

The Multilateral Evaluation Mechanism: Is Evaluation of Anti-Drug Efforts Sufficient?

Eduardo A. Gamarra

EXECUTIVE SUMMARY

The paper draws up a balance sheet of the Multilateral Evaluation Mechanism (MEM) that was set up following the Second Summit of the Americas in Santiago, Chile, in April 1998. At Santiago, leaders committed themselves to strengthening hemispheric cooperation on drug-related matters and to exchange relevant information. Based on a careful reading of the MEM's first hemispheric evaluation report, released in January 2001, the author argues that the drug problem in the Americas has gotten worse and that current multilateral and domestic policy is doing a poor job of containing its severity. For example, the volume of illicit drugs and their purity level has increased and synthetic drugs as well as heroin are increasingly popular north of the Rio Grande. In part for these reasons, the MEM is unlikely to replace the yearly certification ritual in the United States, by which the U.S. administration — acting unilaterally — bestows its seal of approval on those countries deemed to have cooperated sufficiently with its own drug eradication efforts. Certification also comes with a sanctioning mechanism in case of non-compliance, whereas the MEM is consensus-based and only issues recommendations. Nevertheless, the first MEM report is an important milestone, if only because it demonstrates that the countries of the region can produce data useful to the understanding of the current state of the drug problem in the hemisphere. The MEM is also an example for practical multilateral cooperation, and as such has received critical backing from the Canadian Government. It will undoubtedly be one of the highlights of the Third Summit of the Americas in Quebec City, but its future success will depend on whether the countries of the hemisphere, and Canada in particular, will continue to lend it the support it needs.

RÉSUMÉ

L'étude dresse un bilan du Mécanisme d'évaluation multilatéral (MEM) qui a été établi après le Deuxième Sommet des Amériques à Santiago, au Chili, en avril 1998. À Santiago, les dirigeants se sont engagés à renforcer la coopération dans l'hémisphère sur les questions relatives à la drogue et à échanger de l'information utile. En se fondant sur une lecture attentive du premier rapport d'évaluation hémisphérique du MEM, publié en janvier 2001, l'auteur soutient que le problème de la drogue dans les Amériques s'est empiré et que les politiques multilatérales et nationales actuelles contribuent très peu à en limiter la gravité. Par exemple, le volume de drogues illégales et leur degré de pureté ont augmenté, et les drogues synthétiques, de même que l'héroïne, sont de plus en plus répandues au nord du Rio Grande. Pour ces

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raisons en partie, le MEM est peu susceptible de remplacer le rite annuel d'agrément aux États-Unis, par lequel le gouvernement américain reconnaît de façon unilatérale les pays qui, à son avis, ont coopéré suffisamment à ses propres efforts d'élimination de la drogue. L'agrément s'accompagne aussi d'un mécanisme de sanction si les exigences ne sont pas respectées, tandis que le MEM est fondé sur le consensus et ne donne lieu qu'à des recommandations. Néanmoins, le premier rapport du MEM est un jalon important, ne serait-ce que pour montrer que les pays de la région peuvent produire des données utiles à la compréhension de l'état actuel du problème de la drogue dans l'hémisphère. Le MEM constitue aussi un exemple de coopération multilatérale concrète, et c'est pourquoi il a reçu un appui important du Gouvernement du Canada. Ce sera sûrement l'un des points saillants du Troisième Sommet des Amériques à Québec, mais il ne pourra connaître du succès dans l'avenir que si les pays de l'hémisphère, et le Canada en particulier, lui accordent encore l'appui dont il a besoin.

RESUMEN

Este trabajo presenta un balance acerca del Mecanismo de Evaluación Multilateral (MEM) que fuera creado a raíz de la Segunda Cumbre de las Américas que se celebró en Santiago de Chile, en abril de 1998. Durante la Cumbre de Santiago los líderes hemisféricos se comprometieron a fortalecer la cooperación y el intercambio de información sobre el tema de las drogas. A partir de una cuidadosa lectura del primer informe de evaluación emitido por el MEM en el mes de enero de 2001, el autor apunta que el problema de las drogas en las Américas se ha empeorado y que las políticas internas y multilaterales actuales no han hecho mucho por contrarrestar esta situación. Por ejemplo, el volumen y el grado de pureza de las drogas se ha incrementado. Las drogas sintéticas y la heroína se hacen cada vez más populares al norte del Río Grande. En parte por estas razones, es muy poco probable que el MEM pueda sustituir la práctica anual mediante la cual, y de forma unilateral, los Estados Unidos certifican su aprobación de aquellos países que ellos consideran hayan cooperado suficientemente con los propios esfuerzos antidrogas de los EE.UU. Esta certificación viene acompañada de un mecanismo de sanciones contra los incumplidores, mientras que el MEM se apoya en el consenso de todos los miembros y solo hace recomendaciones. Sin embargo, el primer informe del MEM es un acontecimiento muy importante aunque solo sirva para probar que los países de la reunión son capaces de crear un documento útil para comprender el estado actual del problema de las drogas en el hemisferio. El MEM es también una muestra objetiva de los resultados que se pueden alcanzar mediante la cooperación multilateral, que ha contado con el apoyo del gobierno canadiense. Sin duda alguna el MEM será uno de los temas centrales que se debatirán durante la Tercera Cumbre de las Américas en la Ciudad de Québec, pero su éxito futuro dependerá de que los países de la región, Canadá en particular, continúen brindándole el apoyo que necesita.

INTRODUCTION

In early 2001, conventional wisdom holds that concerted multilateral action is the only effective way to get countries in the Americas to implement anti-narcotics policy. A survey of recommendations to President George W. Bush by US think tanks, such as the Dante B. Fascell North-South Center, the Inter-American Dialogue, and the Americas Forum, reveals that even in conservative sectors, the consensus view is that multilateral and cooperative certification should replace the unilateral efforts of the United States. Criticism of the US annual certification process is largely responsible for establishing the momentum that resulted in the enactment of the so-called Multilateral Evaluation Mechanism (MEM), the only negotiated anti-narcotics instrument of its kind in the Americas and the result of nearly five years of careful work by the Organization of American States' Inter-American Commission on Drug Abuse (CICAD).

Over the course of the 1990s, US certification policy came to represent the ugly arm of intervention into the domestic arena of all countries in the hemisphere. During President Clinton's eight years in office, the US used a combination of certification and visa denials to officials deemed corrupt as the main tools to punish countries classified as uncooperative with anti-narcotics efforts. As a result, countries that were important in the drug industry but not of critical strategic significance, such as Belize, Bolivia, Colombia and Paraguay, were often penalized or threatened. In contrast, Mexico was analyzed critically but never decertified.

President Clinton's Summit of the Americas strategy, launched at Miami in 1994, contained a heavy dose of a multilateral philosophy that ran counter to the logic of the certification process. By the end of the Clinton era, it became clear that some compromise between unilateral certification and multilateral action would have to occur. At the Office of

National Drug Control Policy (ONDCP), General Barry McCaffrey proposed an initiative aimed at developing a multilateral mechanism. Taking advantage of this momentum, the OAS/CICAD negotiated its Hemispheric Anti Drug Strategy in close consultation with the 34 countries involved in the Summit of the Americas process.

At the 1998 Summit of the Americas in Santiago, Chile, the heads of state of these countries gave CICAD the mandate to negotiate the MEM on the basis of the principle of developing "a singular and objective process of multilateral governmental evaluation to monitor the progress of their individual and collective efforts in the Hemisphere and of all the countries participating in the Summit." Under Canadian leadership, a working group of CICA held consultations around the hemisphere and a series of meetings with specific countries, eventually crafting a carefully worded instrument to allow countries simultaneously to monitor their drug fighting efforts and avert the

political fallout that usually follows certification announcements by the US State Department's Bureau of International Narcotics and Law Enforcement Matters (INL). It is not clear whether, in drafting the MEM, concern was greater for the effectiveness of the instrument's drug fighting capacity or for the political cost of criticizing non-performing countries.

In January 2001, CICAD published its first Hemispheric Report on the MEM. Were it not for a few agile reporters, the event would have gone completely unnoticed, not only in the United States but throughout the hemisphere. This was certainly not an auspicious beginning for an instrument touted to eventually replace the annual US certification process. Moreover, on March 1, 2001, President Bush announced this year's certification winners, a ritual that garnered much media attention as in previous years.

A close reading of the Hemispheric Report confirms that the MEM is indeed a carefully crafted

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multilateral instrument that is unlikely to displease any country in the region. Based as it is on the analysis of data from self-reporting questionnaires, the report can be interpreted in two different ways. On the one hand, the cynical view is that countries will report unreliable data that inflates their results and performance. This view holds that the MEM wil never result in a “multilateral certification” process because it possesses no enforcement mechanism. On the other hand, the MEM obtained previously unavailable data and has allowed countries to grade themselves voluntarily across a range of categories and indicators. These categories include questions about each country’s national strategy, demand reduction programs, supply reduction policies, trafficking control measures and hemispheric cooperation. This is certainly an important step in a region where both statistics and introspection on drug enforcement have been notoriously scarce.

THE MEM’S FINDINGS

The MEM Hemispheric Report is an important milestone, if only because it demonstrates that the countries of the region can produce data useful to the understanding of the current state of the drug problem in the hemisphere. Rather than simply reporting on the state of affairs, the Hemispheric Report falls more in line with what has been described as trend analysis. In other words, the report traces where the problem was a few years ago, where it is currently, and what trends are likely in the near future. Recognizing that the distinction is no longer useful, the report makes no effort to distinguish between producer, user and transit countries.

Will this approach contribute to improved policy design, as CICAD expects? The report is filled with many general and country-specific recommendations that may or may not be followed. The picture that emerges is dismal no matter how hard the authors worked to disguise the results in careful diplomatic language. It may not be as candid as the annual

State Department Report but the message is the same: The drug problem in the Americas has gotten worse over the last decade and current multilateral and domestic policy is doing a poor job of containing its severity. From a regional perspective, perhaps the principal accomplishment is that the United States also is evaluated; although the US performs well in most categories, it too receives policy recommendations. Among a total of 11 recommendations, the United States is told to ratify the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials; to develop methods to estimate the

cultivation of marijuana and the legitimate national annual needs of controlled chemical substances; and to improve the exchange of information for the investigation and prosecution of drug trafficking crimes. Canada, in turn, is the subject of fourteen policy recommendations. Like the U.S., it is encouraged to ratify the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. In addition, Canada is told to develop a national monitoring centre on drug abuse, to continue providing assistance to other countries with respect to drug efforts, and to establish a variety of control and follow-up mechanisms.

The report’s general conclusions support the findings of the State Department’s annual certification report. For example, CICAD concludes that demand for drugs has risen in all countries of the region. It claims that traffickers are resorting to payment in kind to peasants and others involved in the various stages of the production process. The report notes with alarm that drug production, abuse and trafficking have produced new scenarios of violence and crime. Among the worrisome trends it identifies are increases in the potential production of illicit crops; the volume of illicit drugs; the purity levels of illicit drugs; and the popularity of

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synthetic drugs — such as Speed and Ecstasy — along with heroin in the United States.

The report finds that while coca cultivation has declined in Bolivia and Peru, it has experienced a proportionate increase in Colombia, where cultivated areas total approximately 200,000 hectares. CICAD also reports an increase in coca cultivation outside of traditional areas and more widespread cannabis and poppy production. This accompanies the emergence of new and more profitable markets in Europe, a fact that European nations have been slow to recognize. The report also cites the diversion and smuggling of controlled substances, especially precursor chemicals, resulting from weak controls and insufficient implementation. Recalling the old axiom that drug smuggling will follow the path of least resistance, the report notes that the Pacific and Eastern Caribbean have emerged as new outlets as traditional air and land routes have come under increased control.

The report devotes an important section to the emergence of powerful and financially resourceful transnational criminal organizations. These organizations are involved in a variety of interrelated criminal activities ranging from smuggling firearms, cars, people and drugs to money laundering and the creative use of the Internet to conduct illicit activities, especially fund transfers. At the same time, CICAD cites significant progress in the region in terms of improved money laundering legislation, increased eradication and interdiction, and the development of an international legal structure that accepts the premise of shared responsibility to deal with the problems of the ever-expanding drug industry. It also congratulates the countries of the region for improving hemispheric anti-drug cooperation and their respective national capacities.

CERTIFICATION AND THE MEM

As expected, on March 1, 2001 the State Department's Bureau of International Narcotics and Law Enforcement Matters (INL) announced the results

of its annual certification process. The results were also expected; in the Americas only Haiti was decertified but received a national interest waiver that will allow it to continue receiving US economic assistance. Despite the overall increase in drug production and traffic, Colombia and Mexico are praised for their law enforcement efforts. Bolivia, which reduced coca cultivation by 33 percent, was presented as a model for the eradication of illicit coca cultivation in the region. Predictably as well, Afghanistan and Burma were fully decertified.

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Coming on the heels of the MEM report, this year's INL report was announced in a different climate. Gone are the days when both members of Congress and the US administration agreed on the instrument of certification but disagreed on just exactly who was getting certified. The general sense that prevails today can be summarized in Senator Joseph Biden's statement that certification was a "useful, if imperfect, tool." Similarly,

at the press conference announcing this year's results Rand Beers, the head of INL at the time, noted, "although controversial during its fifteen years of existence, the certification process has proven to be an effective instrument to improve counter-narcotics cooperation." Beers also argued that the MEM is not ready and that any instrument to suspend certification should include a sanctioning mechanism. In other words, consensus appears to be building around the notion of overhauling the process but not entirely doing away with some type of certification mechanism. In short, it appears that enough momentum has been generated around possible alternatives.

Finding an adequate replacement, however, is not an easy task and the MEM appears not to be the instrument favoured by the Washington establishment. One of the first things that must come from the Bush administration is a decision regarding the future of the Office of National Drug Control Policy (ONDCP). Under General McCaffrey, the ONDCP was key to an important re-conceptualization of

the anti-narcotics effort. McCaffrey shied away from using the term War on Drugs and took to speaking about a more scientifically based approach. As noted earlier, he was also not a strong advocate of the annual certification ritual. Whomever President Bush names to head the ONDCP will have an important voice in the future of certification. That Bush has taken so long to name a replacement is a sign of the conflict in the new administration regarding the future of the counter-narcotics effort. Other confirmed officials such as Attorney General John Ashcroft and Secretary of Defence Donald Rumsfeld suggest that no liberalization of the counter-narcotics approach should be expected.

It is also noteworthy that the Bush administration delayed naming a new assistant secretary of state for Latin America and that his nominee, Otto Reich, is known for his conservative stance on key issues and not for favouring a softer approach on drugs. The new assistant secretary will have it in his power to name the new director of the INL and to chart the future course of that office. Given Otto Reich's credentials, it is highly unlikely that any initiative to fundamentally overhaul the certification process will come out of the State Department.

The mood in the US Congress about changing certification legislation appears to be the most propitious since the law was enacted in 1987. Change in the law, however, does not bode well either for the MEM or for a more enlightened counter-narcotics approach. A bipartisan group that included Senators Christopher Dodd, Ernest Hollings, John McCain and Charles Hagel, for example, introduced a resolution in early February 2001 requesting a two-year suspension of certification while a bilateral alternative was found. Another initiative presented by Senator Charles Grassley calls for the elimination of the current certification process and its replacement with a more direct bilateral approach to countries deemed uncooperative. Even under these seemingly less offensive proposals, members of Congress are

unconvinced by the promise of a multilateral mechanism, preferring instead a bilateral option. Moreover, even these bilateral alternatives will have to face the opposition of certain members of Congress, such as Representative Benjamin Gillman who has argued not only against any modification of the current approach but has also pointedly criticized the MEM for having no teeth and no sanctions.

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While to many the notion of a bilateral certification process is a new approach, in fact, US counter-narcotics policy has always had a bilateral character. Doing away with certification may paradoxically lead to two unintended consequences. First, bilateral approaches will inevitably reinforce the asymmetrical nature of US relations with any nation in Latin America and the Caribbean. Second, doing away with the INL's annual report could mean

an end to the only relatively trustworthy source of information on US law enforcement activities in the hemisphere.

CONCLUSION

When the heads of state of the hemisphere meet in Quebec City on April 20-22, the MEM will undoubtedly become one of the highlights of the Third Summit of the Americas. In a process filled with expectations about future free trade agreements and the like, the OAS/CICAD has provided a concrete — albeit imperfect — mechanism to evaluate progress in the battle against illegal narcotics. That the countries of the Americas have participated in its enactment is an important milestone. These claims aside, it is important to place the MEM into context.

First, as the Hemispheric Report itself notes, the MEM is an evolving process that will be improved over the next few years. Premature expectations about its effectiveness are therefore misplaced. It is unrealistic, for example, to expect the MEM to replace the annual certification process conducted by Washington. Although there appears to be an

emerging consensus on the limits of its usefulness, certification has powerful supporters in the US Congress who will do whatever it takes to make sure that it remains in place. As it is currently defined, the MEM has no enforcement mechanism and its recommendations are simply suggestions for governments to correct or improve policy. In contrast, certification carries with it a strong and immediate punitive component that has forced countries to improve their anti-narcotics behaviour. This is an element that many in the United States are unwilling to relinquish to a multilateral organization.

Second, as unlikely as it is that the MEM will replace certification, a good possibility exists that the countries of the hemisphere will engage in a process of intelligence sharing that could lead to improved hemispheric anti-narcotics cooperation. The MEM could do away with the blame game of the drug war and may lead to a concerted multilateral approach to fighting drugs. Thus the MEM has the potential to eliminate the annual political ritual in which countries of the hemisphere react to US drug war interventionism and hide the ineffectiveness of their anti-narcotics policies. Even the US will have to demonstrate responsiveness to the 11 recommendations in this year's report.

Third, it is important not to lose sight of the nature of the process invented by the MEM. As currently implemented, it is a negotiated report that reflects each country's careful set of responses to a CICAD questionnaire. The report names no country specifically, limiting itself to general trends. Each country report offers a set of recommendations, yet provides no timeline for implementation. In other words, countries may or may not follow through with them. It is unlikely that the Quebec City Summit or the next OAS General Assembly will single out a particular country for refusing to go along with the MEM's recommendations.

For Canada, the MEM was an opportunity for practical multilateral cooperation, especially since the drug problem fell within the human security agenda championed by former Foreign Minister Lloyd Axworthy.

Finally, the role played by CICAD is important. Still a small and under-funded unit within the OAS, it has tackled one of the more difficult dimensions of hemispheric cooperation. The effort required to produce the report is noteworthy in itself; however, to make this mechanism effective, the OAS and the countries of the hemisphere will have to provide CICAD with the resources and the muscle to carry out its mandate. This is particularly important from the Canadian perspective. Throughout the past few years, Canada has been very supportive of CICAD's work and played a key role in making the MEM a relative success, particularly during

Canada's presidency of the MEM working group and the final planning meeting in Ottawa in 2000. For Canada, the MEM was an opportunity for practical multilateral cooperation, especially since the drug problem fell within the human security agenda championed by former Foreign Minister Lloyd Axworthy. Consequently, the host country will present the MEM as a major success of inter-American summitry at the upcoming Summit of the Americas in Quebec City. Hopefully, this will translate into an ongoing commitment to the MEM

as well as CIDAD and its activities in a larger sense, helping to sustain a hemispheric approach to drug production, trafficking, and abuse in the Americas.

WANT TO KNOW MORE? LOOK FOR

CIDAD (Comisión Interamericana para el Contról del Abuso de Drogas / Inter-American Drug Abuse Control Commission), ***Evaluation of Progress in Drug Control. Hemispheric Report 1999-2000***, Washington, D.C., December 2000 (<http://www.cicad.oas.org/InformesMEM/Ing/hemisferic%20report-ING.pdf>). CIDAD (Comisión Interamericana para el Contról del Abuso de Drogas / Inter-American Drug Abuse Control Commission), ***National Reports 1999-2000***, Washington, D.C., December 2000 (<http://www.cicad.oas.org/InformesMEM/Ing/Index.htm>). The Dante Fascell North-South Center,

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Eduardo A. Gamarra is director of the Latin American and Caribbean Center and a professor in the department of political science at Florida International University. The FOCAL team that worked on this publication was composed of Nobina Robinson and Gerd Schönwälder. The views expressed in this paper are those of the author, and do not necessarily reflect those of the Canadian Foundation for the Americas (FOCAL). The preparation and printing of this publication was made possible thanks to support from the Department of Foreign Affairs and International Trade.

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Fundação Canadiense para as Américas

1 Nicholas Street, Suite 720
Ottawa, Ontario
K1N 7B7 Canada
Telephone: (613) 562-0005
Fax: (613) 562-2525
E-mail: focal@focal.ca
Web Site: www.focal.ca