organized crime, including drug trafficking.

The Mérida strategy has four pillars: (1) disrupt and dismantle organized criminal groups; (2) institutionalize justice sector reforms to sustain the rule of law and respect for human rights; (3) create an efficient, economically competitive border crossing that ensures “secure two-way flows” of travelers and trade; and (4) support Mexican government efforts to build strong and resilient communities through community organizations, civil society participation, sustainable economic opportunities, community cohesion, and violence reduction.<sup>42</sup> From FY2008 through FY2014, Congress appropriated approximately \$2.4 billion in U.S. assistance to Mexico for the Mérida Initiative.

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<sup>39</sup> The Mérida Initiative is named for the city where it was first conceived by Presidents George W. Bush and Felipe Calderon in March 2007.

<sup>40</sup> See CRS Report R41349, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*, by Clare Ribando Seelke and Kristin M. Finklea, and CRS Report RL32724, *Mexico and the 112<sup>th</sup> Congress*, by Clare Ribando Seelke.

<sup>41</sup> U.S. Department of State, Office of the Spokesman, “United States-Mexico Security Partnership: Progress and Impact,” fact sheet, March 23, 2010.

<sup>42</sup> U.S. Department of State, Bureau of Western Hemisphere Affairs (WHA), “The Mérida Initiative: Expanding the U.S./Mexico Partnership,” fact sheet, March 29, 2012.

## **The Central American Citizen Security Partnership and the Central American Regional Security Initiative**

The prominence of cocaine trafficking through Central America has grown in recent years, particularly in response to heightened counternarcotics pressure in Mexico. According to the State Department, 80% of U.S.-bound cocaine that arrived through Mexico first stopped in at least one Central American country (i.e., Belize, Costa Rica, Honduras, El Salvador, Guatemala, Nicaragua, or Panama).<sup>43</sup> Throughout the region, the confluence of drugs, crime, and violence has strained local law enforcement and justice sector institutions; corruption is perceived as pervasive in many parts of Central America.

To address these multidimensional security concerns as well as enhance crime prevention capacities and rule of law institutions in the region, Congress funded the Central America Regional Security Initiative (CARSI) in FY2010 as a follow-on to anti-crime assistance provided originally through the Mérida Initiative, beginning in FY2008. In March 2011, President Obama announced the Central American Citizen Security Partnership as an overarching framework for the implementation of CARSI funds. The five goals of both the Central American Citizen Security Partnership and CARSI funds are to (1) create safe streets and emphasize citizen safety; (2) disrupt the movement of criminals and trafficking of contraband throughout Central America; (3) support the institutional capacity and accountability of governments in the region; (4) reestablish effective state presence, services, and security in communities at risk; and (5) foster enhanced levels of coordination and cooperation among countries in Central America, other international partners, and donors for security and rule of law efforts.<sup>44</sup> From FY2008 through FY2014, Congress appropriated a total of \$803.6 million in regional assistance through CARSI.<sup>45</sup>

## **The Caribbean-U.S. Security Cooperation Dialogue and the Caribbean Basin Security Initiative**

In April 2009, President Obama announced at the Summit of the Americas his intention to reinvigorate U.S. efforts to promote regional cooperation on these crime and security issues through an enhanced security dialogue and assistance package, later described as the Caribbean Basin Security Initiative (CBSI).<sup>46</sup> The Caribbean plays a role in the transit of illicit drugs to the United States, Europe, and Africa. In addition to drug trafficking, the Caribbean region is challenged by high per capita rates for violent crimes and homicide.

In May 2010, representatives from 15 Caribbean countries and the United States convened for an inaugural Caribbean-U.S. Security Cooperation Dialogue meeting, where they agreed on a new framework for security cooperation engagement and a plan of action.<sup>47</sup> Stated goals included

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<sup>43</sup> U.S. Department of State, INL, *INCSR*, Vol. 1, March 2013.

<sup>44</sup> U.S. Department of State, WHA, “The Central American Citizen Security Partnership: Countering Corruption and Fostering Transparency,” fact sheet, November 20, 2012; U.S. Department of State, Bureau of Public Affairs, “The Central American Regional Security Initiative: A Shared Partnership,” fact sheet, August 16, 2012.

<sup>45</sup> See also CRS Report R41731, *Central America Regional Security Initiative: Background and Policy Issues for Congress*, by Peter J. Meyer and Clare Ribando Seelke.

<sup>46</sup> Obama Administration, “Remarks by the President at the Summit of the Americas Opening Ceremony,” Port of Spain, Trinidad and Tobago, April 17, 2009; Obama Administration, “The United States and the 2009 Summit of the Americas: Securing Our Citizens’ Future,” fact sheet, April 19, 2009.

<sup>47</sup> U.S. Department of State, WHA, “Caribbean-U.S. Security Cooperation Dialogue Declaration of Principles,” May (continued...)

reducing drug trafficking, advancing public safety and citizen security, and promoting social justice. The State Department officially launched the CBSI in June 2010.<sup>48</sup> CBSI has been described as a multi-year security assistance initiative to promote citizen safety and to combat illicit activity and transnational criminal groups. From FY2010 through FY2014, Congress appropriated a total of \$327 million in regional security assistance through the CBSI.

### **Colombia's National Consolidation Plan and the Colombia Strategic Development Initiative**

Much of contemporary counternarcotics efforts in Colombia stem from a 1999 Colombian government strategy to address security and development issues, called Plan Colombia. It was intended to be a six-year plan, concluding in 2005, to end the country's decades-long armed conflict, eliminate drug trafficking, and promote economic and social development. The plan aimed to curb trafficking activity and reduce coca cultivation in Colombia by 50% over six years.<sup>49</sup> In support of Plan Colombia and its follow-on programs, the U.S. government spent more than \$8 billion in security and development assistance between FY2000 and FY2011, to include both civilian and military counterdrug support efforts.

As part of Colombia's follow-on security and development initiative after Plan Colombia, several previously U.S.-funded efforts have been nationalized by the Colombian government, including training, equipping, and support for Colombian military programs, such as the counterdrug brigade, Colombian Army aviation, and the air bridge denial program. The State Department coordinates its support for Colombian counternarcotics programming through the Colombia Strategic Development Initiative. Continued U.S. support to Colombia occurs mainly through the U.S.-Colombia Strategic Development Initiative (CSDI), which incorporates traditional counternarcotics assistance for eradication, interdiction, alternative development, and capacity building support for police, military, and justice sector institutions, but also other economic and social development initiatives.

### **U.S. Counternarcotics Strategy for Afghanistan**

Drug control policy in Afghanistan underwent a shift in strategy in June 2009, when the late Ambassador Richard Holbrooke, who at the time was the Obama Administration's Special Representative for Afghanistan and Pakistan, announced a halt to U.S. eradication efforts in Afghanistan and a concurrent increase in priority to agricultural development (or alternative livelihoods) assistance as well as interdiction.<sup>50</sup> The drug policy shift was formalized with the release of the Afghanistan and Pakistan Regional Stabilization Strategy in January 2010, which connected U.S. counternarcotics policy with U.S. counterinsurgency goals in the region. The

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27, 2010.

<sup>48</sup> U.S. Department of State, Office of the Spokesman, "Secretary Clinton and CARICOM Ministers Celebrate the Launch of the Caribbean Basin Security Initiative (CBSI), a Shared Regional Security Partnership," June 10, 2010.

<sup>49</sup> See also CRS Report RL32250, *Colombia: Background, U.S. Relations, and Congressional Interest*, by June S. Beittel.

<sup>50</sup> Richard C. Holbrooke, "Holbrooke's Briefing on Trip to Pakistan, Afghanistan, and Brussels, July 2009," July 29, 2009.

January 2010 Regional Strategy had sections on combating the Afghan narcotics trade and disrupting illicit financial flows, among others.<sup>51</sup>

In March 2010, the State Department released an updated U.S. Counternarcotics Strategy for Afghanistan. It outlined two strategic goals—(1) counter the narcotics-insurgency nexus and (2) counter the narcotics-corruption nexus—coupled with several related objectives. Reiterating the January 2010 Regional Strategy, the March 2010 Counternarcotics Strategy confirms the U.S. government’s decision to “no longer fund or support large-scale eradication of poppy fields,” while condoning Afghan-led local eradication.<sup>52</sup> The March 2010 Counternarcotics Strategy also emphasized the need to improve the connection between the U.S. government’s counternarcotics goals with the U.S. government’s counterinsurgency goals.

In December 2012, the State Department issued a revised U.S. Counternarcotics Strategy for Afghanistan in order to take into account the transition of security responsibilities to Afghan-led forces and a reduced U.S. and international presence. In the strategy, the Administration commits to building Afghan capacity to disrupt the illicit narcotics trade and to break the narcotics-insurgency nexus. Key goals include (1) strengthening the Afghan government’s capacity to combat drugs with increasing degrees of responsibility, ownership, and independence; and (2) countering the narcotics-corruption nexus through and beyond the security transition.<sup>53</sup>

### **West Africa Cooperative Security Initiative**

Beginning in 2011, the State Department led the development of a five-year, \$60 million inter-agency, regional capacity-building program called the West Africa Cooperative Security Initiative (WACSI).<sup>54</sup> WACSI is designed to combat transnational crime in West Africa, including drug trafficking, and mitigate the impact of such illicit activity on the security, stability, and good governance in the region. In 2012, WACSI programming included the creation of a specialized, and DEA-vetted, counternarcotics unit in Ghana. In early 2013, WACSI programming also included the establishment of a U.S.-funded regional training center in Accra, Ghana. WACSI has five strategic pillars, or goals:

1. Support government and civil society institutions through technical assistance and capacity building to prevent impunity from justice by well-connected criminals and acts of corruption by state law enforcement personnel.

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<sup>51</sup> U.S. Department of State, Office of the Special Representative for Afghanistan and Pakistan (S/RAP), “Afghanistan and Pakistan Regional Stabilization Strategy,” January 2010.

<sup>52</sup> U.S. Department of State, Bureau for South and Central Asian Affairs (SCA), *U.S. Counternarcotics Strategy for Afghanistan*, March 24, 2010.

<sup>53</sup> See also CRS Report R43540, *Afghanistan: Drug Trafficking and the 2014 Transition*, by Liana W. Rosen and Kenneth Katzman.

<sup>54</sup> According to the State Department, an estimated \$22.6 million has been budgeted already for the regional initiative from FY2010 through FY2012: \$3.4 million in FY2010, \$2.4 million in FY2011, and an estimated \$16.8 million in FY2012. For FY2013, the State Department has requested an additional \$13 million. The balance of the proposed \$60 million may be requested in future fiscal years. Separately, a similarly named multilateral program called the West Africa Cost Initiative (WACI) also addresses drug trafficking related threats and counternarcotics capacity building in the region. The Economic Community of West African States (ECOWAS), the United Nations, and INTERPOL are involved in WACI.

2. Establish effective and modern anti-crime policies and legal frameworks through technical assistance to draft new laws, guidance to enact such laws, and support to improve public awareness of anti-crime policies.
3. Strengthen security and law enforcement operations to target illicit networks, including support to elite counternarcotics units, operational and basic law enforcement skills training, provisions of relevant equipment, and institutional capacity building.
4. Reinforce justice sector institutions through technical assistance for prosecutors and judges involved in complex transnational crime cases.
5. Address socio-economic dimensions of illicit activity, including drug demand reduction and public awareness-raising about transnational organized crime.<sup>55</sup>

## U.S. Agency Roles

Several U.S. agencies are involved in implementing U.S. international counternarcotics activities in support of the Administration's National Drug Control Strategy. These agencies include the following:

- **Office of National Drug Control Policy (ONDCP).** Located within the Executive Office of the President, ONDCP establishes U.S. counterdrug policies and goals, and coordinates the federal budget to combat drugs both domestically and internationally. Every year, ONDCP's director, sometimes referred to as the U.S. drug czar, produces the National Drug Control Strategy and the federal counterdrug budget summary.
- **Department of State.** The Secretary of State is responsible for coordinating all international counterdrug programs implemented by the U.S. government, including foreign counternarcotics assistance. The State Department identifies fighting the production, transportation, and sale of illegal narcotics among its primary goals. Every March, the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) produces the International Narcotics Strategy Report (INCSR), which describes the efforts of key countries to attack all aspects of the international drug trade, including anti-money laundering during the previous calendar year.
- **U.S. Agency for International Development (USAID).** USAID provides assistance for long-term economic and social development. The USAID Administrator serves concurrently as the State Department's Director of U.S. Foreign Assistance, with a rank equivalent to Deputy Secretary of State. USAID plays a role in counternarcotics development assistance, especially regarding alternative livelihood programs, which are designed to offer alternatives to

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<sup>55</sup> U.S. Department of State, INL, *The West Africa Cooperative Security Initiative: A Shared Partnership*, November 3, 2011; State Department, INL, "The West Africa Cooperative Security Initiative (WACSI)," fact sheet, July 3, 2012; and State Department, written statement of William R. Brownfield, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, during Senate Caucus on International Narcotics Control hearing entitled "Countering Narcotics Threats in West Africa," May 16, 2012; see also State Department, "U.S. Government Hosts Meeting with International Partners to Coordinate Counternarcotics and Anti-Crime Assistance in West Africa," February 22, 2012.

farmers that will enable and encourage them to discontinue planting poppy and other illicit crops.

- **Department of Defense (DOD).** DOD maintains the lead role in detecting and monitoring aerial and maritime transit of illegal drugs into the United States and plays a key role in collecting, analyzing, and sharing intelligence on illegal drugs with U.S. law enforcement and international security counterparts. Notable entities under DOD that focus on international drug control include the Office for Counternarcotics and Global Threats, within Office of the Undersecretary of Defense; the Defense Intelligence Agency (DIA); and various regional combatant commands and joint interagency task forces. In addition, DOD provides counternarcotics foreign assistance to train, equip, and improve the counternarcotics capacity and capabilities of relevant agencies of foreign governments with its Counternarcotics Central Transfer Account appropriations.
- **Department of Justice (DOJ).** The Attorney General is responsible for federal law enforcement and to ensure public safety against foreign and domestic threats, including illegal drug trafficking. This translates into an array of responsibilities that include law enforcement operations, drug-related intelligence analysis, and prosecution and criminal justice activities, as well as police and justice sector training. Primary agencies under DOJ that focus on international drug control include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Organized Crime Drug Enforcement Task Force (OCDETF), and the El Paso Intelligence Center (EPIC).
- **Department of Homeland Security (DHS).** The Secretary of Homeland Security is responsible for U.S. policies related to interdiction of illegal drugs entering the United States from abroad. The Strategic Plan for DHS identifies securing the U.S. border against illegal drugs as one of its primary objectives. Key offices within DHS that participate in counterdrug activities include the Customs and Border Protection (CBP), U.S. Coast Guard, and Immigration and Customs Enforcement (ICE).
- **Department of the Treasury.** The Treasury Department participates in counterdrug efforts as they pertain to targeting the illicit financial proceeds that result from drug trafficking. Key offices that participate in combating drug-related money laundering include the Office of Foreign Assets Control (OFAC) and the Financial Crime Enforcement Network (FinCEN).
- **Central Intelligence Agency (CIA).** The CIA's Crime and Narcotics Center (CNC) collects intelligence information and develops intelligence analyses to support or conduct operations countering illicit drug activities, including trends in illegal drug crop cultivation and production.

## Overall U.S. Drug Control Funding

For FY2016, the Administration has requested approximately \$27.6 billion for all federal drug control programs (see **Table 1**). Of this, 20%, or \$5.5 billion, is requested for international and interdiction programs. Beginning with the FY2012 budget request, ONDCP significantly restructured its budgeting process, resulting in the addition of more agencies and programs to the overall drug budget. According to ONDCP, these additional agencies had not previously been



included in the drug budget because the programs were deemed to be “unreliably estimated or were thought to be related to consequences of drug use (as opposed to directly related to drug use reduction).”<sup>56</sup> The addition of these agencies had the effect of increasing the total budget, particularly domestic programs (compare **Table 1** with **Table 2**).

**Table 1. Federal Drug Control Funding, FY2010 Final-FY2016 Request**  
budget authority in \$U.S. millions

Activities	FY2010 Final	FY2011 Final	FY2012 Final	FY2013 Final	FY2014 Final	FY2015 Enacted	FY2016 Request
International	2,595.0	2,027.6	1,833.7	1,946.0	1,637.1	1,590.7	1,613.0
Interdiction	3,658.0	3,977.1	4,036.5	3,869.7	3,948.5	3,805.0	3,880.3
Domestic	19,634.1	19,575.0	18,627.0	18,720.7	20,139.2	20,941.0	22,079.0
Total	25,887.1	25,579.7	24,497.2	24,536.4	25,724.9	26,336.8	27,572.2

**Source:** Adapted from Office of National Drug Control Policy (ONDCP), National Drug Control Budget, FY2012-FY2016 Funding Highlights. Totals may not add due to rounding.

**Note:** “International” activities refers to activities primarily focused on or conducted in areas outside the United States, mainly conducted by the State Department, U.S. Agency for International Development (USAID), Defense Department, and Department of Justice. International activities include a wide range of drug control programs to eradicate crops, seize drugs (except air and riverine interdiction seizures), arrest and prosecute major traffickers, destroy processing capabilities, develop and promote alternative crops to replace drug crops, reduce demand, investigate money laundering and financial crime activities, and promote the involvement of other nations in efforts to control the supply of and demand for drugs. “Interdiction” refers to activities designed to intercept and disrupt shipments of illegal drugs and their precursors en route to the United States from abroad. “Domestic” refers to activities related to domestic demand reduction, including federal drug treatment and drug prevention programs, as well as domestic law enforcement.

**Table 2. Federal Drug Control Funding, FY2005 Actual-FY2009**  
budget authority in \$U.S. millions

Activities	FY2005	FY2006	FY2007	FY2008	FY2009
International	1,393.3	1,434.5	2,050.2	1,824.6	2,082.2
Interdiction	2,928.7	3,287.0	3,175.9	2,901.4	3,910.2
Domestic	8,462.2	8,422.6	8,618.0	8,550.3	9,286.0
Total	12,784.2	13,844.1	13,844.1	13,276.3	15,278.4

**Source:** Adapted from Office of National Drug Control Policy (ONDCP), National Drug Control Strategy, FY2011 Budget Summary, 2010. Totals may not add due to rounding.

## Counternarcotics Foreign Aid and Authorities

A large component of the international component of ONDCP’s national drug budget, discussed above, is committed to civilian- and military-funded assistance to foreign countries for counterdrug support. Such foreign aid is designed to support foreign countries interdict and eradicate drugs, support the development of alternative livelihoods, and reduce the local demand

<sup>56</sup> ONDCP, *National Drug Control Budget, FY2012 Funding Highlights*, February 2011.

for drugs. The following sections describe both civilian and military funding and authorities for counternarcotics foreign assistance.

## **Civilian Authorities**

The U.S. Department of State and U.S. Agency for International Development (USAID) are the two primary sources of civilian U.S. funding for international counternarcotics assistance. Counternarcotics programs may be implemented by other U.S. government entities or to private contractors. Funding spigots include the foreign aid accounts for Development Assistance (DA); Economic Support Fund (ESF); Assistance for Europe, Eurasia, and Central Asia (AEECA); and International Narcotics Control and Law Enforcement (INCLE).

Authority for the U.S. Department of State and USAID is derived from multiple provisions in the Foreign Assistance Act (FAA) of 1961, as amended. Key provisions are located at Chapter 8 of Part I of the FAA, as amended, entitled “International Narcotics Control.” Section 481 of the FAA states that the Secretary of State is “responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.” Section 126 of the FAA also directs USAID, when planning programs of assistance for countries in which illicit narcotics cultivation takes place, to “give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.” Annual appropriations provide additional direction for the scope and use of counternarcotics funding in specified fiscal years.

The U.S. Drug Enforcement Administration (DEA) conducts additional training seminars for foreign law enforcement personnel, as authorized by the Controlled Substances Act, as amended; the FAA; and annual appropriations.

## **Military Authorities**

The U.S. Department of Defense (DOD) has multiple roles and responsibilities in the area of counternarcotics. Pursuant to 10 U.S.C. 124, DOD is the single lead federal agency for the detection and monitoring of aerial and maritime movement of illegal drugs toward the United States and plays a key role in collecting, analyzing, and sharing intelligence on illegal drugs with U.S. law enforcement and international security counterparts. In addition, Congress authorizes DOD to offer counternarcotics assistance to train and equip foreign countries in their efforts to build institutional capacity and control ungoverned spaces used by drug traffickers.

DOD supports foreign counternarcotics activities through several authorities. Included among these are two that authorize certain types of counternarcotics training and provisions of equipment to foreign governments, which originate from Section 1004 of the National Defense Authorization Act (NDAA) for Fiscal Year 1991 (P.L. 101-510) and Section 1033 of the NDAA for FY1998 (P.L. 105-85).

Under Section 1004, Congress authorized DOD to provide counterdrug or counter-transnational organized crime training and transport of law enforcement personnel to foreign law enforcement agencies worldwide, among other provisions. Section 1012 of the NDAA for Fiscal Year 2015 extends this authority through FY2017.

Section 1033 enables DOD to assist specific countries' counterdrug efforts by providing non-lethal protective and utility personnel equipment, including navigation equipment, secure and non-secure communications equipment, radar equipment, night vision systems, vehicles, aircraft, and boats.

Currently, DOD is authorized to provide Section 1033 assistance to 39 countries through FY2016, including (in chronological order) Peru and Colombia (Section 1033, P.L. 105-85); Afghanistan, Bolivia, Ecuador, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan (Section 1021, P.L. 108-136); Azerbaijan, Kazakhstan, Kyrgyzstan, Armenia, Guatemala, Belize, and Panama (Section 1022, P.L. 109-364); Mexico and the Dominican Republic (Section 1022, P.L. 110-181); Guinea Bissau, Senegal, El Salvador, and Honduras (Section 1024, P.L. 110-417); Benin, Cape Verde, The Gambia, Ghana, Guinea, Ivory Coast, Jamaica, Liberia, Mauritania, Nicaragua, Nigeria, Sierra Leone, and Togo (Section 1006, P.L. 112-81); Chad, Libya, Mali, and Niger (Section 1012, P.L. 113-66).

Two additional provisions authorize DOD to conduct certain types of support for joint counternarcotics and counterterrorism activities. One such provision stems from Section 1022 of the NDAA for Fiscal Year 2004 (P.L. 108-136), which authorized DOD joint task forces that support counternarcotics or counter-transnational organized crime law enforcement activities to also support law enforcement agencies conducting counterterrorism activities. Section 1014 of the NDAA for Fiscal Year 2015 extends this authority through FY2020. The other provision stems from Section 305 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (P.L. 107-206). This provision authorized DOD to use counternarcotics funds designated for Colombia to be available for a unified campaign against both narcotics trafficking and terrorism. Section 1011 of the NDAA for Fiscal Year 2015 extends this authority through FY2016.

## **U.S. Foreign Policy Approaches**

Over the years, U.S. counterdrug efforts have expanded to include a broad array of tools to attack the drug trade using several foreign policy approaches. Through its appropriations and federal oversight responsibilities, Congress is able to evaluate current efforts, which appear to center around four main drug control policy strategies: (1) combating the production of drugs at the source, (2) combating the flow of drugs in transit, (3) dismantling illicit drug networks, and (4) creating incentives for international cooperation on drug control. The following sections describe and analyze each of these primary strategies and their legislative sources.

### **Combat the Production of Drugs at the Source**

Major U.S. policy tools for combating the production of illicit drugs, particularly cocaine and heroin, center on the eradication of coca bush and opium poppy crops and the provision of alternative livelihood options to drug crop farmers. Both policy approaches ultimately seek to reduce the amount of illicit drug crops cultivated.

#### **Crop Eradication**

Eradication programs seek to combat the flow of plant-based illegal drugs at the root of the supply chain—in the fields where the crops are grown. Crop eradication can take several forms,

including (1) aerial fumigation, which involves the spraying of fields with herbicide; (2) manual removal, which involves the physical up-rooting and destruction of crops; and (3) mechanical removal, which involves the use of tractors and all-terrain vehicles to harrow the fields. The United States supports programs to eradicate coca, opium, and marijuana in a number of countries, including primarily Colombia. These efforts are conducted by U.S. government agencies and contractors that administer U.S. eradication programs providing producer countries with support to eradicate drug crops with chemical herbicides, technical assistance, specialized equipment, and spray aircraft.

Eradication is a long-standing but controversial U.S. policy regarding international drug control. As recently as 2008, the State Department had considered crop control the “most cost-effective means of cutting supply,” because drugs cannot enter the illegal trade if the crops were never planted, destroyed, or left unharvested.<sup>57</sup> Without drug cultivation, the State Department’s rationale continued, “there would be no need for costly enforcement and interdiction operations.”

Proponents of eradication further argue that it is easier to locate and destroy crops in the field than to locate subsequently processed drugs on smuggling routes or on the streets of U.S. cities. Put differently, a kilogram of powder cocaine is far more difficult to detect than the 300 to 500 kilograms of coca leaf that are required to make that same kilogram. Also, because crops constitute the cheapest link in the narcotics chain, producers may devote fewer economic resources to prevent their detection than to conceal more expensive and refined forms of the drug product.

Opponents of expanded supply reduction policy generally question whether reduction of the foreign supply of narcotic drugs is achievable and whether it would have a meaningful impact on levels of illicit drug use in the United States. Manual eradication requires significant time and human resources, reportedly involving upward of 20 work-hours of effort to pull up and destroy one hectare of coca plants.<sup>58</sup> Aerial application of herbicide is not legal or feasible in many countries and is expensive to implement where it is permitted.<sup>59</sup> Aerial fumigation in Colombia has also raised allegations that the herbicide chemical used has caused negative human, animal, and environmental consequences.

Others question whether a global policy of simultaneous crop control is cost-effective or politically feasible because eradication efforts may also potentially result in negative political, economic, and social consequences for the producing country, especially in conflict or post-conflict environments.<sup>60</sup> Some argue that this has been the case with respect to eradication efforts in Afghanistan, where some U.S. officials have acknowledged that poppy eradication may have caused many poor Afghan farmers to ally with insurgents and other enemies of the Afghan government.<sup>61</sup> In 2009, Richard Holbrooke, who was the Obama Administration’s Special

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<sup>57</sup> U.S. Department of State, INL, *INCSR*, Vol. 1, March 2008.

<sup>58</sup> Kevin J. Riley, *Snow Job? The War Against International Cocaine Trafficking* (New Brunswick, NJ: Transaction Publishers, 1996).

<sup>59</sup> Colombia is currently the only country that conducts regular aerial spraying of coca and opium poppy.

<sup>60</sup> Barnett R. Rubin and Alexandra Guaqueta, *Fighting Drugs and Building Peace: Towards Policy Coherence between Counter-Narcotics and Peace Building*, Dialogue on Globalization, Occasional Paper No. 37, November 2007. In Afghanistan, eradication teams can be targeted for attack, resulting in dozens of personnel injured and fatalities each year. See UNODC, *Afghanistan: Opium Survey 2012*, November 2012.

<sup>61</sup> Thom Shanker and Elisabeth Bumiller, “U.S. Shifts Afghan Narcotics Strategy,” *New York Times*, July 23, 2009; Staff of Senator John F. Kennedy, “Afghanistan’s Narco War: Breaking the Link between Drug Traffickers and (continued...)”

Representative for Afghanistan and Pakistan at the time, called Western eradication policies in Afghanistan “a failure” and stated that they have “wasted hundreds and hundreds of millions of dollars.”<sup>62</sup> Since 2009, the U.S. government has no long directly participated in eradication operations in Afghanistan. The State Department, however, continues to fund a governor-led eradication program through which the Afghan Ministry of Counternarcotics reimburses governors for expenses incurred from eradicating poppy fields.

In Colombia, on the other hand, the U.S. government attributes much of the recent declines in the amount of cocaine produced in Colombia to aerial eradication, describing it as “essential for disrupting today’s drug trafficking networks and thwarting cultivation in Colombia’s most remote areas.”<sup>63</sup> Aerial eradication, however, remains a high-risk activity, as spray planes and their crews are targeted by drug traffickers. In 2003, the Revolutionary Armed Forces of Colombia (FARC), which the State Department lists as a foreign terrorist organization, shot down a U.S. government plane in the Colombian jungle, killing the American pilot and a Colombian air force sergeant and taking three other crew members, all U.S. defense contractors, hostage.<sup>64</sup> They remained FARC hostages until July 2008.<sup>65</sup>

## **Alternative Development**

U.S. counterdrug policy also includes foreign assistance specifically targeted to illicit drug crop farmers. Alternative development can be viewed as a form of drug crop eradication. The ultimate goal is to convince current farmers to abandon their drug crops and switch to licit, sustainable livelihoods and sources of income. Whereas other eradication methods involve the physical removal or chemical destruction of illicit drug crops, alternative development involves the introduction of crop substitution options, training in sustainable farming techniques, infrastructure development, and other projects that make alternative livelihoods economically more attractive. The U.S. government considers alternative development a key component to drug supply reduction policies and has active programs in Southeast Asia, Southwest Asia, and South America.

U.S. alternative development programs, funded and run mainly by the State Department and U.S. Agency for International Development (USAID), support U.S. counternarcotics objectives by helping countries develop economic alternatives to narcotics production, expand legal employment opportunities, and offer other incentives to farmers to discontinue planting illicit drug crops. In theory, this approach is designed to complement law enforcement and eradication efforts to provide both a “carrot and stick” strategy.

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(...continued)

Insurgents,” A Report to the Senate Committee on Foreign Relations, August 10, 2009.

<sup>62</sup> Ibid.

<sup>63</sup> U.S. Department of State, INL, *INCSR*, Vol. 1, March 2013.

<sup>64</sup> For further discussion, see CRS Report RL32250, *Colombia: Background, U.S. Relations, and Congressional Interest*, by June S. Beittel, and CRS Report RS21049, *Latin America: Terrorism Issues*, by Mark P. Sullivan and June S. Beittel.

<sup>65</sup> “Colombia: U.S. Hostages Spotted,” *New York Times*, June 10, 2008; “Betancourt, U.S. Contractors Rescued from FARC,” *CNN.com*, July 3, 2008.

For several decades, alternative development has been implemented in various forms and with varying success.<sup>66</sup> Since the late 1960s, when alternative development policies were initially conceived as simply crop substitution projects, efforts have somewhat expanded to include a broader concept of alternative development. Current U.S. programs include not only crop substitution projects but also the development of and assistance for roads, infrastructure, and health care. In some cases, as in Afghanistan, some development assistance is tied to local commitments to reduce drug cultivation. Through the U.S.-funded Good Performers Initiative (GPI), for example, Afghan provinces determined to be poppy free or to have reduced cultivation by 10% or more, are eligible to receive development project awards. A frequently cited model of success includes alternative development programming in the San Martin region of Peru. Critics, however, note that localized successes have not necessarily translated into national or global trends.<sup>67</sup>

Some observers additionally claim that while current U.S. efforts often aim to achieve this broadened concept of alternative development, they may not always achieve it in practice. Some indicate that a relationship between alternative development projects and a reduction in illicit drug production may be tenuous, as policy coordination between alternative development projects and eradication and interdiction efforts remains limited in some cases.<sup>68</sup> Further, it appears that alternative development projects are not implemented in most regions where illicit crops are grown today. According to reports, approximately 10% to 15% of areas under illicit cultivation are covered by alternative development projects supported by the international community, and, on average, 5% of farmers of illicit crops receive alternative development assistance.<sup>69</sup> Common factors limiting the reach and prevalence of alternative development projects include ongoing security threats in areas of illicit crop cultivation, lack of political will or resources to administer alternative development projects, and local distrust of government or external influences.

## **Combating the Flow of Drugs in Transit**

Interdiction efforts seek to combat the drug trade as traffickers begin moving drug products from source countries to their final destinations. The Department of Defense is the lead federal agency for the detection and monitoring of aerial and maritime movement of illegal drugs toward the United States. Along with the Defense Department, several other U.S. agencies are involved in coordinating operations with foreign government interdiction forces and providing law enforcement training and other forms of assistance to foreign countries in order to deny drug traffickers the use of transit routes.

Within the so-called “transit zone”—a vast expanse of land, air, and sea between Central and South America and the U.S. southern borders, including the Caribbean Sea, the Gulf of Mexico, and the eastern Pacific Ocean—a DOD-led interagency group called the Joint Inter-Agency Task Force South (JIATF-South) coordinates interdiction operations across federal agency participants, as well as international liaisons from Great Britain, France, the Netherlands, and several Latin

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<sup>66</sup> See, for example, UNODC, *Alternative Development: A Global Thematic Evaluation, Final Synthesis Report*, 2005.

<sup>67</sup> Organization of American States (OAS), *The Drug Problem in the Americas*, 2013.

<sup>68</sup> See, for example, “A Failed Balance: Alternative Development and Eradication,” Transnational Institute, *Drugs and Conflict Debate Paper 4*, March 2002.

<sup>69</sup> See, for example, UNODC, *The Economic Viability of Alternative Development*, UNODC internal paper, 1999; *Alternative Development: A Global Thematic Evaluation, Final Synthesis Report*, 2005; and “Chapter 3: Alternative Development,” in *World Drug Report*, 2000.

American countries. On the high seas, the U.S. Coast Guard is the lead federal agency for interdiction operations and facilitates international maritime counternarcotics operations with partner nations that permit Coast Guard officers to stop, board, and search suspicious vessels. According to the State Department, the U.S. government is party to 45 maritime counterdrug bilateral agreements or operational procedures to coordinate detection, monitoring, interdiction and apprehension activities and joint operations conducted by entities such as the U.S. Coast Guard.<sup>70</sup> Along the borders, the U.S. Customs and Border Protection (CBP) is mandated to secure the United States from a range of foreign threats, including drugs and drug traffickers. CBP also contributes to air and marine interdiction and law enforcement, as well as air domain security through its P-3 air wing program.

Outside the transit zone, other international interdiction operations are conducted by U.S. agencies, including DEA. These international programs include Operation Containment, Project Cohesion, and Project Prism. Operation Containment, a multinational law enforcement effort established in 2002 and led by DEA, aims to place a “security belt” around Afghanistan to prevent processing chemicals for converting opium poppy to heroin from entering the country and opium and heroin from leaving.<sup>71</sup> Project Cohesion, an international precursor chemical control initiative established in 2005 and led by the International Narcotics Control Board (INCB), tracks precursor chemicals involved in the production of cocaine and heroin. Project Prism, a U.N.-sponsored initiative, monitors and controls illicit trade in precursor chemicals used in the production of amphetamine-type synthetic drugs. U.S. counternarcotics activities in Afghanistan also emphasize the interdiction and the dismantling of Afghan drug trafficking syndicates.<sup>72</sup> Another initiative involves the Joint Interagency Task Force-West’s Illicit Tracking Cell, which contributed to the interdiction of methamphetamine precursor chemicals trafficked in commercial maritime cargo.

U.S. interdiction activities in the transit zone, spanning the continental and maritime border areas between the United States and Latin America and the Caribbean, are sometimes considered among the bright spots of U.S. counterdrug efforts. Joint interdiction operations, such as Operation Martillo in Central America, have been highlighted for improving regional cooperation and denying traffickers access to their preferred smuggling routes. A 2005 report released by the Government Accountability Office (GAO), for example, highlighted the role of improved interagency coordination and international cooperation for improvements in transit zone interdiction operations.<sup>73</sup> The State Department reports that its interdiction activities in the Caribbean, including Operation Bahamas Turks and Caicos (OPBAT), contributed to a drop in illegal drug flows from 70% in the 1980s to less than 10% in recent years.<sup>74</sup>

Drug trafficking organizations, however, are reportedly growing increasingly sophisticated in their evasion techniques, and some observers are concerned that current interdiction capabilities

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<sup>70</sup> U.S. Department of State, INL, *INCSR*, Vol. 1, March 2013.

<sup>71</sup> Statement of the Honorable Michele M. Leonhart, Acting Administrator, Drug Enforcement Administration (DEA), House Committee on Appropriations, Subcommittee on Commerce, Justice, Science and Related Agencies, March 12, 2008.

<sup>72</sup> See also James Risen, “U.S. to Hunt Down Afghan Drug Lords Tied to Taliban,” *New York Times*, August 10, 2009; “U.S. Drug Agents Target Afghan Poppy Pushers,” *National Public Radio* (NPR), July 29, 2009.

<sup>73</sup> U.S. Government Accountability Office (GAO), *Drug Control: Agencies Need to Plan for Likely Decline in Drug Interdiction Assets and Develop Better Performance Measures for Transit Zone Operations*, GAO-06-200, November 2005.

<sup>74</sup> U.S. Department of State, INL, *Program and Budget Guide, Fiscal Year 2008 Budget*, September 2007.

may not be sufficient for long-term reductions in drug supplies. Proponents of strong drug interdiction policies, for example, have long been concerned that the nation's focus on anti-terrorism objectives will detract from resources and political will needed to combat foreign illicit drug production and trafficking. Similarly, the Defense Department reports that budget pressure may require it to scale back resources available for interdiction operations, potentially allowing as much as 38 extra metric tons of cocaine to reach the United States.<sup>75</sup> Supporting such concerns, the 2005 GAO report states that the commitment of U.S. military assets to Iraq and Afghanistan in the 2000s may have hampered the ability of U.S. law enforcement to intercept drug shipments in the future.

Some observers additionally caution that interdiction efforts could raise the retail price of illegal drugs, potentially resulting in a perverse incentive that actually increases the economic rewards to drug traffickers. Vigorous interdiction may also motivate traffickers to devise new and novel tactics to evade detection; one example of this includes the use of self-propelled semi-submersible (SPSS) vessels in the Western Caribbean and Eastern Pacific. Interdiction efforts that appear to be reaping success in dismantling major drug trafficking networks may nevertheless pose the unintended consequence of sparking short-term increases in drug trafficking-related violence, as surviving drug traffickers compete with one another for control—often violently—of drug routes. This appears to have been in part a contributing factor to the ongoing drug-related violence in Mexico—and some observers are raising the concern that similar consequences may occur in Afghanistan under the Obama Administration's renewed emphasis on interdiction efforts to combat the Afghan opiate trade.<sup>76</sup> Some have additionally voiced caution over interdiction operations that involve potentially aggressive tactics. These latter concerns have been expressed with regard to Operation Anvil in Honduras, which in 2012 was associated not only with increased drug seizures, but also several lethal shootouts that variously involved DEA agents and U.S. helicopters.<sup>77</sup>

## **Dismantling Transnational Drug Networks**

Key U.S. foreign policy tools available for targeting major drug traffickers and their illicit networks include establishing extradition agreements with foreign countries, freezing and blocking foreign criminal assets within U.S. jurisdiction, and building foreign capacity to investigate, arrest, prosecute, and incarcerate drug traffickers domestically.

### **Extradition to the United States**

The U.S. government regularly uses extradition as an important judicial tool against suspected drug traffickers located abroad. Extradition refers to the formal surrender of a person by a state to another state for prosecution. Proponents of extradition to the United States argue that suspected criminals are more likely to receive a fair trial in U.S. courts than in countries where the local

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<sup>75</sup> Daniel Wasserbly, "SOUTHCOM's Diminishing Military Assets Expected to Mean More Trafficking," *Janes's International Defense Review*, May 22, 2013.

<sup>76</sup> See CRS Report R41576, *Mexico's Drug Trafficking Organizations: Source and Scope of the Violence*, by June S. Beittel.

<sup>77</sup> Katherine Corcoran and Alberto Arce, "Operation Anvil: U.S. Drug Strategy Led to Deadly Honduras Raid," *Associated Press*, June 25, 2012.



judicial process may be corrupt and where suspects can use bribes and intimidation to manipulate the outcome of a trial.

U.S. bilateral judicial cooperation with Mexico and Colombia is often cited as particularly exemplary, yielding record numbers of extradited traffickers to the United States.<sup>79</sup> Colombia, for example, has extradited more than 1,600 individuals to the United States since December 17, 1997.<sup>80</sup> In 2013, Mexico extradited 54 individuals to the United States, fewer than half of the total extradited in 2012 (115 individuals).

### **State Department Narcotics Rewards Program**

Through the Narcotics Rewards Program, the State Department offers up to \$5 million for information leading to the arrest or conviction of certain major drug traffickers. Currently, the State Department is offering rewards for information associated with dozens of at-large foreign drug traffickers, including primarily Mexican and Colombian traffickers.<sup>78</sup>

Some anecdotal evidence appears to suggest that the threat of extradition has affected the behavior of foreign drug trafficking organizations. For example, some Colombian drug traffickers are reportedly distancing themselves from overt drug distribution activities, which could be used as evidence to trigger extradition. Nevertheless, this counterdrug tool remains controversial and is not universally supported. Afghanistan, for example, does not have a formal extradition or mutual legal assistance arrangement with the United States. Many countries simply refuse to extradite drug traffickers, citing concerns about the potential use of the death penalty in the United States against its citizens and state sovereignty rights. Burma is one such country, which continues to refuse to extradite four suspected drug traffickers under indictment in the United States. Some observers claim that suspected traffickers often take advantage of such limitations in the extradition system and seek safe haven in countries that are unwilling to extradite.

## **Targeting Illicit Drug Profits**

To reap the financial benefits of the illegal drug trade, traffickers must launder their illicit profits into the licit economy. As a result, the United States and other members of the international community have sought to use anti-money laundering efforts as a tool to combat this upstream activity in the illegal drug market. Currently, several U.S. agencies are involved in international anti-money laundering efforts designed to enhance financial transaction transparency and regulation, improve cooperation and coordination with foreign governments and private financial institutions, and provide foreign countries with law enforcement training and support.

Congress has been active in pursuing anti-money laundering regulations and program oversight. In 1999, Congress passed the Foreign Narcotics Kingpin Designation Act to authorize the President to target the financial profits that significant foreign narcotics traffickers and their organizations (known as “Specially Designated Narcotics Trafficker Kingpins,” or SDNTKs)

<sup>78</sup> The 112<sup>th</sup> Congress enacted S. 2318, the Department of State Rewards Program Update and Technical Corrections Act of 2012, which amends existing State Department authorities to offer rewards not only for drug trafficking-related information, but also for an expanded range of “transnational organized crime” activity. Such activity may include intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, trafficking in illicit wildlife and wildlife parts, and cybercrime.

<sup>79</sup> U.S. Department of State, INL, *INCSR* Vol. 1, March 2008; see also CRS Report RL32724, *Mexico and the 112<sup>th</sup> Congress*, by Clare Ribando Seelke.

<sup>80</sup> U.S. Department of State, INL, *INCSR* Vol. 1, March 2014.

have accumulated from their illicit activities.<sup>81</sup> This tool seeks to deny SDNTKs and their related businesses access to the U.S. financial system and all trade transactions involving U.S. companies and individuals.<sup>82</sup>

Following the September 11, 2001, terrorist attacks, Congress further strengthened U.S. measures to combat money laundering by providing the Secretary of the Treasury with new authorities to impose a set of regulatory restrictions, or “special measures,” against foreign jurisdictions, foreign financial institutions, and certain classes of financial transactions involving foreign jurisdictions, if deemed by the Treasury Secretary to be “of primary money laundering concern.”<sup>83</sup> These anti-money laundering tools are designed not only to address drug trafficking, but also to combat other forms of related criminal activity, including terrorist financing.

In addition, Congress requires that the State Department include in its annual International Narcotics Control Strategy Report (INCSR) a separate volume devoted to the state of international money laundering and financial crimes in each country. Among the report’s congressionally mandated requirements, the State Department annually identifies the world’s “major money laundering countries,” defined as those countries “whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking” and other serious crimes.

Other agencies involved in targeting drug trafficking-related financial assets include the Department of Justice, through its asset forfeiture activities, and the Department of Homeland Security’s Immigration Customs and Enforcement agency, which developed an Illicit Pathways Attack Strategy (IPAS) to target illicit financial activity of transnational organized crime networks operating in the Western Hemisphere.

U.S. officials and some observers have highlighted the value of anti-money laundering efforts in combating drug trafficking. In 2007, the Treasury Department’s Office of Foreign Assets Control (OFAC) reported that anti-money laundering efforts against Colombian drug cartels have been effective in isolating and incapacitating designated supporters, businesses, and front companies linked to the Cali Cartel and Norte del Valle Cartel.<sup>84</sup> Some observers also describe the Treasury Secretary’s additional authorities to designate jurisdictions of primary money laundering concern and apply “special measures” against these jurisdictions as having “potentially profound effects on the financial services industry.”<sup>85</sup> Treasury’s designation of Banco Delta Asia, for example, successfully resulted in the freezing of some \$25 million in North Korean assets—funds that reportedly included counterfeit U.S. currency and profits from other North Korean criminal activity, including drug trafficking.

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<sup>81</sup> Title VIII, International Narcotics Trafficking, of P.L. 106-120, the Intelligence Authorization Act for Fiscal Year 2000 (21 U.S.C. 1901-1908; 8 U.S.C. 1182).

<sup>82</sup> The law was reportedly modeled on Treasury’s sanctions program pursuant to Executive Order 12978 (October 1995) against Colombia drug cartels under authority of the International Emergency Economic Powers Act (Title II of P.L. 95-223; 50 U.S.C. 1701 et seq.) and the National Emergencies Act (P.L. 94-412; 50 U.S.C. 1601 et seq.).

<sup>83</sup> Section 311 of the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (Title III, Subtitle A of P.L. 107-56, the USA PATRIOT Act of 2001) amends the Bank Secrecy Act of 1970 at 31 U.S.C. 5318A.

<sup>84</sup> U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC), *Impact Report: Economic Sanctions against Colombian Drug Cartels*, March 2007.

<sup>85</sup> See, for example, Douglas N. Greenburg, John Roth, and Katherine A. Sawyer, “Special Measures under Section 311 of the USA PATRIOT Act,” *The Review of Banking and Financial Services*, vol. 23, no. 6, June 2007.

Skeptics of the use of anti-money laundering efforts to combat drug trafficking argue that tracking illicit financial transactions may be more difficult and may yield less success than other counterdrug tools.<sup>86</sup> The same types of money laundering methods—bulk cash smuggling, trade-based money laundering, and others—that the State Department identified as issues of concern more than a decade ago remain among the most used forms of money laundering today. Further, emerging challenges include the growing volume of financial transactions, especially the volume of international electronic transfers, and the movement of illegal money laundering outside formal banking channels, including through “hawala”-type chains of transnational money brokers and through the use of stored-value cards.

### **Building Foreign Law Enforcement and Prosecution Capacity**

Another element of U.S. efforts to dismantle foreign drug networks involves providing foreign countries with the tools also improve their domestic efforts to dismantle drug networks. Such assistance, in the form of training, equipping, and other institutional capacity building, ultimately seeks to strengthen foreign judicial and law enforcement institutions and assist in developing host nation administrative infrastructures to combat the illicit drug trade. Institutional development programs focus mainly on fighting corruption and training to support criminal justice system reforms and the rule of law. A variety of U.S. agencies are involved in counterdrug-related capacity building efforts abroad, including the State Department, USAID, the Department of Justice, Department of Homeland Security, and the Department of Defense.

For example, the State Department funds a series of International Law Enforcement Academies (ILEAs) and Regional Training Centers (RTCs) that provide training and technical assistance to foreign law enforcement practitioners on a variety of subjects, including counternarcotics. U.S.-funded ILEAs are located in Gaborone, Botswana; Bangkok, Thailand; Budapest, Hungary; Rosewell, NM; and San Salvador, El Salvador. RTCs are located in Lima, Peru; and Accra, Ghana.

Several U.S. agencies also provide foreign law enforcement training and assistance in order to enhance interdiction efforts abroad. The Department of State, the U.S. Coast Guard, U.S. Customs and Border Protection, the DEA, and the FBI are involved in providing anti-narcotics law enforcement training, technical assistance, and equipment for foreign personnel. For example, the DEA, through its Sensitive Investigative Units overseas, sponsors a range of capacity and coordination projects in countries such as Afghanistan, Colombia, the Dominican Republic, Honduras, Ecuador, Guatemala, Mexico, Nigeria, Panama, Paraguay, Peru, Ghana, and Thailand. Other efforts include the FBI’s National Gang Task Force and the State Department’s Central American Law Enforcement Exchange program. The U.S. military provides international support for drug monitoring and detection. In addition, the United States regularly contributes funding and expertise to law enforcement assistance activities of the United Nations and other international organizations.

According to the State Department, drug trafficking organizations often seek to subvert or co-opt governments in order to guarantee a secure operating environment and essentially “buy their way into power.”<sup>87</sup> Anti-corruption efforts thus seek to prevent traffickers from undermining the

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<sup>86</sup> See for example R. T. Naylor, “Wash-Out: A Critique of Follow-the-Money Methods in Crime Control Policy,” *Crime, Law, and Social Change*, vol. 32, 1999, pp. 1-57.

<sup>87</sup> U.S. Department of State, INL, *INCSR*, Vol. 1, 2008.

legitimacy and effectiveness of foreign government institutions. Some observers, however, argue that counterdrug policies are placing too little emphasis on projects that help foreign countries develop a culture supportive of the rule of law. One expert explained in congressional testimony in 2007, “unless foreign police organizations recognize and internalize what the rule of law means, what its key characteristics are, and why the rule of law is necessary to accomplish their mission, no amount of aid will get the job done.”<sup>88</sup>

## **Reducing and Preventing Drug Demand Abroad**

Although early efforts to combat the global drug problem focused primarily on supply reduction policies, various international observers and policymakers have called for increased attention to programs that seek to reduce the use and abuse of illicit drugs, treat addiction, and engage local communities in drug prevention and awareness raising campaigns. The State Department funds programs to support foreign countries’ efforts to treat and prevent drug dependency in countries where drug use is increasing. The purpose of these programs is to reduce drug use, related crime, and violence in targeted country populations, as well as stop the spread of HIV/AIDS in countries with high numbers of intravenous drug users. In Latin America, for example, the State Department funds drug-free community coalitions and in Afghanistan, it supports the operations of substance abuse treatment centers.

Historically, international assistance to reduce drug demand has been limited, partially because a large portion of global demand was located in high income countries, such as the United States and countries in Western Europe. Although this remains the case, increased rates of prevalence and addiction in drug source countries and along transit routes have motivated additional emphasis on demand reduction programming. The International Narcotics Control Board suggests that early interventions in emerging illicit drug markets can be potentially valuable in reducing demand.<sup>89</sup> Some observers note that programs nevertheless are often limited in scope and the desired effects of reduced drug use are rarely apparent in the short term.<sup>90</sup> According to UNODC, approximately one in six “problem drug users”—that is, those who engage in high-risk drug consumption, use drugs on a daily basis, or are diagnosed as drug-dependent—receives treatment globally; even fewer, on average, receive treatment interventions in Africa, Eastern and South-Eastern Europe, and Latin America.<sup>91</sup> Experts further acknowledge that demand reduction policies alone are unlikely to succeed in combating the global drug problem.

## **Creating Incentives for International Cooperation**

In an effort to deter foreign governments from aiding or participating in illicit drug production or trafficking, the President may suspend U.S. foreign assistance appropriations to countries that are major illegal drug producers or major transit countries for illegal drugs, known as “drug

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<sup>88</sup> Statement of Dr. Roy S. Godson, Emeritus Professor, Government, Georgetown University, President, National Strategy Information Center, House Foreign Affairs Committee, Subcommittee on the Western Hemisphere, “Violence in Central America,” June 26, 2007.

<sup>89</sup> INCB, *Annual Report 2004*, March 2005.

<sup>90</sup> Alex Wodak, *Demand Reduction and Harm Reduction*, working paper for the Global Commission on Drug Policies, January 2011.

<sup>91</sup> UNODC, *World Drug Report 2013*, June 2013.

major.”<sup>92</sup> For FY2015, the President has identified 22 drug majors: Afghanistan, The Bahamas, Belize, Bolivia, Burma, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, India, Jamaica, Laos, Mexico, Nicaragua, Pakistan, Panama, Peru, and Venezuela. Of these, Congress requires that the President certify that the drug majors have not “failed demonstrably” to make at least “substantial efforts” to adhere to their obligations during the previous year under international counternarcotics agreements.

### **Defining the Drug Majors**

A “major illicit drug producing country” is statutorily defined in Section 481 of the Foreign Assistance Act of 1961 (FAA), as amended (22 U.S.C. 2291(e)(2)), as a country in which

- 1,000 hectares of more of illicit opium poppy is cultivated or harvested during a year;
- 1,000 hectares or more of illicit coca is cultivated or harvested during a year; or
- 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States.

A “major drug transit country” is statutorily defined in Section 481 of the FAA, as amended (22 U.S.C. 2291(e)(5)), as a country

- in which there is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; or
- through which such drugs or substances are transported.

Failure to receive a presidential certification of substantial counternarcotics efforts may result in certain foreign assistance prohibitions against those drug majors. Decertified drug majors may continue to receive U.S. foreign assistance, however, if the President determines that assistance is “vital” to U.S. national interests. Alternatively, foreign assistance to drug majors countries may nevertheless be withheld by Congress, despite a presidential certification, if Congress enacts a joint resolution disapproving of the President’s certification.

For FY2015, the President did not certify three drug majors: Bolivia, Burma, and Venezuela. The President, however, waived the aid sanctions for Burma and Venezuela, permitting the U.S. government to provide assistance that is vital to the national interests of the United States (see **Figure 5**).<sup>93</sup>

<sup>92</sup> Since 1992, Congress has required that the President submit annual reports that identify major drug transit and major drug producing countries, known as the “drug majors.” Major illicit drug producing countries are defined by Section 481(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(2)) as a country in which (1) 1,000 hectares or more of illicit opium poppy is cultivated or harvested during a year, (2) 1,000 hectares or more of illicit coca is cultivated or harvested during a year, or (3) 5,000 hectares or more of illicit cannabis is cultivated or harvested during a year, unless the President determines that such illicit cannabis production does not significantly affect the United States. Major drug-transit countries are defined by Section 481(e)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(5)) as a country (1) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States, or (2) through which are transported such drugs or substances.

<sup>93</sup> Barack Obama, Presidential Determination, “Memorandum to the Secretary of State: Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2015,” September 15, 2014.

**Figure 5. Map of World Drug Majors in FY2015**



**Source:** Barack Obama, Presidential Determination, "Memorandum to the Secretary of State: Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2015," September 15, 2014.

Since its creation in 1986, the drug majors designation process has garnered significant controversy. Supporters of the process argue that, overall, it is an “effective diplomatic instrument” to enforce international drug control commitments because it holds foreign governments “publicly responsible for their actions before their international peers.”<sup>94</sup> However, in a few extreme cases, the drug majors designation does not appear to have much effect on a country’s drug control policies. In the case of Bolivia’s designation, beginning in 2008, the policy appears to have had the opposite effect, in part causing a rift in counternarcotics policy between Bolivia and the United States, particularly with respect to interdiction cooperation.<sup>95</sup> Observers from many countries criticize the unilateral and non-cooperative nature of the drug certification requirements; such critics recommend moving toward multilateral and regional fora for evaluating governments’ counterdrug efforts. Others question the extent to which the process reduces the scope of the illegal drug trade, when many of the world’s drug producers and transit areas are located in countries that are not designated as drug majors or decertified by the President. Some have suggested the OAS/CICAD Multilateral Evaluation Mechanism (MEM), a regional system of peer review on drug control policies in OAS countries, could serve as an alternative model to facilitate international drug control cooperation.

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<sup>94</sup> See, for example, U.S. Department of State, INL, *1996 INCSR*, Vol. 1, 2007.

<sup>95</sup> See, for example, Antonio Regalado, “Bolivia Plants Coca and Cocaine Flows,” *Wall Street Journal*, August 18, 2009; Office of the U.S. Trade Representative, “Fourth Report to the Congress on the Operation of the Andean Trade Preference Act as Amended,” April 30, 2009.

### **Congressional Role in Drug Certification Procedures**

When making the annual drug majors decisions, the President may choose from two legislatively mandated methods available.<sup>96</sup> One is codified at 22 U.S.C. 2291j; the second is codified at 22 U.S.C. 2291j-1.

#### **The Original Certification Procedure: 22 U.S.C. 2291j**

Beginning 1986 (P.L. 99-570), Congress required that the President determine and certify to Congress that major illicit drug producing or drug transit countries (i.e., drug majors) were “fully cooperating” with the U.S. government to combat the illegal drug trade. 22 U.S.C. 2291j requires that 50% of certain bilateral assistance be withheld and that the U.S. government oppose multilateral development assistance to the drug majors until the President makes his determinations and certifications.<sup>97</sup> If the President does not determine and certify a drug major as having met the “fully cooperating” requirement (or if Congress enacts a joint resolution disapproving of a Presidential certification), then the President must decide which of the two following actions will take place:

- **U.S. Denial of Assistance:** 100% of bilateral assistance is prohibited from being obligated and the U.S. government continues to oppose multilateral development assistance until the country is eligible for certification; or
- **Continuance of All or a Portion of Aid for National Interest Reasons:** Aid continues, not because the country qualifies for certification, but because the President determines that “the vital national interests of the United States require that the assistance withheld ... be provided.” In this scenario, multilateral development assistance could also be supported.

#### **The Revised Drug Majors Process: 22 U.S.C. 2291j-1**

While not eliminating the certification procedures under 22 U.S.C. 2291j, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (P.L. 107-115), temporarily allowed for the suspension of the prior certification procedures and their replacement with a new set of procedures. The Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107-228), made permanent the modified certification requirement under P.L. 107-115, and this new requirement became codified under 22 U.S.C. 2291j-1.

In lieu of following the original certification procedures (22 U.S.C. 2291j), the revised drug majors process (22 U.S.C. 2291j-1) required the President to designate and withhold assistance from only the worst offending drug majors—those that were determined by the President as having “failed demonstrably” to make substantial efforts to combat illicit drugs. It also eliminated the requirement to withhold initially 50% of bilateral aid prior to the President’s designation and certification to Congress.

The change in standards from whether a country had “cooperated fully” to whether it had “failed demonstrably” effectively shifted the “burden of proof to an assumption that foreign nations were cooperating with the United States and had to be proved otherwise to trigger the restrictions” in foreign assistance.<sup>98</sup> For those countries that were designated as having failed demonstrably, the same two options remained as under 22 U.S.C. 2291j: (1) 100% denial of U.S. bilateral and multilateral assistance or (2) continuance of all or a portion of aid for national interest reasons.

#### **Methamphetamine Precursor Chemicals**

An additional certification process was enacted by Congress as part of the Combat Methamphetamine Epidemic Act of 2005.<sup>99</sup> This law amends the Foreign Assistance Act of 1961 to require the State Department to report the five largest importing and exporting countries of two precursor drugs, ephedrine and pseudoephedrine, commonly used

<sup>96</sup> Several additional drug-related certification requirements have appeared in recent appropriations legislation for specific countries. While not codified certifications processes, failure to be certified under these provisions can result in the prohibition of various amounts of foreign aid.

<sup>97</sup> Aid subject to withholding included all aid under Chapter 32 of Title 22 of the U.S. Code except (1) aid under Part VIII (International Narcotics Control) of Subchapter I of Chapter 32 of Title 22 of the U.S. Code; (2) any other narcotics-related aid under Subchapter I of Chapter 32 of Title 22 of the U.S. Code; and (3) aid involving disaster relief, refugees, and provisions of food and medicine.

<sup>98</sup> H.Rept. 108-167, Part I.

<sup>99</sup> Section 722 of Title VII of USA PATRIOT Improvement and Reauthorization Act of 2005 (P.L. 109-177; 21 U.S.C. 801 note) amended the Foreign Assistance Act of 1961 at Sections 489 and 490; for further explanation, see also H.Rept. 109-333.



to produce methamphetamine, and certify whether these countries are fully cooperating with the United States on methamphetamine chemical precursor control. Nations deemed not to be fully cooperating face a loss of U.S. bilateral assistance and U.S. opposition to multilateral assistance in the multilateral development banks.<sup>100</sup> For FY2010, the State Department identified 16 major precursor chemical source countries: Argentina, Belgium, Brazil, Canada, Chile, China, Germany, India, Mexico, the Netherlands, Singapore, South Korea, Taiwan, Thailand, the United Kingdom, and the United States. So far, the President has not decertified any country for its efforts to control methamphetamine precursor chemicals.

## Conclusion

Many observers highlight the importance of international drug control policy, particularly because of the transnational nature of the drug trade, whereas others continue to criticize existing policies and mechanisms for failing to achieve sufficient progress in combating illegal drugs. The UNODC has reported in recent years that global drug use has stabilized, on average; global opium poppy and coca cultivation is in decline; and global illicit drug seizures are up—and that a major contributing factor has been the continued international support for drug control policies. Global coordination, many say, is vital for lasting success in combating the international drug trade. At the same time, however, others criticize the international drug control system for failing to achieve the United Nations’ stated goal of “eliminating or reducing significantly” by 2008 the production and availability of synthetic drugs and precursors, as well as the cultivation of the coca bush, cannabis plant, and opium poppy.<sup>101</sup> In 2009, the U.N.’s Commission on Narcotic Drugs set a new date of 2019 to “eliminate or reduce significantly and measurably” the cultivation of illegal plant-based drugs, the demand for illegal drugs, the production and trafficking of synthetic drugs, the diversion and trafficking of precursor chemicals used in the manufacture of illegal drugs, and drug-related money laundering.<sup>102</sup>

Congress may continue to exercise its oversight and assess existing U.S. international drug policy. Emerging questions in the drug policy debate include the following:

- What is the scope and extent of national flexibility in the interpretation of international drug control treaties? Can the international drug control system endure challenges, including implicit and explicit national and sub-national policies that authorize the use and distribution of marijuana?
- In what ways are counternarcotics strategies facilitating or driving recent increases in drug trafficking-related violence? Are spikes in drug-related violence common or inevitable consequences of heightened counternarcotics operations? In what ways might governments mitigate or dampen current and potentially future increases in drug-related violence?
- How do counternarcotics policies interact with counterterrorism, counterinsurgency, and anti-money laundering priorities, particularly in countries

<sup>100</sup> As with the drug majors certification process, the President can waive the foreign assistance restrictions if he determines that providing aid to the country is vital to U.S. national interest.

<sup>101</sup> UNGA, Political Declaration, A/RES/S-20/2, June 10, 1998.

<sup>102</sup> U.N. CND, Report of the 52<sup>nd</sup> Session, March 14, 2008 and March 11-20, 2009), Economic and Social Council, Official Records, 2009, Supplement No. 8, E/2009/28, E/CN.7/2009/12.

such as Afghanistan, where the U.S. government may have an interest in all three issues?

- What role should the Department of Defense play in providing foreign counternarcotics assistance?
- How should U.S. policymakers weigh the benefits of aerial eradication as a counternarcotics policy tool with the social, financial, and political costs it may incur?
- To what extent is it a common phenomenon that human rights are violated over the course of drug-related investigations and operations? In what ways might human rights violations undermine or threaten drug control policies?
- To what extent should U.S. counternarcotics policy take into account economic development, social development, and health and harm reduction programs, and are such efforts sufficiently coordinated with international and bilateral partners?
- How do counternarcotics policies interact with related foreign policy goals of anti-corruption, justice sector reform, and improving the rule of law?
- How might international regulatory and legal constraints limit the reach of U.S. counternarcotics policy and potentially offer drug syndicates foreign safe havens? What legislative options might be available to prevent such legal safe havens from existing?

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