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THE UNINTENDED REVOLUTION: U.S. ANTI-DRUG POLICY AND THE SOCIALIST MOVEMENT IN BOLIVIA

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“The fight against drug trafficking is a pretext for the [United States] to dominate Latin America—for the [United States] to dominate our people, to violate our sovereignty.”¹

– President Evo Morales

I. INTRODUCTION

Leonida Zurita-Vargas is a *Quechua*² woman who used to grow coca in the *Chapare* region of Bolivia’s Cochabamba department.³ She is among the millions of *cocaleros*⁴ who have been unhappy that the United States wants Bolivia to drastically reduce coca cultivation as part of the U.S. War on Drugs.⁵

[B]ecause of the American drug problem, we can no longer grow coca, which was part of our life and our culture long before the United States was a country. This is why many of the people

1. James Reynolds, *Bolivia Wages War on the Coca Leaf*, BBC NEWS, June 6, 2000, <http://news.bbc.co.uk/1/hi/english/world/americas/newsid778000/778100.stm>. This quote is characteristic of the fiery rhetoric used by Bolivia’s newly elected president to inspire his indigenous base to oppose U.S. intervention in Bolivia. See *id.*

2. *Quechua* people are the indigenous inhabitants of the Andes who speak one of several variations of the native language, *Quechua*. THE OXFORD AMERICAN DICTIONARY AND THESAURUS 1226 (2d. ed. 2003).

3. The *Chapare* is a tropical region of Bolivia, east of the highest ridges of the Andes Mountains, near the city of Cochabamba. HARRY SANABRIA, THE COCA BOOM AND RURAL SOCIAL CHANGE IN BOLIVIA 28-29 (1993). Lower in elevation, and with a less harsh climate than other areas, the *Chapare* region is well-suited for growing coca for cocaine cultivation, and in recent years a majority of illicit coca farming has taken place in the *Chapare*. HERBERT S. KLEIN, A CONCISE HISTORY OF BOLIVIA 246-47 (2003).

4. Coca growers and those who support the right to grow the plant in Bolivia, are known as *cocaleros*. Madeline Barbara Léons & Harry Sanabria, *Coca and Cocaine in Bolivia: Reality and Political Illusion*, in COCA, COCAINE, AND THE BOLIVIAN REALITY 8 (Madeline Barbara Léons & Harry Sanabria eds., 1997). In this Article, coca growers, coca union members, and members of the Movement Towards Socialism (MAS) political party will be referred to interchangeably as *cocaleros*.

5. The “War on Drugs,” a phrase first used by President Richard Nixon, will be discussed in Part III, *infra*.

protesting in La Paz and other cities are peasants whose families have cultivated coca for generations.

My tribe, the *Quechua*, comes from the lowland jungles of the *Chapare* in central Bolivia. We are used to chewing coca leaves every day, much as Americans drink coffee. We sustained ourselves by growing coca for chewing We did not turn coca into cocaine; the chemicals needed for that are made in countries like the United States. Bolivia now allows us to grow a very small amount of coca, but it is not enough.

I am a *cocalera*. I owe my life to coca. My father died when I was [two years old] and my mother raised six children by growing coca. I was a farmer myself, growing coca for traditional purposes. But the United States says it is better for us to just forget about coca. . . .

. . . .

. . . The war on the *cocaleros* has brought Bolivia nothing but poverty and death.⁶

The coca leaf, native to South America, is the raw material for the production of cocaine, perhaps the most insidious drug confronting the United States today.⁷ But to many indigenous Andeans like Zurita-Vargas, coca is not a drug but a sacred plant that has been an integral part of their culture for hundreds of years. Thus when the United States began promoting anti-narcotics laws in Bolivia and providing funds, training, and technical assistance for the eradication of their sacred plant over two decades ago, indigenous Bolivians reacted angrily. Many Bolivians do not understand that the United States is waging war against cocaine and its deadly effects, not against coca or against traditional Andean culture itself.

Andean opposition to anti-drug laws and U.S. intervention has sparked a powerful social movement, enflamed by the pro-coca

6. Leonida Zurita-Vargas, *Coca Culture*, N.Y. TIMES, Oct. 15, 2003, at A19. Columnist John Tierney, also writing for the *New York Times*, sardonically echoes Zurita-Vargas' criticism: "[t]he Saudis can fight alcoholism by forbidding the sale of Jack Daniels, but we'd think they were crazy if they ordered us to eradicate fields of barley in Tennessee." John Tierney, *Reading the Coca Leaves*, N.Y. TIMES, Sept. 23, 2006, at A11.

7. BUREAU FOR INT'L NARCOTICS & LAW ENFORCEMENT AFFAIRS, U.S. DEP'T OF STATE, INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT: POLICY AND PROGRAM DEVELOPMENTS 3 (2003), available at <http://www.state.gov/documents/organization/18166.pdf>.

socialist Evo Morales. Morales, himself a dark-skinned indigenous coca farmer who is deeply distrustful of globalization and foreign intervention in Bolivia, was elected president in 2005 after promising to rid Bolivia of what he calls “North American imperialism.”⁸ Morales came to power by successfully combining Bolivians’ opposition to the War on Drugs with the traditional anti-globalization movements in Bolivia. Since his election, Morales has loosened restrictions on coca growth, nationalized Bolivia’s gas industry, ousted many foreign investors, and swept the desperately poor country towards socialism and the autocratic ideology of Castro’s Cuba and Chavez’s Venezuela.⁹

There have been few, if any, connections made between U.S. drug policy and the rise of Morales and his socialist political party. And fewer, if any, studies of U.S. drug policy adequately account for the historical importance of the coca plant among many Andean people.

By first describing in depth the sacredness of coca in the Andes, this Article will explain how U.S. drug policies in South America and Bolivian anti-drug laws promoted and enforced by the United States have been a direct cause of the revolution that has brought Morales’ brand of socialism to Bolivia. More broadly, this Article will explain why the unintended and unwanted consequences of U.S. action in Bolivia should guide future foreign intervention. Part II will discuss the history and sacredness of coca in the Andes, an understanding of which is essential to appreciate Bolivians’ passionate opposition to anti-drug laws. Part III will describe the U.S. drug war and its supply-reduction component as well as the anti-coca laws passed by the Bolivian congress. Part IV will explain how U.S. pressure and financial support for coca eradication and anti-narcotics laws have proven to be the impetus for the major social movement led by Evo

8. Daniel Kurtz-Phelan, “*Coca is Everything Here*”: *Hard Truths About Bolivia’s Drug War*, 22 *WORLD POL’Y J.* 103, 105 (2005).

9. *Bolivia Gas Under State Control*, BBC NEWS, May 2, 2006, <http://news.bbc.co.uk/2/hi/americas/4963348.stm> (describing Morales’ six-month deadline requiring “foreign energy firms [to] agree to channel all their sales through the Bolivian state, or else leave the country.”); *see also Country Profile: Bolivia*, BBC NEWS, Jan. 18, 2008, http://news.bbc.co.uk/2/hi/americas/country_profiles/1210487.stm (describing Morales’ nationalization and wealth redistribution efforts as well as his admiration for Fidel Castro and Hugo Chavez).

Morales. Part V will discuss the implications of the first two years of Morales' presidency.

The consequences of what Bolivians view as U.S. "meddling" and "imperialism" have been great. Evo Morales has been able to use anti-U.S. sentiment and the economic plight of coca farmers like Leonida Zurita-Vargas and other members of Bolivia's poor, indigenous majority to build a powerful political movement fueled by nationalism and poverty—and he has used this movement to make himself president. The overall goal of this Article is to explain why the United States, through its support for anti-coca laws in Bolivia, has frustrated its own broad goals for the region: a stable, democratic, and economically successful Bolivia that maintains a market economy and sets an example for Latin America.

II. COCA AND BOLIVIA

One cannot understand the current political dynamics in Bolivia without understanding coca's historical role in Andean society. Coca has historically been used as a chew, in tea, as a medicine, and has been integral to the economies of mountain communities, with many families relying on the crop for centuries for their livelihoods. More importantly, coca possesses a spiritual, even divine,¹⁰ place in the culture of many Andean communities. Thus, its regulation is not analogous to the prohibition of many drugs in the United States, such as marijuana or cocaine.¹¹

This section will begin by describing Bolivia generally, including its political history, demographics, and economy, and will conclude by describing in depth the important role that the coca plant plays in Bolivian society.

A. An Overview of Bolivian Culture and History

Bolivia possesses several characteristics that make the nation ripe for a socialist revolution. Two important factors are poverty and indigenous culture, both of which Bolivia has in abundance.

10. See, e.g., W. GOLDEN MORTIMER, PERU: HISTORY OF COCA, "THE DIVINE PLANT OF THE INCAS" (J.H Vail & Co., 1901).

11. One could probably not argue, for example, that the regulation of marijuana offends the cultural identity of U.S. citizens.

Bolivia, by every measure the poorest nation in South America,¹² possesses the continent's largest percentage of indigenous people,¹³ many of whom cherish the "divine" coca plant.

1. *A Troubled History*

Since its independence from Spanish rule in 1825, the Andean nation has seen almost 200 attempted political coups, a series of corrupt governments, the rise and decline of major mining industries, and the contemporary problems arising from the drug trade.¹⁴ Although rich in natural resources, Bolivia has a per capita income of just over \$1000 annually, making it the poorest nation in South America.¹⁵ In recent years, the government of Bolivia has struggled to increase foreign investment in the country, improve the national educational system, provide better infrastructure for its people, and prevent further corruption within its democratic institutions.¹⁶ Perhaps the nation's most pressing concern in recent years, however, has been trying to halt its coca and cocaine production while at the same time finding work for the poorest citizens.

2. *The East-West Divide*

The economic divide between the rich and poor in Bolivia is also a divide along geographic, cultural, and ethnic lines; class is inextricably linked with geography and skin color. While the poorest Bolivians live mostly in the mountainous west, those living in Bolivia's eastern region, with its fertile soil, are much

12. See *Country Profile: Bolivia*, *supra* note 9.

13. *Id.*

14. CENT. INTELLIGENCE AGENCY, *THE WORLD FACTBOOK: BOLIVIA* (2008), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/bl.html> [hereinafter *CIA WORLD FACTBOOK: BOLIVIA*].

15. *Country Profile: Bolivia*, *supra* note 9 (stating that Bolivia's gross national income per capita is U.S. \$1260).

16. *Id.*; Daniel Tyler Cook, Note, *The Case for Coca and Cocaine: Bolivia's March to Economic Freedom*, 13 *MINN. J. GLOBAL TRADE* 57, 71 (2003); see also BENJAMIN DANGL, *THE PRICE OF FIRE: RESOURCE WARS AND SOCIAL MOVEMENTS IN BOLIVIA* 214, 217-19 (2007).

wealthier.¹⁷ Westerners are generally darker-skinned Indians, in contrast to the lighter skinned *mestizo*¹⁸ citizens of the eastern departments. Almost two-thirds of Bolivia's indigenous population lives below the poverty line.¹⁹ Through much of its history, Bolivia has been governed by the *mestizo* elite, descendants of the Spanish who conquered the region in the sixteenth century.²⁰ Indigenous Bolivians have worked on feudal estates, in tin or silver mines, or on small subsistence farms for their lighter-skinned Spanish masters for centuries.²¹ The separation of indigenous and white citizens is still evident today and contributes to much of the current social tension in the country.²²

This cultural and ethnic conflict is particularly evident in the wealthy Santa Cruz region. The eastern department of Santa Cruz is Bolivia's largest and richest, possessing the country's most valuable natural resources, including natural gas and Bolivia's most fertile agricultural land.²³ The *mestizo* residents of Santa Cruz, *Cruceños*, as they are called, oppose the plans of President Morales to use increased tax revenues from their region to fund social programs for western Indians.²⁴ As a result, there is a rising demand for regional autonomy

17. *Country Profile: Bolivia*, *supra* note 9.

18. *Mestizos* are persons of mixed European and Amerindian ancestry. THE OXFORD AMERICAN DICTIONARY AND THESAURUS 940 (2d ed. 2003). In this Article, the terms *mestizo* and *white* will be used to describe non-indigenous Andeans.

19. See CIA WORLD FACTBOOK: BOLIVIA, *supra* note 14.

20. Stephen Johnson, Heritage Found., Bolivia Needs Consensus and Property Rights, Not Elections, WebMemo No. 775 (June 27, 2005), <http://www.heritage.org/Research/LatinAmerica/wm775.cfm?renderforprint=1>.

21. *Id.*

22. *Id.* ("Much of the turmoil in Bolivia stems from discord between citizens of European descent and the country's majority . . . indigenous poor. Spanish descendants have typically received land grants and access to political power from crony governments while natives lived apart, mostly uneducated, and were forced to work in silver and tin mines as well as subsistence agriculture.")

23. *Bolivia Regions Declare Autonomy*, BBC NEWS, Dec. 15, 2007, <http://news.bbc.co.uk/2/hi/americas/7144447.stm>.

24. See *Revolution Postponed*, ECONOMIST, Nov. 10, 2007, http://www.economist.com/research/backgrounders/displaystory.cfm?story_id=10104935 ("Although the mountainous and mainly-Indian west is solidly behind Mr. Morales, the commercially-minded, whiter lowland east is bitterly opposed to

from residents of Santa Cruz. Santa Cruz politicians and community leaders believe that because the department's bustling industry provides one-third of Bolivia's total economy,²⁵ more of that money should stay in Santa Cruz, instead of being used in the "backward" mountain provinces.²⁶

Autonomy for the region has wide popular support in Santa Cruz, and there is a growing, sometimes violent, separatist group that receives funding from some *Cruceños* and the Santa Cruz Chamber of Commerce.²⁷ The rift between the indigenous Andeans of Bolivia's western mountainous region and the wealthy *mestizos* of Santa Cruz has only been exacerbated by Morales' presidency.²⁸ Further political instability and violence, even civil war, are possible if President Morales continues his plans to use tax revenue from Santa Cruz to fund social programs in the country's western regions.

3. Natural Resources and Drugs

Paradoxically, Bolivia, with a very poor population, is rich in natural resources. For centuries, Bolivia's tin and silver mines and its natural gas reserves have produced consistent profits—but usually for foreign companies or *mestizo* elites, and never for poor citizens.²⁹

him.”).

25. Council on Hemispheric Affairs, *With Bolivia Still Seized by Unrest and Instability, There Are Lessons to Be Learned About Autonomy From Nicaragua's Comparative Experience*, Aug. 10, 2005, <http://www.coha.org/2005/08/with-bolivia-still-seized-by-unrest-and-instability-there-are-lessons-to-be-learned-about-autonomy-from-nicaragua%E2%80%99s-comparative-experience/>.

26. Council on Hemispheric Affairs, *Bolivia's Strife Intensifies: The Autonomy Being Sought by Santa Cruz Departmental Leaders Threatens Political Stability*, Feb. 11, 2005, <http://www.globalexchange.org/countries/americas/bolivia/2843.html> (“Santa Cruz autonomy boosters contend that the La Paz-based central government has squandered revenues collected from their residents to pay for costly, but poorly administered, public services in the country's purportedly more backward western highland region.”).

27. *Id.*

28. Morales is disliked in Santa Cruz because of his proposals to use more tax revenue from the region to support social programs for poor Indians. For example, Morales cannot walk through the airport in Santa Cruz without eliciting racist shouts such as “go away Indian,” and “don't come to Santa Cruz; you don't belong here.” See COCALERO (Fall Line Films 2007).

29. See Kurtz-Phelan, *supra* note 8, at 105 (describing the “impoverished

Bolivia's economy has been export-based, with major eastern exports such as silver, tin, soy products, oil, and gas—and now coca and cocaine—accounting for most of the capital in the country.³⁰ Because the economy has been structured around the export of a few major products, it has been highly sensitive to fluctuations in the global price and demand for the goods it produces. This is evidenced by the economic collapse in the early 1970s when the international price of tin plummeted.³¹ By 1981, most of its tin mines were closed, and Bolivia's GNP dropped twenty-five percent between 1981 and 1986, while both rural and urban unemployment increased.³²

The decline of the mining industry in the 1980s left many indigenous people out of work and created a vacuum that would eventually be filled by coca and cocaine production, commodities that were in high demand and generated consistent profits.³³ Bolivian workers found that while the industrialized world no longer wanted a great deal of tin, it still demanded South American drugs.³⁴ Through the early 1980s, there was a great migration of peasants from the high Andes to the tropical forests of central Bolivia, where most of the illicit coca is grown, and the number of coca farms increased tenfold.³⁵ As a result, coca and cocaine became the country's most profitable exports in the wake of the collapse of the tin market.

B. The History of Coca Use and Cultivation

It is unknown when Andeans first began growing coca, but its use predates Columbus' discovery of the New World.³⁶ Modern archaeology suggests that descendants of nomadic Siberian people

highland existence" of the ancestors of coca growers prior to migrating to the jungle).

30. Léons & Sanabria, *supra* note 4, at 1-3.

31. Kurtz-Phelan, *supra* note 8, at 105.

32. See Léons & Sanabria, *supra* note 4, at 1, 14.

33. SANABRIA, *supra* note 3, at 1-2.

34. See Kurtz-Phelan, *supra* note 8, at 105.

35. *Id.*

36. See Léons & Sanabria, *supra* note 4, at 3-4; Robert B. South, *Coca in Bolivia*, 67 GEOGRAPHICAL REV. 22, 22 (1972).

may have established communities in the Andes Mountains as early as 10,000 B.C.E.³⁷ Aymara-speaking tribes migrated to the Bolivian *altiplano*³⁸ around 700 B.C.E, and sometime after 700 B.C.E, Andean people began growing coca in the *altiplano*.³⁹ Before the Spanish conquest, Indians of eastern Bolivia grew coca for tea, chewing, and ritual use.⁴⁰

By the mid-sixteenth century, the Spanish began enslaving Indians to operate massive coca plantations and silver and tin mines.⁴¹ The Spanish sold the coca yield to native people, and after recognizing its positive effects on mobilizing labor, coca was even used by the Spanish as a stimulant to energize workers in the largest Bolivian tin and silver mines of Potosí and Huancavelica.⁴² The Spanish also provided their slaves with coca to supply them with some vitamins and to avoid giving them other costlier vegetables.⁴³ As a result of Spanish colonial rule, “[d]uring the sixteenth and seventeenth centuries, coca production [in the Andes] increased forty- to fifty-fold . . . [and] thousands of [indigenous Andeans lived and] died cultivating a crop destined for sale to their own people.”⁴⁴

37. WALTRAUD Q. MORALES, A BRIEF HISTORY OF BOLIVIA 2 (2003).

38. The Bolivian *altiplano* is a high country plateau of eastern Bolivia that covers about ten percent of the country. KLEIN, *supra* note 3, at 3-4.

39. MORALES, *supra* note 37, at 3.

40. CATHERINE J. ALLEN, THE HOLD LIFE HAS: COCA AND CULTURAL IDENTITY IN AN ANDEAN COMMUNITY 188-89 (2d ed. 2002).

41. *Bolivia: Legacy of Coca*, Andean Information Network, June 9, 2004, http://ain-bolivia.org/index2.php?option=com_content&do_pdf=1&id=61.

42. *See, e.g.*, ALLEN, *supra* note 40, at 189-90 (describing coca’s use to drive the pace of silver mining and its effects as being “conducive to work and concentration while relieving fatigue and dulling sensations of hunger and thirst”); *see also* Kurtz-Phelan, *supra* note 8, at 105 (stating that the Spanish began paying workers in coca after realizing how effective it was at staving off hunger, fatigue, and altitude sickness.). In addition, the Spanish discovered that miners could work longer and had an increased tolerance for physical labor when allowed to consume coca. *Bolivia: Legacy of Coca*, *supra* note 41.

43. *See* ALLEN, *supra* note 40, at 190 (discussing the scarcity of green vegetables and need for the vitamins and minerals in coca leaves).

44. *Id.* at 189. “Paradoxically, it was out of this historical situation—the colonial holocaust of disease, taxation, forced labor, and forced religious conversion—that the cultural identity of the [indigenous coca growers] took shape,

1. Uses

Coca has traditionally been used in one of two ways: either as a chew or in coca tea.⁴⁵ Coca leaves contain many nutrients, including vitamins A and B, phosphorus, and iron.⁴⁶ In high-altitude communities where green vegetables are scarce, the extra nutrients provided by coca leaves are often much needed.⁴⁷ Coca is also widely used to diminish the effects of the decreased oxygen at high altitudes, as any visitor to an Andean city will discover.⁴⁸ Much like coffee, coca is a mild stimulant and is the social drink of choice for many. Coca is also believed to be a panacea for numerous ailments and is even used as an aphrodisiac.⁴⁹

2. Coca's Cultural Significance

Although coca is widely used—and relied upon—as a functional medicine and a mild stimulant, its importance to traditional religion and indigenous culture is what makes coca regulation and eradication such a volatile issue in Bolivia. The coca plant is more than a medicine or stimulant for Bolivians—it is a defining characteristic and symbol of traditional Andean life. To many Bolivians, coca is a sacred plant essential to their spiritual lives and self-identity as a people.

and that coca use came to signify Indianness.” *Id.*

45. DANGL, *supra* note 16, at 37.

46. SANABRIA, *supra* note 3, at 37-38; ALLEN, *supra* note 40, at 190.

47. ALLEN, *supra* note 40, at 190; SANABRIA, *supra* note 3, at 37-38. In the high Andes, where potatoes are the main food source, the vitamins from coca are especially beneficial and some have suggested that coca leaves help to regulate the excess glucose that results from consuming too many carbohydrates. *See* ALLEN, *supra* note 40, at 190.

48. ALLEN, *supra* note 40, at 190. A visitor to any small town or village, or even a large modern city like Cuzco, Peru (at 11,000 feet above sea level), or La Paz, Bolivia (12,000 feet), will routinely be offered coca tea to mitigate altitude sickness. *See id.*

49. South, *supra* note 36, at 23. The effect of drinking a cup of coca tea has been compared to that of drinking a cup of coffee and swallowing a single aspirin tablet. ALLEN, *supra* note 40, at 190; *see also* Madeline Barbara Léons, *Risk and Opportunity in the Coca/Cocaine Industry in the Bolivian Yungas*, 25 J. LATIN AM. STUD. 121, 123 (1993).

a. The “Divine Plant”

There is a legend among the *Quechuas* that coca chewing and its healing power, was first discovered by Santísima María—a saint, “Our Mother,” to the *Quechuas*—after her child was lost in the wilderness.⁵⁰ Grieving and wandering through the mountains, Santísima María picked a handful of coca leaves and began to chew, immediately learning that the leaves soothed her spirits.⁵¹ For indigenous Andeans, the legend symbolizes the long history of coca use for easing the pain of life’s hardships.

The first major study of the coca plant and the history of its use was undertaken in 1901 by W. Golden Mortimer, a medical doctor. His book, *A History of Coca: The Divine Plant of the Incas*, focuses on the use of the coca plant in the small mountain communities of Peru and western Bolivia. Indigenous Andeans, Mortimer found, revered coca and viewed the plant as divine, believing it to possess religious power and significance:

The absolute reliance of the Andean Indians upon Coca not only for sustenance, but as a general panacea for all ills, has naturally led them to feel a superstitious regard for the plant. This reverence has descended to them from the Incan period, during which the shrub was looked upon as “a living manifestation of divinity, and the places of its growth a sanctuary where all mortals should bend a knee.”⁵²

Mortimer found that Andeans believe that “if a dying man can appreciate the taste of coca leaves . . . his soul will enter Paradise.”⁵³ The coca plant has been more than a vegetable or a stimulant for native Andeans; instead, it has been an integral and sacred part of everyday life.

50. ALLEN, *supra* note 40, at 7.

51. *Id.*

52. MORTIMER, *supra* note 10, at 19-20.

53. *Id.* at 73.

b. To Be a “Real Person”

Mortimer’s study was conducted in late nineteenth and early twentieth century Andean communities, but his findings are consistent with more recent studies. Catherine Allen, a sociologist specializing in indigenous Andean culture, wrote *The Hold Life Has: Coca and Cultural Identity in an Andean Community*, after living and studying in a *Quechua* society.⁵⁴ Like Mortimer, she also found that the coca plant has for centuries been inextricably linked to the self-identity and religion of the Andean people. While living with *Quechua*-speaking peasants in Peru, Allen discovered that the coca plant “carries a way of life with it. To [chew coca] properly . . . is to be a *Runa*, a ‘real person.’ To chew coca leaves is to affirm the attitudes and values—the habits of mind and body—that are characteristic of indigenous Andean culture.”⁵⁵

Coca leaves are also incorporated in traditional prayers, funerals,⁵⁶ and marriage ceremonies,⁵⁷ and their use is believed to ward off and cure numerous ailments and illnesses, including altitude sickness, hunger, and common aches and pains.⁵⁸ Often, ground coca leaves are blown or scattered over food before it is eaten in order to share the food with the gods.⁵⁹ The leaves have material value as well, and in

54. ALLEN, *supra* note 40, at 8.

55. *Id.* at 7-8.

56. *Id.* Allen describes attending an indigenous funeral where “*k’intus* (small offerings of coca leaves) [were shared] with Mother Earth, the Sacred Places around us, and the souls of the ancestral dead.” *Id.* at 3. “It would never occur to mourners to visit a grave without coca leaves.” *Id.* at 7. Indigenous Andeans believe that “coca protects them from the sickening wind of the dead, and that it comforts them in their grief. Chewing coca together, they are drawn as a group into a shared communion with the Earth.” *Id.*

57. SANABRIA, *supra* note 3, at 38. Gifts of coca leaves are common as gifts in indigenous marriage ceremonies and other social settings: “The offering and use of coca also cements other social obligations, functions as an index of cultural identity, and serves as a medium of communication between humans and supernatural beings.” *Id.*

58. *Id.*

59. See ALLEN, *supra* note 40, at 276 (defining *phukuy* as the “ritual offering in which one blows over coca or food in order to share it with the deities”). This practice “draws the human actor into a relationship with the Earth and the Sacred Places.” *Id.* at 107.

many communities are used as valid currency or a medium of exchange.⁶⁰

C. *Coca and the Bolivian Economy*

The important place of coca in traditional Bolivian society created a large demand for the plant, and centuries ago coca farming became a stable and profitable trade for thousands of farmers.⁶¹ In the 1980s, as many as a quarter million people in Bolivia relied on coca for their livelihoods.⁶² In the last several decades, however, highland farming for traditional uses has been overshadowed by massive cultivation in the tropical regions to support the cocaine trade.

1. *Traditional Highland Cultivation*

Traditional coca farming provided a small but consistent source of income for many highland peasants for centuries before the cocaine boom of the 1980s. Historically, farming for traditional uses has taken place in the *Yungas*, a high mountainous region northeast of La Paz.⁶³ Traditionally, *Yungas* coca plants were grown in terraced fields carved into the steep mountain hillsides.⁶⁴ The sturdy bushes are resistant to insects and can survive in poor soil with little attention.⁶⁵ When the leaves are mature, they are picked by hand, allowed time to dry in the sun, and then shipped and sold at village markets.⁶⁶ A fully grown plant will yield as many as four crops each year.⁶⁷

The time-honored, small scale cultivation in the *Yungas* looks much different from modern farming for the drug trade in the *Chapare*. Today, coca grown in both the *Chapare* region near

60. See SANABRIA, *supra* note 3, at 38.

61. Léons & Sanabria, *supra* note 4, at 3-4.

62. *End of Coca Growing Brings Deep Changes to Bolivian Region*, CNN, Dec. 26, 1999, <http://www.latinamericanstudies.org/bolivia/coca.htm>.

63. See South, *supra* note 36, at 24.

64. *Id.* at 27.

65. ALLEN, *supra* note 40, at 190.

66. *Id.*

67. *Id.*

Cochabamba and the *Yapachani* region in the Santa Cruz department is much more likely to be grown for cocaine, in contrast to the traditional cultivation in the *Yungas* highlands.⁶⁸ In fact, coca plants grown in the lower-altitude *Chapare* jungle are preferred by drug producers because their leaves contain a higher percentage of cocaine than *Yungas* coca plants.⁶⁹

2. Cocaine Synthesis and Illicit Cultivation

The process of cocaine synthesis was created in Germany in the nineteenth century, after which it was widely touted for its medicinal uses.⁷⁰ After the turn of the century, cocaine became the subject of widespread regulation and its use did not become popular as a recreational drug until the last half of the twentieth century.⁷¹ As the international demand for cocaine spiked in the 1960s, entrepreneurs began clearing large patches of jungle in the *Chapare*, and migrants in search of work gradually descended from the high Andes to the lowland jungles to farm coca, which was then boiled down to a coca paste.⁷² Peasants then sold the coca paste to drug traffickers who refined it further, usually outside of Bolivia, to create white powder cocaine.⁷³ Drug planes or boats then carried the cocaine from South America to be sold on the streets of the United States and Europe.⁷⁴

III. THE U.S. WAR ON DRUGS AND ANTI-COCA LAWS IN BOLIVIA

As cocaine use reached epidemic proportions in the United States in the late twentieth century, and when prohibition on its

68. Léons, *supra* note 49, at 123.

69. *See id.* The milder *Yungas* coca however, with less natural cocaine in its leaves, is preferred by traditional users to *Chapare* coca. *Id.*

70. ALLEN, *supra* note 40, at 191. Cocaine synthesis is a multi-step, highly technical process, requiring, among other things, a lot of sulfuric acid, kerosene, and heat. *See* JOËL L. PHILLIPS & RONALD W. WYNNE, COCAINE: THE MYSTIQUE AND THE REALITY 119-21 (1980); Léons & Sanabria, *supra* note 4, at 15-16.

71. PHILLIPS & WYNNE, *supra* note 70, at 79, 173-74. For a discussion of the early regulation of cocaine use in the United States, see *infra* Part III.A.

72. Kurtz-Phelan, *supra* note 8, at 103.

73. *Id.*

74. *Id.*

use failed to solve the problem, U.S. policy makers turned their attention to the drug-producing regions of South America. A major goal of the war on cocaine became the reduction of the raw material, coca.⁷⁵ This Part will describe the supply-reduction theory generally, as well as the integral role played by the U.S. government in the passage and enforcement of Bolivian drug control laws and the establishment of an anti-drug legal regime in Bolivia.

A. Cocaine and the Beginning of the War on Drugs

In the late nineteenth century, cocaine was lauded by well-respected doctors and scientists as, among other things, a cure for morphine and alcohol addiction and an effective anesthetic.⁷⁶ In 1884, an Austrian physician, Sigmund Freud, called cocaine a “magical drug” for its power to cure addiction and its ability to soothe general ailments.⁷⁷ So popular was this new drug that American companies began to incorporate small amounts of cocaine in soft drinks, soaps, medicines, and even cigarettes.⁷⁸

Soon, however, the medical establishment recognized the addictive and psychotic power of cocaine as well as the risk of fatal overdose. The endorsement of cocaine was retracted by most doctors and medical journals by the end of the nineteenth century.⁷⁹ At first, cocaine was regulated exclusively by the states, many of which limited its use to a medical anesthetic.⁸⁰ The

75. BUREAU FOR INT’L NARCOTICS & LAW ENFORCEMENT AFFAIRS, U.S. DEP’T OF STATE, INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT, PART I: DRUG AND CHEMICAL CONTROL 11, 16 (2004), available at <http://www.state.gov/documents/organization/29955.pdf> [hereinafter INCSR 2004 PART I].

76. Stephen Wisotsky, *Exposing the War on Cocaine: The Futility and Destructiveness of Prohibition*, 1983 WIS. L. REV. 1305, 1310-12 (1983).

77. *Id.* at 1310-11. Freud, who became a cocaine user himself, also suggested the drug for use as an aphrodisiac and as a remedy for asthma and digestive problems. *Id.* at 1310 & n.30.

78. *Id.* at 1311. For example, the popular soft drink Coca-Cola originally contained cocaine and the ingredient was not substituted with caffeine until 1903. PHILLIPS & WYNNE, *supra* note 70, at 53; Wisotsky, *supra* note 76, at 1311 n.35.

79. Wisotsky, *supra* note 76, at 1312. Freud also stopped using the drug by 1895. *See id.* at 1312 n.37.

80. PHILLIPS & WYNNE, *supra* note 70, at 73-74.

Harrison Narcotics Act of 1914 was the first federal statute directly regulating the use of cocaine.⁸¹ The Act, strengthened by amendments made through the 1920s, eventually prohibited the non-medicinal use of cocaine altogether, making it illegal everywhere in the United States.⁸² Cocaine's prevalence initially declined in the decades following the Harrison Act, but by the 1960s, the United States was again battling an epidemic of cocaine addiction.⁸³

On June 17, 1971, President Richard Nixon officially declared a "War on Drugs" in the United States, calling the country's drug abuse problem "public enemy number one."⁸⁴ In the nearly four decades since Nixon's declaration, U.S. drug control policy has become increasingly centered upon a source-country drug control strategy, or a supply-reduction approach. In the case of the war on cocaine, the reduction of the supply of coca in South America has become a focus of foreign drug policy, especially in the three major coca and cocaine producing nations: Bolivia, Colombia, and Peru.⁸⁵

B. The Supply-Reduction Approach

Without peanuts, there would be no peanut butter, and likewise, without coca there would be no cocaine. The theory of supply-reduction as a drug control policy is analogous, and it is both simple and logical: without the materials to produce illegal drugs, dealers

81. *Id.* at 78. The Act provided for the registration of persons involved with distributing opiates and imposed a special tax upon such persons. Harrison Narcotics Act, ch. 1, § 1, 38 Stat. 785 (1914). Although the Pure Food and Drug Act of 1906 had previously attempted to indirectly regulate cocaine distribution, the Harrison Narcotics Act was the first to deal directly with cocaine and other narcotic drugs. PHILLIPS & WYNNE, *supra* note 70, at 75.

82. Wisotsky, *supra* note 76, at 1312-13.

83. *Id.* at 1313.

84. See PBS.org, Thirty Years of America's Drug War: A Chronology, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/cron/> (last visited Mar. 7, 2009). President Reagan also declared a "War on Drugs" during a speech in 1982. See Leslie Maitland, *President Gives Plan to Combat Drug Networks*, N.Y. TIMES, Oct. 14, 1982, at A1 (describing the President's plan to attack the narcotics business of organized crime).

85. INCSR 2004 PART I, *supra* note 75, at 11.

cannot distribute those drugs to potential users. Initiatives for the reduction of coca production in source countries have been advocated by the U.S. State Department and include giving financial aid and training to the military and police organizations in Andean nations in hopes of decreasing the amount of coca grown, often by physically destroying crops:

Our objective is to reduce and ultimately cut off the flow of illegal drugs to the United States. . . .

. . . The closer we can attack to the source, the greater the likelihood of halting the flow of drugs altogether. Crop control is by far the most cost-effective means of cutting [drug] supply. If we destroy crops or force them to remain unharvested, no drugs will enter the system.⁸⁶

Advocates of this approach cite the market principles of supply and demand to justify crop reduction, claiming that decreasing or eliminating crop yields in the Andes will decrease the amount of cocaine in the world market and in turn drive up the street price of cocaine in the United States, thus decreasing the drug's prevalence.⁸⁷

86. *Id.* at 16.

87. *See id.* at 16-17. This Article focuses only on the political consequences resulting from U.S. support for the supply-reduction strategy and will not comment on the overall effectiveness of the strategy. However, there is much philosophical opposition to the supply-reduction approach. Opponents of the supply-reduction strategy argue that reducing the demand for cocaine in countries like the United States is the only way to discourage illegal coca cultivation and mitigate the cocaine epidemic; many, in fact, point out that drug availability in the United States has increased, while its price has fallen, as evidence of supply-reduction's failure. *See, e.g.,* TED GALEN CARPENTER, *BAD NEIGHBOR POLICY: WASHINGTON'S FUTILE WAR ON DRUGS IN LATIN AMERICA* 6-7 (2003) (discussing the failures of U.S. policy efforts to drive up the retail prices of illegal drugs, which have actually declined in recent years).

[T]he campaign against the supply of illegal drugs is no closer to success than it was when Nixon first issued his declaration of war. The U.S. State Department's own figures show that a larger quantity of drugs is flowing out of Latin America today than during the mid-1980s . . . despite a concerted effort by the United States and the drug-source countries to eradicate the supply.

CARPENTER, *supra*, at 6.

C. *Anti-Coca Laws in Bolivia and U.S. Influence*

As part of its supply-reduction strategy, the United States has been pushing for the passage of anti-narcotics laws in Bolivia. U.S. policy makers felt that strong efforts to reduce the amount of coca grown in Bolivia—by eradicating coca crops and promoting alternative crop development—would decrease the amount of cocaine in the United States.⁸⁸ To be successful, however, this effort would require the full support of the Bolivian government, which would have to enact and enforce tough anti-coca laws. Since the 1980s, Bolivia has passed several major counterdrug initiatives in an effort to gain control over the coca trade.⁸⁹ And behind nearly every coca control strategy implemented by the Bolivian government has been the United States, providing advice, financial assistance, and, if necessary, economic coercion.⁹⁰

This Part will describe the major anti-coca laws passed by the Bolivian Congress and will explain how U.S. pressure helped to bring about those measures. The Part will conclude by describing three pieces of U.S. legislation that have been used to provide economic incentives or coercion for Bolivia to bring about these anti-drug measures and destroy coca: the Andean Regional Initiative, the Andean Trade Protection and Development Enhancement Act, and the Foreign Assistance Act.

1. *The United Nations Single Convention on Narcotic Drugs*

The first major attack on Bolivians' right to grow and use coca came in 1961 when the government, despite the opposition of the country's indigenous majority, signed the United Nations Single Convention on Narcotic Drugs (Single Convention).⁹¹ The Single Convention labeled coca as a narcotic drug, grouping it with cocaine, thereby classifying—and stigmatizing—coca cultivation as the “production” and “trafficking” of illegal drugs.⁹² The Single

88. INCSR 2004 PART I, *supra* note 75, at 16.

89. *See* Léons & Sanabria, *supra* note 4, at 21-23.

90. *Id.* at 23-25.

91. Single Convention on Narcotic Drugs, *done* Mar. 30, 1961, 18 U.S.T. 1407, 520 U.N.T.S. 151.

92. *Id.* art. 1 (defining “illicit traffic” to include “cultivation or trafficking in

Convention also outlined several goals for Bolivia, including crop substitution programs and one very ambitious goal: the complete eradication of illicit coca cultivation in the country.⁹³ In 1973, to help implement its obligations under the Single Convention, Bolivia enacted Law 11245, which created a National Office for the Control of Dangerous Substances (NOCDS),⁹⁴ required the registration of coca growers, and provided some assistance to farmers who agreed to grow crops other than coca.⁹⁵ Although the coca growers resisted the ratification of the Single Convention—and the creation of the NOCDS—little changed for coca growers after its passage, and coca cultivation continued to increase through the 1970s and 1980s.⁹⁶

2. Law 1008

More than twenty-five years after the ratification of the Single Convention, Bolivia had still not eradicated its illegal coca cultivation; in fact, cultivation had increased dramatically by the late 1980s.⁹⁷ During the coca boom in the *Chapare* during the 1980s, the Bolivian government decided to take a harder line on coca. The principal anti-coca law of the period, the Law of the Regime Applicable to Coca and Controlled Substances (Law 1008), was passed by the Bolivian Congress in 1988.⁹⁸ The law placed limitations on the number of hectares⁹⁹ on which coca could be grown, essentially outlawing

drugs contrary to the provisions of this convention”); see also Léons & Sanabria, *supra* note 4, at 21.

93. Single Convention on Narcotic Drugs, *supra* note 91, art. 22.

94. Melanie R. Hallums, Note, *Bolivia and Coca: Law, Policy, and Drug Control*, 30 VAND. J. TRANSNAT'L L. 817, 829 & n.61 (1997). The NOCDS was dedicated to the “gradual, systematic, and planned reduction of coca leaf cultivation in [Bolivia]” *Id.* (quoting COCA AND COCAINE: AN ANDEAN PERSPECTIVE 17 (Felipe E. Mac Gregor ed., Jonathan Cavanaugh & Rosemary Underhay trans., 1993)).

95. Hallums, *supra* note 94, at 829 n.61.

96. SANABRIA, *supra* note 3, at 59.

97. *Id.* Between 1987 and 1988, for example, cultivation increased an astounding twenty-four percent in Bolivia. See RENNELAER W. LEE III, THE WHITE LABYRINTH: COCAINE AND POLITICAL POWER 204 (1989).

98. Ley No. 1008, 19 July 1988, Ley del Régimen de la Coca y Sustancias Controladas [Coca and Controlled Substances Law], Gaceta Oficial de Bolivia, 22 July 1988 [hereinafter Law 1008].

99. A hectare is a unit of land measurement used in South America and is

cultivation in the *Chapare*.¹⁰⁰ Law 1008 also created a plan to begin the physical eradication of coca fields and instituted a new judicial system with draconian rules for use in drug-related trials.¹⁰¹ The Single Convention was often ignored by farmers, but Law 1008 and the new legal system it created for drug-related offenses had a drastic effect on coca growers. While still not dissuaded from coca cultivation altogether,¹⁰² peasant farmers of coca became susceptible to more arrests and incarcerations and were subject to new criminal procedures.

Law 1008 was enacted at the urging of the U.S. government and the U.S. Agency for International Development (USAID).¹⁰³ The law was passed by the Bolivian legislature only after the Reagan Administration threatened to deny Bolivia millions in foreign aid if it failed to pass drug legislation.¹⁰⁴ Critics of Law 1008 also claim that USAID played a major role in the actual drafting of the law—or that USAID officials in fact helped write Law 1008.¹⁰⁵ Bolivians unanimously believe that international pressure led to the enactment

roughly equivalent to 2.5 acres. THE OXFORD AMERICAN DICTIONARY AND THESAURUS 680 (2d ed. 2003).

100. See Chandra Triplett, Commentary, *Ley Del Régimen de la Coca y Sustancias Controladas*, 6 INTER-AM. LEGAL MATERIALS 278, 280-81 (1995), available at <http://www.natlaw.com/interam/bo/cs/sp/spbocs1.htm> (describing Law 1008 as declaring most *Chapare* coca as “excess and transitional” and subject to eradication).

101. *Id.* at 281. The law, for example, imposes mandatory sentences for drug crimes, and all evidence is admissible at trial, regardless of how it is obtained. Solimar Santos, Comment, *Unintended Consequences of the United States’ Foreign Drug Policy in Bolivia*, 33 U. MIAMI INTER-AM. L. REV. 127, 135 (2002). Further, even if acquitted in a lower court, Law 1008 mandates that suspects be imprisoned until the Supreme Court has ruled on the case. Thea Luna, *Bolivia’s Prisons and the Impact of Law 1008*, ANDEAN INFORMATION NETWORK, Aug. 1, 2004, http://ain-bolivia.org/index2.php?option=com_content&do_pdf=1&id=64; see also DANGL, *supra* note 16, at 47 (“Many are sentenced with very shaky evidence; in some cases, a simple police report is enough to send a suspect to jail.”).

102. Coca cultivation, however, did decline in Bolivia during the 1990s. See Santos, *supra* note 101, at 139.

103. Triplett, *supra* note 100, at 292-93.

104. Santos, *supra* note 101, at 134 n.40 (“In 1988 the Reagan administration froze fifty percent of U.S. aid until the Bolivian Congress approved the law.”).

105. See Triplett, *supra* note 100, at 280; Cook, *supra* note 16, at 57, 71.

of Law 1008, and they refer to it with disdain as the “Law of Foreigners.”¹⁰⁶

3. Plan Dignidad

Despite the restrictions imposed by Law 1008, the *cocaleros* continued to grow coca well into the 1990s. Law 1008 proved ineffective in reducing the amount of cocaine exported from Bolivia, so the government took a harder line to eradicate the crops with the adoption of *Plan Dignidad* in 1998.¹⁰⁷ Adopted under military dictator-turned-President Hugo Banzer, *Plan Dignidad* (the “Dignity Plan”) was a proposal for “zero coca,” meaning the complete eradication of illegal coca in Bolivia by 2002.¹⁰⁸ *Plan Dignidad* was more ambitious than Law 1008, which had proposed only gradual reductions in coca cultivation through crop substitution programs. The Plan did provide for compensation to farmers who would lose money when forced to abandon coca, but the assistance programs were never well funded and expired after five years.¹⁰⁹

As with Law 1008, the United States was deeply involved in the passage and the implementation of *Plan Dignidad*. The Clinton Administration, hoping to see the complete eradication of Bolivian coca, promised the Banzer government funding for crop eradication, alternative development, and debt forgiveness to help encourage passage of the Plan.¹¹⁰ The U.S. State Department also threatened

106. Hallums, *supra* note 94, at 835.

107. República de Bolivia, *!Por la Dignidad! Estrategia Boliviana de la Lucha Contra el Narcotráfico: 1998-2002*, [*Dignity Plan*] (1998).

108. MORALES, *supra* note 37, at 223-24, 232. In effect, the complete eradication of “illegal” coca under the Plan meant the complete eradication of *Chapare* coca. The Dignity Plan retained Law 1008’s allowances for traditional farming in the *Yungas* region. See DANGL, *supra* note 16, at 45. The physical destruction of coca plants, a major component of *Plan Dignidad*, will be discussed in Part III.D, *infra*.

109. See Santos, *supra* note 101, at 139.

110. Press Release, Richard Boucher, Spokesman, U.S. Dep’t of State, United States Supports Bolivia’s “Plan Dignidad” (Sept. 29, 2000), <http://fas.org/irp/news/2000/09/irp-000929-bolivia.htm>. President Clinton himself pressured Banzer to strengthen the Plan by focusing on the eradication of all coca cultivation, and that the Bolivian military, instead of police forces, should be responsible for enforcing *Plan Dignidad*. DANGL, *supra* note 16, at 45.

Bolivia with decertification as an ally in the drug war, meaning large cuts in aid, if it failed to reduce illicit coca production.¹¹¹ Further, the United States conditioned other funds for infrastructure and education in Bolivia on the successful eradication of coca under *Plan Dignidad*.¹¹²

By most accounts, *Plan Dignidad* has been successful in reducing coca cultivation in Bolivia, especially in the cocaine-producing *Chapare* region.¹¹³ The majority of coca farms—including all “commercially significant” farms—were destroyed by 2000.¹¹⁴ However, many Bolivians do not see *Plan Dignidad* as a success. The crop substitution programs, designed to provide profitable alternatives to growing coca, have never proven very successful, and farmers have been unable to make the same profits off sales of the alternative crops.¹¹⁵ A poor national infrastructure, moreover, prevents many farmers from selling crops because they simply cannot get them to

111. See Jane E. Becker, Acting Assistant Sec’y of State, Bureau for Int’l Narcotics and Law Enforcement Affairs, *Drug Trafficking Prevention Efforts: Statement to the Subcomm. on the Western Hemisphere of the H. Comm. On Int’l Relations*, 1997 WL 460618 (July 16, 1997); see also BUREAU FOR INT’L NARCOTICS & LAW ENFORCEMENT AFFAIRS, U.S. DEP’T OF STATE, 1996 INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT (1997), available at http://www.state.gov/www/global/narcotics_law/1996_narc_report/exesum96.html.

112. See DANGL, *supra* note 16, at 44; see also Cook, *supra* note 16, at 83-84.

113. Santos, *supra* note 101, at 139. The U.S State Department, in fact, hails Bolivia as a “model for the region in coca eradication.” BUREAU FOR INT’L NARCOTICS & LAW ENFORCEMENT AFFAIRS, U.S. DEP’T OF STATE, FISCAL YEAR 2003 CONGRESSIONAL BUDGET JUSTIFICATION 19 (2002), available at <http://www.state.gov/documents/organization/10694.pdf> [hereinafter 2003 BUDGET JUSTIFICATION]. Critics of the supply side strategy argue that when coca cultivation was regulated and eradicated in the *Chapare*, drug operations moved farther into the jungle and to other regions in Colombia and Peru, and thus, there is no less cocaine on American streets despite all the coca destroyed in Bolivia. See, e.g., CARPENTER, *supra* note 87, at 6.

114. Santos, *supra* note 101, at 139. By 2000, coca cultivation had been reduced as much as ninety percent in the *Chapare* region. 2003 BUDGET JUSTIFICATION, *supra* note 113, at 19.

115. Kathryn Ledebur, *Coca and Conflict in the Chapare*, WOLA DRUG WAR MONITOR, July 2002, at 2-4, available at http://www.wola.org/media/ddhr_bolivia_brief.pdf. During one protest against alternative development, *Chapare* farmers piled rotting pineapples and bananas—crops that they were supposed to grow instead of coca—along a road because the crops were practically worthless. *Id.* at 5.

markets.¹¹⁶ Critics argue that *Plan Dignidad*'s "zero coca" goal for Bolivia has meant even more poverty for the already poor nation.¹¹⁷ *Cocaleros* and their families have also suffered alleged human rights violations by the soldiers and police charged with carrying out the physical destruction of the coca fields.¹¹⁸

4. The Andean Counterdrug Initiative

Eradication efforts under *Plan Dignidad* were, and still are, aided and partially funded by several U.S. programs, the most significant of which is the Andean Regional Initiative (ARI).¹¹⁹ The ARI, initially proposed by the Bush Administration in 2001, is administered by the U.S. Department of State, and is designed to "promote and support democracy and democratic institutions, foster sustainable economic development and trade liberalization, and significantly reduce the supply of illegal drugs to the U.S. at the source."¹²⁰ However, the majority of the funding—just under \$700 million when first approved by Congress for the 2002 fiscal year—goes to a subsidiary program, the Andean Counterdrug Initiative (ACI), that is administered by the Bureau for International Narcotics and Law Enforcement Affairs (INL).¹²¹ The ACI funds anti-drug programs in seven Central and

116. *Id.* at 3-4; see also STEPHEN JOHNSON, HERITAGE FOUND., EXECUTIVE MEMORANDUM NO. 988, BOLIVIAN ELECTION REVEALS NEED FOR BROADER ENGAGEMENT 1 (2006), available at http://www.heritage.org/Research/LatinAmerica/upload/93365_1.pdf.

117. Ledebur, *supra* note 115, at 2.

118. Santos, *supra* note 101, at 139 ("Coca is not the only thing that has been eradicated in the advent of *Plan Dignidad*; human rights and the citizens' trust in the government and the police have also been destroyed in the interim."). Not coincidentally, the rise of the MAS corresponds with the advent of *Plan Dignidad*. See discussion *infra*, Part IV.

119. K. LARRY STORRS & NINA M. SERAFINO, CRS REPORT RL31016, ANDEAN REGIONAL INITIATIVE (ARI): FY2002 ASSISTANCE FOR COLOMBIA AND NEIGHBORS 1 (2001), available at <http://fpc.state.gov/documents/organization/7948.pdf>.

120. Luz Estrella Nagle, *Global Terrorism in Our Own Backyard: Colombia's Legal War Against Illegal Armed Groups*, 15 TRANSNAT'L L. & CONTEMP. PROBS. 5, 58-59 (2005).

121. *Id.* at 59.

South American countries, but the majority of ACI dollars go to Colombia, Bolivia, and Peru.¹²²

It is through the ACI that U.S. money actually finds its way to the Bolivian programs which destroy drug crops. In 2004, the ACI provided over \$90 million to Bolivia for counterdrug operations, with a large portion to help fund Bolivia's eradication campaigns.¹²³ The ACI, for example, allocates approximately \$10 million to eradication efforts, including a "Joint Eradication Task Force" (JTF) of Bolivian soldiers who are in charge of carrying out the crop eradication components of *Plan Dignidad*.¹²⁴ The JTF "consists of 1,600 military, police and civilian personnel, with one-half of the force providing security for the other half, which engages in coca eradication operations."¹²⁵ ACI money is used for fuel and vehicles and to feed, train, and house the members of the Bolivian military and police who destroy the crops.¹²⁶ ACI funding is also used to purchase and maintain aircraft used by several divisions of the Bolivian military in its eradication efforts.¹²⁷

122. CONNIE VIELLETTE, CRS REPORT RL33253, ANDEAN COUNTERDRUG INITIATIVE (ACI) AND RELATED FUNDING PROGRAMS: FY2006 ASSISTANCE 2-3 (2006), available at <http://fpc.state.gov/documents/organization/60720.pdf> [hereinafter ACI BUDGET]. The three countries received a total of \$657 million of the ACI's approximately \$734 million budget in 2006. *Id.*

123. *See id.* at 8-9. However, the ACI budget is not a good indicator of the actual amount the United States spends to aid coca eradication, and in fact the INL likely spends much more on eradication than the budget breakdown indicates. For example, several units of the Bolivian military receive equipment and funding from the ACI budget and are responsible for helping to carry out eradication efforts. *Id.* Yet aid for these military groups is considered aid for "law enforcement" or "institution building" in the ACI budget and is not counted as interdiction or eradication. *See id.* at 1-3.

124. BUREAU OF INT'L NARCOTICS & LAW ENFORCEMENT AFFAIRS, U.S. DEP'T OF STATE, FISCAL YEAR 2004 CONGRESSIONAL BUDGET JUSTIFICATION 22-24 (2003), available at <http://www.state.gov/documents/organization/22061.pdf>.

125. *Id.* at 22.

126. *Id.*

127. *Id.* at 21-22. The Red Devils Task Force and the Black Devils Task Force fly helicopters and large transport planes to support anti-drug operations in Bolivia. *Id.* The State Department's funding justification provides some insight into how ACI money is used:

The Black Devils Task Force (BLDTF), also made up of Bolivian Air Force personnel, fly three C-130B aircraft in support of counternarcotics

The ACI allocates money to promote alternative economic development and crop substitution programs in Bolivia in hopes that coca farmers will be able to sustain profits by growing non-drug crops. Further, the ACI funds go to such programs as rural electrification, conservation, and infrastructure projects in an effort to promote tourism as a long-term economic resource to Bolivians.¹²⁸ The non-eradication measures funded by the ACI, however, are overshadowed by the unpopular eradication campaigns, even though relatively few U.S. dollars actually support eradication operations.¹²⁹

5. *The Andean Trade Promotion and Drug Eradication Act*

The Andean Trade Promotion and Drug Eradication Act (ATPDEA) is one of the major tools used by U.S. policy makers to encourage Bolivia to enact anti-drug laws like Law 1008 and *Plan Dignidad*. The ATPDEA, first enacted in 1991 as the Andean Trade Preference Act,¹³⁰ but subsequently amended and renamed in 2002,¹³¹ seeks to promote alternative products that would be lucrative for farmers and decrease the incentive to grow illicit coca.¹³² Essentially a

and eradication missions. Enhanced interdiction and eradication operations will necessitate additional funding for FY 2004. Conversion of 12 of the 16 UH-1H helicopters to Huey IIs, originally planned to start in FY 02, was postponed due to insufficient funding. FY 2004 funding will be used to start this essential, multi-year upgrade, as spare part availability for the older helicopters is fast dwindling.

Id. at 21.

128. *Id.* at 22-23.

129. *See id.* at 20, 24. It is difficult to tell from the ACI budget how much money is actually spent on coca eradication. However, in 2006, the INL requested at least \$43 million to “continue eradication programs in the *Chapare* and *Yungas* regions, provide training for police, maintain support for Bolivian security forces riverine and ground operations, and aviation programs.” ACI BUDGET, *supra* note 122, at 8.

130. Andean Trade Preference Act, Pub. L. No. 102-182, Title II, 105 Stat. 1236 (1991).

131. Andean Trade Promotion and Drug Eradication Act, Pub. L. No. 107-210, Div. C, Title XXXI, 116 Stat. 1023 (2002).

132. *Id.* For more on the ATPDEA and how it relates to Bolivia, see Cameron Ming, Comment, *Zero Coca, Zero Culture: Bolivia's Struggle to Balance Cultural Identity and the Need for Economic Stability in the Midst of the Expiring Andean Trade Promotion and Drug Eradication Act*, 14 TULSA J. COMP. & INT'L L. 375

one-sided free trade agreement, the ATPDEA provides producers in several South American countries—Ecuador, Colombia, Peru, and Bolivia—duty-free access to the U.S. market for any product not specifically excluded.¹³³ Exempting tariffs pursuant to the ATPDEA, however, is at the discretion of the President.¹³⁴ The implicit but constant threat of exemption, therefore, gives the United States continuous leverage over Bolivia's domestic drug policy.

Although President Bush has allowed all four countries to participate since 2002, neither he nor his successors are obligated to continue to do so, and there is reason to believe that Bolivia could lose its ATPDEA privilege if it fails to perform adequately in its anti-drug efforts. To be eligible to participate in the ATPDEA, a country must meet two sets of criteria: mandatory and discretionary.¹³⁵ If the President determines that a country does not meet any of the mandatory criteria—which include, among other requirements, maintaining a non-communist government and a satisfactory human rights record—then the President may not allow the nation to participate.¹³⁶ Discretionary criteria include compliance with the international trade standards and satisfactory progress combating the illegal drug trade.¹³⁷ The President may deny certification to a country if he determines that the country is not in compliance with “the counternarcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961.”¹³⁸ Section 490 directs the President

(2007).

133. 19 U.S.C. § 3201 (2006).

134. *Id.*

135. U.S. TRADE REPRESENTATIVE, SECOND REPORT TO CONGRESS ON THE OPERATION OF THE ANDEAN TRADE PREFERENCE ACT AS AMENDED 11 (2005), available at http://www.sice.oas.org/TPD/USA_ATPA/Studies/2005Report_e.pdf [hereinafter USTR SECOND REPORT].

136. 19 U.S.C. § 3202(c) (2006); USTR SECOND REPORT, *supra* note 135, at 11-12. There is, however, one exception to this rule: if the President finds that it is in the best “economic or security interest of the United States” to allow the country to participate, he may permit it to do so, despite the country's non-compliance with a mandatory criterion. USTR SECOND REPORT, *supra* note 135, at 12.

137. 19 U.S.C. § 3202(d) (2006); USTR SECOND REPORT, *supra* note 135, at 13-14.

138. USTR SECOND REPORT, *supra* note 135, at 13-14.

to consider whether the country has, among other things, taken prudent steps to reduce illicit drug crop cultivation.¹³⁹

Therefore, Bolivia must cooperate with U.S. goals for coca reduction or risk being excluded from the ATPDEA, which would be devastating for a country dependant on trade with the United States. When asked if Bolivia's participation in the ATPDEA program was dependant upon its meeting coca eradication goals, then-acting U.S. Ambassador Daniel Santos replied, seemingly in the affirmative: "[p]articipation in the ATPDEA program is marked by certain requirements and conditions that dictate that the war on drugs must continue."¹⁴⁰ The threat of exclusion from the ATPDEA, therefore, is one further means through which the United States exerts pressure on Bolivia to implement and enforce tough anti-coca laws.

6. *The Foreign Assistance Act*

Another major tool used by the United States to influence domestic policy in Bolivia is the Foreign Assistance Act of 1961.¹⁴¹ The Act reorganized foreign assistance programs and established USAID, which became responsible for developing and coordinating many of the programs. USAID has been involved in helping to draft and implement many Bolivian anti-drug laws.¹⁴²

The Foreign Assistance Act was amended in 1988 to allow the suspension of aid to any country that does not cooperate with U.S. drug policy.¹⁴³ The 1988 amendments instituted a certification process whereby the President of the United States determines, by March 1 of each year, whether or not a country is making satisfactory progress in

139. 22 U.S.C. § 2291j (2006); *see also* Ming, *supra* note 132, at 389-90.

140. Kathryn Ledebur, *Coca Conflict Turns Violent*, WOLA SPECIAL UPDATE: BOLIVIA, Feb. 2003, *available at* http://www.wola.org/index.php?option=com_content&task=viewp&id=525&Itemid=2.

141. Foreign Assistance Act of 1961 § 490(2)(A)-(B), 22 U.S.C. § 2291j(b)(2)(A)-(B) (2006).

142. *See supra* notes 103-112 and accompanying text. Law 1008, for example, was written in consultation with USAID and at the insistence of the Reagan Administration, and for that reason is referred to by many Bolivians as the "Law of the Foreigners." Hallums, *supra* note 94, at 834-35.

143. Foreign Assistance Act of 1961 § 486, 22 U.S.C. § 2291e (1988), *amended by* International Narcotics Control Act of 1988 § 4206(a), Pub. L. 100-690, 102 Stat. 4270.

counterdrug efforts.¹⁴⁴ If the President were to “decertify” Bolivia, the United States would cancel all aid to the country and oppose any financial assistance from other nations and from non-governmental lenders, such as the World Bank and the International Monetary Fund.¹⁴⁵ The certification process is thus extremely important for the development of countries like Bolivia that depend on foreign assistance.¹⁴⁶ The Bolivian government, needing aid from the United States and other international lenders, must cooperate with the U.S. War on Drugs or risk losing badly needed money.

7. Their “Backs Up Against the Wall”

During the violent protests of *cocaleros* around La Paz in 2003 that ultimately forced the resignation of President Gonzalo Sánchez de Lozada (a staunch ally in the U.S. War on Drugs), a member of the Lozada Administration explained the thorny situation regarding the coca growers’ demand that the government suspend coca eradication: “We have our backs up against the wall. On one side, we have the social pressure of the coca growers, and on the other, international pressure [to continue eradication].”¹⁴⁷

Bolivia’s anti-narcotics laws and the government’s intense efforts to combat coca growth have not been instituted because of popular

144. Section 489 of the Foreign Assistance Act of 1961, as amended, provides: Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report containing the following: (1) For each country that received assistance under this chapter for either of the 2 preceding fiscal years, a report on the extent to which the country has . . . [taken satisfactory] action on such issues as illicit cultivation, production, distribution, sale, transport, and financing

22 U.S.C. § 2291h(a)(1)(A).

145. See Foreign Assistance Act § 490, 22 U.S.C. § 2291j. Under section 490, if a country is decertified, “[t]he Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution” *Id.* § 490(a)(2), 22 U.S.C. § 2291j(a)(2).

146. Benjamin Dangl has written that Bolivia is so dependent on loans from the International Monetary Fund, that without them “would not be able to pay the salaries of public employees.” DANGL, *supra* note 16, at 79.

147. Ledebur, *supra* note 140.

support within Bolivia, but despite it. The anti-coca initiatives have come about largely in response to pressure from the United States.¹⁴⁸ U.S. legislation making aid contingent on progress on the coca front is the primary tool used by U.S. policy makers to compel cooperation from Bolivia.

D. Physical Eradication

The physical destruction of coca generates a great deal of animosity from the *cocaleros*, and it is worthwhile to examine the process in some detail to understand why. One example is representative. In 2003, Victor Franco, a Bolivian coca farmer, told a U.S. reporter about how soldiers converged on his small farm outside of *Cochabamba*, cutting down the family's pineapple and mandarin trees to clear a space for a helicopter to land before they began to destroy his coca crop with machetes.¹⁴⁹ His farm was completely destroyed. Franco's wife sobbed, fearing for her family: "I have eight children. What are we going to live on? All our coca is gone."¹⁵⁰

The example of Victor Franco is not exceptional, and often the most offensive, violent component of the anti-coca initiatives in Bolivia—most notably *Plan Dignidad*—is the eradication of coca farms. Further, as in the case of Franco's family, the destruction of a coca farm can also destroy a family's only source of income. *Plan Dignidad*, introduced by President Hugo Banzer in 1997, provided unprecedented funds for coca eradication to achieve the law's goal of "zero coca" by 2002.¹⁵¹ After an illegal coca farm is spotted from the air, small groups of soldiers are dispatched to destroy the fields, usually with machetes, and often by fire.¹⁵² Sometimes the process is cordial—soldiers alert farmers to prepare for their arrival and take care to avoid harming any other crops—but often it is not.¹⁵³ There have been numerous reports of human rights abuses, property

148. See Triplett, *supra* note 100, at 292-93.

149. Reed Lindsay, *Bolivian Coca Growers Fight Eradication*, WASH. TIMES, Mar. 25, 2003, at A15.

150. *Id.*

151. MORALES, *supra* note 37, at 223; Santos, *supra* note 101, at 138.

152. Kurtz-Phelan, *supra* note 8, at 106-07.

153. *But see, e.g., id.* at 107-08 (describing an example of one rather amicable encounter between soldiers and farmers).

damage, even killings at the hands of the soldiers.¹⁵⁴ Some farmers, however, confess that they will simply replant coca after the soldiers leave because, with so many illegal coca fields in Bolivia, it will be unlikely that theirs will be destroyed again.¹⁵⁵

IV. THE MORALES REVOLUTION

The theory behind the U.S. crop reduction strategy seems at first to be a logical plan to reduce the prevalence of cocaine in the world market. But because of Bolivia's unique cultural and economic situation, the direct intervention by the United States in Bolivia's domestic drug policy has created unanticipated consequences, culminating in the election of Evo Morales to the presidency.

Evo Morales often tells his fellow indigenous Bolivians that “[t]he fight against drug trafficking is a pretext for the U.S. to dominate Latin America—for the U.S. to dominate our people—to violate our sovereignty.”¹⁵⁶ This quote is representative of the rhetoric that has proven so successful for the Bolivian President. Morales has been able to point to the U.S. War on Drugs to argue that the American government is trying to dominate Bolivia and suppress its indigenous culture. His movement has combined coca activists with a strong nationalist, anti-globalization sentiment. U.S. support for eradication of the sacred coca leaf has allowed Morales to link two powerful bases of support: (1) traditional unions and populist groups who oppose neoliberal economic policies; and (2) indigenous coca growers.¹⁵⁷ As a result, regulation of coca came to be viewed not just as foreign intervention into Bolivia's economy, but as an attempt to suppress Bolivia's indigenous culture. This atmosphere enabled the political mobilization of an impassioned poor majority, resulting in riots and roadblocks that have brought down two presidents, and finally, the election of the country's first indigenous chief executive, an anti-

154. *Id.* at 108.

155. Lindsay, *supra* note 149 (“[C]ocaleros such as Victor Franco doggedly replant their coca fields after anti-narcotics troops leave.”).

156. Reynolds, *supra* note 1.

157. See RAÚL L. MADRID, THE RISE OF ETHNO-POPULISM IN LATIN AMERICA: THE BOLIVIAN CASE 23 (2006), available at http://sitemason.vanderbilt.edu/files/dooVyw/APSA_2006_paper_The_Rise_of_Ethnopolulism_.pdf.

American firebrand, Evo Morales.¹⁵⁸ This Part will describe Evo Morales and explain how he and his political party have been able to mobilize Bolivia's indigenous majority into the most powerful political force in the country as a result of the U.S. War on Drugs.

A. *Evo Morales and the Cocaleros*

Although Bolivia has always suffered from endemic poverty, the War on Drugs made the United States an easily identifiable adversary, viewed by many as a bully who wanted to control Bolivia's economy and suppress its culture.¹⁵⁹ As U.S. intervention escalated in the 1980s and 1990s, culminating with *Plan Dignidad* in 1997, Bolivia became ripe for a socialistic revolution fueled by nationalism, poverty, and antipathy for the foreign regulation of its sacred coca plants. Evo Morales, a charismatic, dark-skinned coca farmer, was the man who would lead it.

1. *Evo, the Man*

In 1959, Evo Morales Aima was born in a small mud hut in a small mountain village in western Bolivia.¹⁶⁰ Of his six siblings, only two lived to see adolescence.¹⁶¹ While attending school, Morales worked continuously, first as a llama herder with his father, and later as a brick layer, occasionally finding time for his favorite pastime:

158. See *Country Profile: Bolivia*, *supra* note 9.

159. See Reynolds, *supra* note 1.

160. EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples: Childhood, http://www.evomorales.net/paginasEng/perfil_Eng_infan.aspx (last visited Apr. 2, 2009) [hereinafter *Evo Morales: Childhood*]. Evo's hometown, Isallavi, sits at approximately 12,000 feet in elevation. DANGL, *supra* note 16, at 49. The one room house into which Evo was born was three by four meters (10 feet by 12 feet), with a straw roof: "We used [the one room] as our bedroom, kitchen, dining room and just about everything; next to it, we had a corral for our animals. We lived in poverty like everyone else." *Evo Morales: Childhood*, *supra*.

161. *Evo Morales: Childhood*, *supra* note 160.

fútbol.¹⁶² He reached only eleventh grade before beginning his mandatory service for the Bolivian army.¹⁶³

At an early age, Morales developed a sacred respect for coca, a respect he learned from his parents. “Every morning before going to work,” he has said, “my father did his adulation to the Pachamama, which is Mother Earth; my mother also offered to Mother Earth with alcohol and coca leaves so that things would go well for us all day. It was as if my parents were talking with the land, with nature.”¹⁶⁴

2. “From the Hand of Mama Coca He Came To Power”: Evo’s Rise From the Coca Unions To Congress¹⁶⁵

In 1980, when Morales was in his early twenties, the family farm was destroyed by storms, and the Morales family—along with thousands of other Andean families—moved from the mountains to the lowland jungle of the *Chapare*, desperate to find work.¹⁶⁶ It was in this drug-producing region that Evo Morales himself began to farm coca and, later, where he began to abhor the treatment of coca growers at the hands of government soldiers. Once, Morales watched as soldiers interrogated a coca farmer in the *Chapare*, trying to get the man to confess to producing illegal cocaine. When the farmer refused to confess to the crime of trafficking the soldiers doused the man with gasoline and burned him alive as Morales and others watched.¹⁶⁷

After witnessing this and other violent events, Morales began to speak out against Law 1008 and other laws that criminalized coca growing. He joined a coca growers union in Cochabamba, eventually

162. EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples: Youth, http://www.evomorales.net/paginasEng/perfil_Eng_juven.aspx (last visited Apr. 2, 2009) [hereinafter Evo Morales: Youth].

163. *Id.*

164. Evo Morales: Childhood, *supra* note 160.

165. This phrase appears on Morales’ personal website. See EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples: Member of Parliament, http://www.evomorales.net/paginasEng/perfil_Eng_diput.aspx (last visited Apr. 2, 2009) [hereinafter Evo Morales: Member of Parliament].

166. Evo Morales: Youth, *supra* note 162.

167. EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples: Coca Farmer, http://www.evomorales.net/paginasEng/perfil_Eng_cocal.aspx (last visited Apr. 2, 2009) [hereinafter Evo Morales: Coca Farmer]; see also Ming, *supra* note 132, at 397.

rising through its ranks to become a respected leader.¹⁶⁸ Morales pledged to “fight tirelessly for the respect of human rights, for peace, for peace on [the farmers’] land, [and] for the free cultivation of the coca leaf.”¹⁶⁹ Morales organized marches of the *cocaleros* on the Bolivian capital in La Paz and protests throughout the *Chapare*. During one stint in prison, Morales was told to keep faith in his cause, for the people were behind him: “In the *Chapare*,” he was told “there are thousands of Evos.”¹⁷⁰

What started for Morales as a one-issue campaign to protect the right to grow coca gradually became a larger goal to protect the rights of Bolivia’s poor majority:

I believe that my only full time occupation, one hundred percent, my true passion . . . has been, and is, the defense of the coca leaf . . . but now also the defense of natural resources, the rights of the country’s poor and exploited, the thousands of workers and unemployed, the re-foundation of our homeland, the defense of national sovereignty and life itself.¹⁷¹

Morales found that the *cocaleros*’ wrath over the regulation of coca was just one symptom of a larger problem: Bolivians believed that countries like the United States, and their corporations, were stealing the country’s resources and trying to destroy Andean culture. Protecting the right of Bolivians to grow coca was just one part of a larger need to protect the rights of Bolivia’s proud indigenous majority. Morales began to rail against not only the United States for its “imperialist” drug policies, but also against all foreign interests who were exploiting Bolivia’s natural resources and profiting without compensating Bolivia’s poor citizens. In his speeches, he virulently denounced capitalism, which he called “the worst enemy of humanity,” and opposed the U.S. War on Drugs, which he labeled a “mechanism of imperial domination.”¹⁷² And in 1995, he formed a

168. *Id.*

169. *Id.*

170. EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples: Union Leader, http://www.evomorales.net/paginasEng/perfil_Eng_sindi.aspx (last visited Apr. 2, 2009) [hereinafter Evo Morales: Union Leader].

171. *Id.*

172. Kurtz-Phelan, *supra* note 8, at 105.

political party, the Political Tool for the Sovereignty of the Common People, later renamed the *Movimiento al Socialismo* (“Movement Toward Socialism” or MAS).¹⁷³ Ultimately, the MAS became dedicated to protecting coca and redistributing profits from Bolivia’s natural resources to all citizens.¹⁷⁴

Morales’ fiery rhetoric and idyllic speeches about the wealth Bolivia will find when the country’s resources are returned to the people appeal to many impoverished Bolivians longing for better lives. As Morales became the celebrity spokesman for Bolivia’s poor, and for their coca, he gained millions of supporters and persuaded many indigenous citizens to support the MAS, as opposed to one of the other left-of-center political parties. Morales and the MAS found that they had a strong and growing base of support in Bolivia’s indigenous majority. He was elected to Bolivia’s National Congress in 1997 and would run for the presidency in 2002.¹⁷⁵ Morales lost in his first run for president, but finished only one percentage point behind the eventual winner, Gonzalo Sanchez de Lozada.¹⁷⁶

B. Morales’ Party: The MAS

The MAS and Evo Morales’ influence was built upon the anger of the coca growers. But, for the MAS to become a national political movement, Morales had to inspire the majority of Bolivians who were not directly impacted by restrictions on coca growth. Morales was able to rise to the presidency because he consolidated the votes of Indians, *cocaleros*, and Bolivian nationalists, without alienating white *mestizos*. The MAS, although born from coca growers’ unions, came

173. DANGL, *supra* note 16, at 49.

174. *Id.*

175. Evo Morales: Member of Parliament, *supra* note 165. Morales was removed from office by the Banzer Administration for seemingly baseless charges of ethical impropriety, alleging that Morales had committed “serious inadequacies in the execution of his duties.” *Id.* But ousting Morales proved to be an unwise political move; Morales instantly became a martyr in the cause of indigenous rights and was more popular than ever before. *Id.*

176. EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples: The Road to Power, http://www.evomorales.net/paginasEng/perfil_Eng_revue.aspx (last visited Apr. 2, 2009) [hereinafter Evo Morales: The Road to Power].

to represent Indians, rural poor, and all patriotic Bolivians who saw foreign intervention in their country as illegal and unjustified.¹⁷⁷

1. Bolivia's Politics Before the MAS

Bolivia's modern political history began in 1952, when, for the first time, indigenous Bolivians were given the right to vote.¹⁷⁸ Between 1952 and the rise of the MAS in the 1990s, the rural Indian vote was fractured between several left-of-center political parties, including the Nationalist Revolutionary Movement (MNR), the Left Revolutionary Movement (MIR), the Nationalistic Democratic Action (ADN), and the *Conciencia de Patria* (CONDEPA).¹⁷⁹ For decades, one of these parties, with the support of various minor parties, controlled Bolivia's government. However, "[t]he failure of these parties to bring significant socio-economic progress or social peace to Bolivia gradually undermined their support."¹⁸⁰

2. The Rise of the MAS

Before the late 1990s, no political party had ever enjoyed the support of the majority of indigenous Bolivians, and never had an indigenous candidate been a major political figure. CONDEPA enjoyed the most indigenous support of any of Bolivia's political parties before the rise of the MAS.¹⁸¹ CONDEPA used traditional populist rhetoric, and its stronghold was *Aymara*-speaking regions, yet the party never attracted more than seventeen percent of the popular vote and was never able to receive a majority of the indigenous vote.¹⁸²

177. DANGL, *supra* note 16, at 49 ("[The] MAS has utilized the coca leaf as a political tool that . . . represents the direct struggle against U.S. imperialism via resistance to the War on Drugs.").

178. Mary Crane, Council on Foreign Relations, *Bolivia's Presidential Elections*, BACKGROUNDERS, Dec. 16, 2005.

179. MADRID, *supra* note 157, at 12, 20.

180. *Id.* at 20.

181. *Id.* at 19 ("Prior to the MAS, the only Bolivian party that had successfully developed an ethno-populist appeal was *Conciencia de Patria* (CONDEPA). CONDEPA was not precisely an indigenous party—its founder, Carlos Palenque, and many of its top leaders were mestizos. . . .").

182. *Id.*

The MAS was founded in 1997—the same year that President Banzer introduced *Plan Dignidad* and its widespread eradication measures—and the influence of MAS grew steadily in each election cycle. Although formed around the narrow issue of coca rights, many other factors have contributed to the rise of the MAS into Bolivia’s preeminent political power. The MAS was able to gain most of the populist support held by CONDEPA, but the MAS became more powerful than CONDEPA ever was because the MAS and Evo Morales became known as the defenders of coca.¹⁸³ Morales was able to consolidate indigenous communities along with the fractured peasant, coca-grower, and nationalist groups behind a single political party opposed to the regulation of coca, foreign intervention, and the exploitation of Bolivia’s resources.¹⁸⁴

a. Consolidation of the Indigenous Vote

To be successful nationally, the first thing the MAS had to do was consolidate the Indian vote, which had never coalesced around a single party.¹⁸⁵ Morales, who is dark-skinned and grew up speaking the *Quechua* and *Aymara* languages, evolved as the charismatic personality needed to lead the party. Never before had a major political party in Bolivia been led by an Indian, and Morales’ figure alone drew support from indigenous voters.¹⁸⁶ Significantly, Morales appealed to both the *Quechua* and *Aymara* peoples¹⁸⁷ because, although he was himself *Aymara*, he had lived in *Quechua* areas,

183. *Id.*; DANGL, *supra* note 16, at 48-49; Crane, *supra* note 178.

184. MADRID, *supra* note 157, at 5. Professor Madrid writes that the *cocaleros* initially had a powerful influence on the development of the MAS: “The coca grower unions, and other indigenous organizations, have provided the MAS with leaders, activists, and a modicum of material resources that they have used in their campaigns.” *Id.* at 12.

185. *Id.* at 18-20.

186. Two-thirds of Bolivia’s population is of indigenous descent, the largest percentage of any country in South America. CIA WORLD FACTBOOK: BOLIVIA, *supra* note 14. It is hard to overstate the importance of Morales’ skin color to many Bolivians; while Bolivian Indians make up a majority of the population, they had still never seen a major candidate who looked like them. *See id.*

187. *Quechua* and *Aymara* peoples are the two major ethnic groups in Bolivia, with *Quechua* people making up thirty percent of the population and *Aymara* people totaling twenty-five percent. *Id.*

spoke fluent *Quechua*, and his life story was much like theirs.¹⁸⁸ Beginning in the 2002 elections, the MAS received the majority of the indigenous votes, and the party's popularity among Indians has increased since.¹⁸⁹

One important fact about Bolivia's election laws is that voting is mandatory; workers cannot cash paychecks at banks without proof of voting and can be subject to fines or imprisonment for not voting.¹⁹⁰ Because voting is required by law, Bolivia has consistently had one of the highest voter turnouts in the world, averaging over eighty percent in the last sixty years.¹⁹¹ This high voter turnout is significant because it means that all segments of society vote in Bolivia's elections, including the poor, rural, and uneducated citizens. Thus as Morales was able to consolidate the indigenous majority behind his candidacy, he was able to amass a great electoral advantage quickly, without spending years working to get eligible voters to the polls; the poor, rural citizens of Bolivia were already voting.

188. President Morales has referred to himself as "The Big Chief of the Original Peoples." See EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples, http://www.evomorales.net/paginasEng/aDefault_Eng.aspx (last visited Apr. 2, 2009).

189. MADRID, *supra* note 157, at 13-14. Further, sixty-nine percent of MAS voters reported growing up in a household where an indigenous language such as *Quechua* or *Aymara* was spoken. *Id.* at 17.

190. RAFAEL LÓPEZ PINTOR ET AL., INT'L INST. FOR DEMOCRACY AND ELECTORAL ASSISTANCE, VOTER TURNOUT SINCE 1945: A GLOBAL REPORT 108 (2002), http://www.idea.int/publications/vt/upload/VT_screenopt_2002.pdf [hereinafter VOTER TURNOUT REPORT]. Observers of the historic vote in 2005 have noted:

Voting in Bolivia is mandatory for citizens under 75. When you go vote, you get three things. A pinkie, purple with indelible ink. An identity card, which you have to show for the next month or so in any financial transactions. And a commemorative pocket sized calendar from the National Electoral Court. The calendar card features a picture of a red, yellow and green tropical bird with its wings spread. A large pair of silver scissors is poised open around one of the birds wings ready to chop it off. In small print it reads, "A country without democracy is like a bird with clipped wings."

Posting of Leise Gordon of the Democracy Center to Blog From Bolivia: Voting Day in Bolivia—The Things We Saw, <http://www.democracyctr.org/blog/2005/12/voting-day-in-bolivia-things-we-saw.html> (Dec. 18, 2005, 18:21 EST).

191. VOTER TURNOUT REPORT, *supra* note 190, at 81.

b. Making Coca a Broader Issue

In the 1990s, the coca growers' unions became a powerful political force around the city of Cochabamba, where most of the cultivation was taking place, but the unions were not as influential throughout the rest of the country.¹⁹² As U.S. intervention in Bolivia increased, Morales was able to cast his party as the voice for common people against Bolivia's elite and foreign interests who wished to profit from Bolivia's resources. Dissatisfaction with U.S. and Bolivian coca policy was gradually combined with a general anger over globalization and what was perceived by Bolivians as U.S. imperialism and expropriation of Bolivian national resources.

c. The Cochabamba "Water Wars" of 2000-2001

In 2001, one event combined the anti-U.S. sentiment that was raging among coca growers with the anti-globalization movement in Bolivia. The "Water Wars" in Cochabamba came about after a U.S. engineering firm, Bechtel Corporation, entered into a contract with the Bolivian government whereby a consortium led by Bechtel took over the operation of the city's water system.¹⁹³ The privatization plan initially resulted in drastic increases in water costs.¹⁹⁴ The higher costs, coupled with an ordinance prohibiting citizens from collecting and using rainwater, prompted public outrage, protests, and riots that eventually led to a declaration of martial law in Cochabamba.¹⁹⁵ While the higher costs of water were almost certainly not the fault of the privatization, poor Bolivians blamed the foreign companies, especially the U.S. corporations, for their attempts to expropriate local resources for profit.¹⁹⁶

192. MADRID, *supra* note 157, at 12. For example, in the 1999 municipal elections in Bolivia, the MAS only received 2.4% of the vote outside of Cochabamba. *Id.*

193. DANGL, *supra* note 16, at 57.

194. *Id.* at 58.

195. *Id.* at 59-64.

196. *Id.* at 62 ("[T]he general outrage was not just over the . . . price increases, it had to do with the fact the increased fees were going to a giant, multinational corporation and that many were forced to pay for a resource that had previously come from *Pachamama* (Mother Earth) for free.").

The anti-U.S. sentiment generated by the water crisis in Cochabamba dovetailed perfectly with anti-U.S. rhetoric leveled by Morales regarding drug policy. The water crisis fit into the growing macro narrative that the United States was intent on raping Bolivia of all its resources and controlling its domestic policy, and that the corrupt Bolivian government was complicit. The Water Wars also raised the profile of Morales and the *cocaleros*. Because the water crisis took place in Cochabamba, the heart of the *cocalero* movement, coca growers became involved in the protests, marching alongside *campesinos* and other anti-globalization activists.¹⁹⁷ The result of the crisis was the marriage of anti-globalization activists with *cocaleros* and the MAS.

d. The Natural Gas Protests of 2003

In 2003, Morales led another popular uprising, this time toppling a president.¹⁹⁸ Bolivia possesses the largest natural gas reserves in South America and some of the largest in the world.¹⁹⁹ Perhaps most disappointing to Bolivia's poor has been the failure of the government to convert natural gas wealth into a higher standard of living for the majority of Bolivians.²⁰⁰ So when then-President Lozada, who was almost defeated by Morales in 2002 and already disliked by the poor for raising taxes,²⁰¹ proposed to build a pipeline to export Bolivia's natural gas to neighboring Chile, peasants, led by Evo Morales, rioted in La Paz.²⁰² They demanded that Bolivia's poor be given free natural

197. Benjamin Blackwell, *From Coca to Congress: An Interview With Evo Morales*, ECOLOGIST, Nov. 11, 2002, <http://www.zmag.org/content/showarticle.cfm?ItemID=2612> (noting that “[m]any of the participants in the *cocalero* and *campesino* organisations, Morales included, were schooled in this conflict. Their campaign’s strong anti-globalisation focus struck a chord among large sections of the local population”).

198. *Bolivians Strike Against President*, BBC NEWS, Feb. 17, 2003, <http://news.bbc.co.uk/2/hi/business/2772823.stm>.

199. See Ming, *supra* note 132, at 376.

200. The *Los Angeles Times* has called Bolivia a “failed test case for free-market policies because [the government has] done nothing to translate natural gas riches into a better living standard for the vast majority of the population.” *Where ‘Che’ Left Off*, L.A. TIMES, Dec. 26, 2005, at B12.

201. See Johnson, *supra* note 20.

202. *Bolivians Protest at Gas Plan*, BBC NEWS, Oct. 1, 2003,

gas before any of it was exported.²⁰³ Morales provided the Lozada Administration with a seventy-point list of demands and an ultimatum: nationalize the gas industry or face massive resistance throughout the country.²⁰⁴ When Lozada refused, Morales called for his resignation and led roadblocks in and around La Paz that crippled the capital city.²⁰⁵ Faced with the threat of massive violence, President Lozada resigned on October 17, 2003, handing power to his Vice President Carlos Mesa.²⁰⁶ Blaming the protesters for his loss of power, Lozada called the protests acts of “sedition that on the pretext of natural gas exports has violated the essence of democracy.”²⁰⁷

Regardless of whether they were indeed seditious, the MAS protests that ousted Lozada showed that Morales and the MAS had succeeded in consolidating the *cocaleros* with other frustrated segments of the population. While the protests were not about coca rights, they were certainly motivated by the burgeoning movement and anger over coca eradication. As Zurita-Vargas has written, “[n]ews reports say that the riots have been over the construction of a pipeline to ship natural gas to the United States. That’s true, but there’s a deeper anger at work: anger toward the United States and its war against a traditional Bolivian crop, coca.”²⁰⁸ The protests in La

<http://news.bbc.co.uk/2/hi/americas/3153754.stm>.

203. The proposal to export the gas through Chilean ports made the gas plan even more controversial. There is longstanding animosity between Bolivians and Chileans stemming from an 1879 war between the two nations, the result of which left Bolivia landlocked without access to the Pacific coast. See MORALES, *supra* note 37, at 82-83.

204. BOLIVIA INFORMATION FORUM, BULLETIN NO. 2, at 2, May 2006, http://www.boliviainfoforum.org.uk/documents/114824583_BIF%20Bulletin%202.pdf.

205. *Bolivian President Quits Amid Turmoil*, BBC NEWS, Oct. 18, 2003, <http://news.bbc.co.uk/2/hi/americas/3202216.stm>.

206. *Id.* Mesa would also be forced to resign by peasant protesters in 2005. Mesa’s replacement was the head of the Supreme Court, but because the new president was outside of the constitutional line of succession, new elections were mandatory. *New Bolivia President Takes Over*, BBC NEWS, June 10, 2005, <http://news.bbc.co.uk/2/hi/americas/4075252.stm>.

207. See Letter from Gonzalo Sanchez de Lozada, Constitutional President of the Republic of Bolivia (Oct. 17, 2003), *available at* <http://news.bbc.co.uk/2/hi/americas/3202804.stm>.

208. Zurita-Vargas, *supra* note 6.

Paz demonstrated more clearly than ever that Morales and the *cocaleros* had taken the mantle as leaders in the struggle against foreign intervention and neoliberal economics—and had become the dominant political force in the country. Clearly, to Morales and the MAS, any U.S. ally, such as Lozada, and any policy that allowed foreign governments or companies to control Bolivia's resources and domestic policy would be unacceptable.

C. President Morales

When Morales had his next opportunity to run for president, after the resignation of Mesa in 2005, Morales' *cocalero* base was more angry and better organized than ever. U.S. officials backed Morales' opponent, and threatened to withdraw aid to Bolivia if Morales was elected, yet this only made Morales more popular.²⁰⁹ In December 2005, he was elected to a five-year term as president with over fifty percent of the popular vote.²¹⁰ At his inauguration in January 2006, Morales, wearing a garland of coca around his neck, shouted "the fight for coca symbolises our fight for freedom Coca growers will continue to grow coca. There will never be zero coca."²¹¹ In response, the 20,000 *cocaleros* in attendance erupted with praise.²¹²

209. Linda Farthing & Ben Kohl, *Shock to the System; A Growing Indigenous and People's Movement in Bolivia*, IN THESE TIMES, Sept. 16, 2002, at 7.

[P]erhaps U.S. Ambassador Manuel Rocha gave Morales the biggest push at the polls. In a highly publicized announcement just days before the election, Rocha threatened to withdraw all U.S. aid if Morales became president. Popular anger at this patent meddling in the country's democratic process boosted Morales' support significantly: Bolivian analysts estimate that the 'Rocha effect' contributed as much as 5 percent to Morales' final tally. Since the election, the press has dryly referred to Rocha as Morales' campaign manager.

Id.

210. Morales was elected with a majority 53.7% of the popular vote. EvoMorales.net, Evo Morales Aima, Big Chief of the Original Peoples: Victory, http://www.evomorales.net/paginasEng/perfil_Eng_poder.aspx (last visited Mar. 6, 2009). The decisive victory was enough to avoid a runoff election to be decided by the National Congress. *Country Profile: Bolivia*, *supra* note 9.

211. Steve Boggan, "Coca is a Way of Life," GUARDIAN, Feb. 9, 2006, <http://www.guardian.co.uk/world/2006/feb/09/features11.g2>.

212. *Id.*

V. CONCLUSION

In September 2006, President Morales spoke before the U.N. General Assembly and asked the body to reverse a ban on the international trade of products containing coca.²¹³ As he addressed the crowd, he held up a coca leaf, saying “[t]his is the coca leaf, it is green, not white like cocaine.”²¹⁴ Morales was stressing his view that it is illicitly processed cocaine, not coca leaves themselves, that should be the target of international drug control policy. His view that coca should not be destroyed just because it *can* be made into cocaine is shared by a majority of Bolivia’s population. This common sentiment—that the United States should mind its own affairs and leave Bolivia’s sacred coca alone—resonated with indigenous Bolivians and sustained Morales’ rise from coca farmer, to union leader, and ultimately to President of the Republic. The U.S. War on Drugs provided the tinder that fueled the steady rise of Evo Morales and his brand of socialism.

The White House could not have been happy that Morales’ first visit following his election was to see Fidel Castro in Havana, nor that Venezuela’s president and U.S. antagonist Hugo Chavez called Morales “an emissary sent by God” at his inauguration.²¹⁵ Indeed, the election of a socialist leader is inimical to the United States’ stated goals for Latin America, which include the development of stable market democracies. The U.S. government never anticipated the political consequences that would result from its intervention in Bolivia’s coca production because policymakers never understood coca’s role in Bolivia’s culture nor did they understand that Bolivians view coca as something entirely different from cocaine.

This Article has pointed out the obvious, but as of yet overlooked, correlation between U.S. drug policy and the ascension of Evo Morales and his socialist political party in Bolivia. Quite simply, *but for* the U.S. War on Drugs, neither Morales nor his socialist political party would hold power in Bolivia today.

213. Caitlin Esch, *Coca Adds Life to Bolivian Economy*, BROOKLYN RAIL, June 2007, <http://www.brooklynrail.org/2007/6/express/coca>.

214. *Id.*

215. *Bolivia's Morales Set to Take Office*, INT’L HERALD TRIB., Jan. 22, 2006, <http://www.iht.com/articles/2006/01/22/america/web.0122bolivia.php>.