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„Coca Prohibition in Historical Perspective: Confrontations of cultural heritage and international narcotics regulation"

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Abstract:

Eine Reihe an wissenschaftlichen Forschungsarbeiten hat sich mit der Geschichte des Kokains und der Entwicklung des internationalen Drogenkontrollregimes beschäftigt. Diese Berichte enthalten wertvolle Einblicke in die lange Geschichte von Koka, seinem wichtigsten Vorläufer, der seit Jahrtausenden als traditionelle Kulturpflanze und wichtiges Kulturartefakt in ihrer Heimat, den Anden, angebaut und konsumiert wird. Wenige englischsprachige Berichte haben jedoch die Historiographie von Koka an sich in den Fokus der Forschung gerückt. Noch rarer sind wissenschaftliche Auseinandersetzungen, welche sich mit der Entwicklung der Pflanze von einer göttlichen Gabe der Inkas zur illegalen Drogenernte von Kartellen befassen. Innerhalb dieser Forschungsarbeit soll diese Lücke geschlossen werden, indem sowohl die Entwicklung der kulturellen Rolle Kokas in der Region, als auch die Geschichte des internationalen Drogenverbotssystems analysiert werden. Während sich diese Abhandlung sich deshalb weitgehend mit dem sechzehnten bzw. zwanzigsten Jahrhundert befasst, wird die Relevanz jener Perioden weiters durch aktuelle Herausforderungen des plurinationeln Boliviens veranschaulicht. Insbesondere geht es hierbei um die Bemühungen des Landes,, den traditionellen Verbrauch der Ernte auf der Ebene der Vereinten Nationen (UN) anzuerkennen. Anhand primärer Quellen der frühesten spanischen Kolonialchronisten sowie sekundärer Analysen aus jüngerer Literatur untersucht Kapitel eins die kulturelle Transformation der Pflanze im Hinblick auf die Ankunft der spanischen Kolonisatoren, ihre Entdeckung des Mineralreichtums der Region und die daraus resultierende Kokadebatte. Das zweite Kapitel, welches sich hauptsächlich auf sekundäre Quellen, sowie UN-Texte und Berichte stützt, verfolgt die Entwicklung des Verbotssystems. Einst primär auf Opium fokussiert, bedeutet der zeitgenössische Ansatz ein beihnahe universelles Drogenverboteinschließlich des traditionellen Konsums des Kokablatts. Innerhalb des dritten Kapitels werden die Auswirkungen des Regimes auf die bolivianische Kokapolitik und die Petitionen des Landes an die UNO anhand von wissenschaftlichen Arbeiten,Medienberichten und weiterem UN-Material untersucht.. Dabei möchte ich ein einheitliches Muster der Verwehrung lokaler Selbstbestimmung der traditionellen Koka-Kultivierenden aufdecken. Ich argumentiere, dass die Aufnahme der Kokapflanze in Anhang I des Einheitsabkommen über die Betäubungsmittelder Vereinten Nationen nicht nur willkürlich und ahistorisch war, sondern auch im Widerspruch zu späteren Bestimmungen steht.

Abstract:

A great quantity of literature has covered the history of cocaine and the development of the international narcotics control regime. These accounts have included worthy preludes on the long history of coca, its primary precursor, which has been grown and consumed as a traditional crop and important cultural artefact for millennia in its heartland in the Andes. Few English-language accounts, however have taken coca historiography as a focus of research per se. Fewer still have fully addressed the plant's development from divine endowment of the Incas to illegal drug crop of the cartels. This text seeks to address this gap by combining the development of coca's cultural role in the region with the history of the international drug prohibition regime, largely covering the sixteenth and twentieth centuries, respectively. To illustrate the relevance of these two periods to one another, this text also investigates the contemporary challenges that coca prohibition has presented to the Plurinational State of Bolivia and its efforts to have traditional consumption of the crop recognised at the United Nations (UN). Using primary sources of the earliest Spanish colonial chroniclers, as well as secondary analysis from more recent literature, chapter one investigates the plant's cultural transformation in light of the arrival of the Spanish colonisers, their discovery of the region's mineral wealth and the coca debate that ensued. Chapter two, using mainly secondary sources and UN treaty texts and reports, follows the progression of the prohibition regime from its unique focus on opium to its contemporary, near-universal approach to drugs prohibition, including traditional consumption of the coca leaf. The third chapter uses both academic works and media reporting, as well as further UN material, to investigate the effects of the regime on Bolivian coca politics and the country's petitions to the UN. In doing so, I seek to reveal a consistent pattern of denied local autonomy afforded to coca's traditional cultivators in the Andean states. I argue that the inclusion of the coca plant in Schedule I of the UN Single Convention on Narcotic Drugs was arbitrary and ahistorical, as well as contradictory with later provisions.

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List of Abbreviations:

DEA	Drugs Enforcement Agency
ECOSOC	Economic and Social Council
HOC	Hague Opium Commission
INCB	International Narcotics Control Board
IOC	International Opium Commission
LoN	League of Nations
OAC	Opium Advisory Committee
SOC	Shanghai Opium Convention
ToV	Treaty of Versailles
UMOPAR	Mobile Rural Patrol Unit
UN	United Nations
WHO	World Health Organisation

List of Illustrations:

Introduction

By appearance, *Erythroxylum coca* is an unassuming shrub. A mature plant stands at a height of one or two metres. A few narrow trunks emerge from its base in the soil, from which a broad spray of lime-green foliage extends. Its leaves, not unlike those of the eucalyptus, are delicate and elliptical in shape with two or three centimetres of width and five to seven centimetres of length, forming symmetrical points at stem and tip. In coca's native home in the lower, subtropical slopes of the Andes mountain range, it blends easily into the verdant bush that rests on hard, pebbly earth. As such, a passerby would be forgiven for failing to recognise a plant whose place in history spans continents, civilisations and millennia. It is a plant whose consumption by humans has carried multiple and transient understandings: a gift from the divine; a boost to a day's work; a reliable cash crop; or, to others, a distasteful habit and a dangerous narcotic.

The intention of this text is to understand the interrelation between two disparate historical trajectories: the social evolution of coca as a feature of indigenous Andean cultural tradition and, secondly, the development of the international narcotic drugs prohibition regime, culminating in the inclusion of coca in the United Nations' 1961 Single Convention on Narcotic Drugs. The Convention's designation of the coca plant as a Schedule-I substance put it in the same legal category as the most grievously dangerous substances, such as cocaine and heroin. The contemporary relevance of these interrelated trajectories is then illustrated with the efforts of a majority-indigenous Andean country, the Plurinational State of Bolivia, to push for coca's reappraisal, in light of its population's continued traditional consumption of the plant. In doing so, I seek to demonstrate two injustices that have been imposed on the indigenous Andean population by the globalisation of coca politics. Firstly, that the autonomy pre-hispanic communities enjoyed over their consumption of the plant began to erode from the moment colonial control of the region was established. This largely remained the status quo for over four centuries. Secondly, and as a result of the first, I aim to demonstrate why the inclusion of coca in the international prohibition regime was erroneous, arbitrary and ahistorical. As the international prohibition regime developed, an absolutist faction within the order succeeded in securing the subsumption of almost all psychoactive substances into its remit. Owing to the colossal illicit trade in coca's potent alkaloid, cocaine, the plant —whose natural psychoactive effect is comparable to that of tea or coffee— is categorised by the United Nations as among the most dangerous of illicit drugs.

Consciously, the text makes little reference to cocaine. Since its first synthesis in 1860 to its explosion of popularity in North America and Europe over the second half of the twentieth century, the drug has been a major determinant in national and international policy towards the cultivation, trade and traffic in coca leaves. Perhaps most prominently, such policy has manifested itself in a protracted and bloody drug war led by the United States and fought in the coca plantations and cities of Colombia, Bolivia and Peru. Yet this text also does not, for the greater part, seek to address this conflict. The reasons for limiting the scope to coca per se, as well as its international regulation, while largely omitting cocaine and the war on drugs, are threefold. Firstly, these latter topics are phenomenally well covered by existing literature. Covering fields as diverse as cold-war history and geopolitics, urban deprivation and the politics of race in the Global North, as well as contemporary international relations between producer and consumer states, scholarship on the cocaine issue is simply too great to include within of this work.

One unintended result of the wealth of cocaine research has been to cast the rich history of coca as a subchapter to the cocaine story. Cocaine historians, such as the prolific Paul Gootenberg, as well as the myriad social-science contributors to the war on drugs scholarship, offer valuable accounts of twentieth century coca politics and cultivation levels in the Andean countries. However, where these works feature pre-cocaine coca investigation, they are limited to brief preludes that serve only to contextualise the post-1860 developments. The result of such is to sideline investigation of traditional Andean cultural practice in favour of unpicking narratives that centre around colonial and, later, international interests in trade and regulation. These are by no means unworthy lines of enquiry, however, there is a conspicuous imbalance between coca scholarship per se and coca scholarship that takes understanding cocaine as its starting point. After all, cultivation of the crop can be traced back to at least 1750 B.C., meaning the cocaine episode represents only a fraction of the coca timeline. Notable contributions have been made in the study of coca's history; Joseph A. Gagliano and W. Golden Mortimer, to whom this text owes a debt, have offered invaluable inputs to the English-language coca scholarship of the early colonial and conquest eras. However, more recent research that takes into account contemporary developments is lacking. Thus, contributing to the rebalancing of existing coca research is the second reason for the scope of the present text.

Finally, recent developments in drug diplomacy and trends in global governance have given rise for the need to reconsider the question of coca's illegality. Namely, the Bolivian state's recent partial success in squaring its constitution's recognition of coca as cultural heritage with international treaty obligations, which prohibit the plant's cultivation. This was achieved by withdrawing and re-acceding to the 1961 Convention with a reservation on traditional coca use (addressed in section 3.2). Though the strategy was ultimately successful, the process caused diplomatic tensions and risked alienating Bolivia from vital international narcotics diplomacy.

At the same time, the international legal order continues to expand and mature alongside processes of decolonisation and increasing multipolarity. One positive outcome of these developments is an evolving sensitivity towards human rights in global governance. More specifically, the United Nations (UN) and World Health Organisation (WHO) have shown increasing recognition of the need for international drug legislation to be interpreted in line with fundamental human rights. An example of this trend was this year's publication of a set of (non-binding) guidelines on human rights and drug policy by the two organisations. These guidelines include recognition of the right to participate in cultural life, including where such participation requires access to controlled plants and substances. Much progress still has to be made, however; coca prohibition remains the status quo. As section 3.2 addresses, the official position of these organisations is that coca and cocaine are comparable substances and should, therefore, be similarly controlled. The last official effort to reconsider this status was in 1995, when US officials suppressed the publication of a WHO report because it suggested the need to investigate further the potential therapeutic and homeopathic benefits of coca consumption. Thus, by bringing together the undeniably extensive history of coca before cocaine with the history of an international regulatory system that developed to meet a hard-line prohibitionist agenda, I seek to make the case for coca's reappraisal on the international stage.

The three chapters that follow cover three episodes, each quite discrete in time and location, that seek to elucidate coca's path to prohibition. Chapter one, which follows the sixteenth-century transformation of coca's place in the early-colonial society of its Andean heartland, begins with the plant's cultural role in the Inca Empire. Though it was a civilisation without a tradition of written historiography, the Inca customs were recorded first hand by the chroniclers that arrived with the first of the Spanish colonisers. Therefore, primary observations of the chroniclers, as well as deductions from textile iconography, reveal how the "divine plant" represented an ancient and sacred privilege of Inca nobility. Next, I follow the first major transformation of coca's social role that resulted from the incredibly fortuitous discovery of the region's mineral wealth, most notably beneath the surface of the Cerro Rico in Potosí. This triggered the first mass production phase of the plant, whose stimulant properties the Spanish quickly realised could be utilised to maximise the output of indigenous labour. Unlike other New-World crops, coca was not initially coopted by colonial traders and was confined to its heartland. There, a prolonged debate among the ruling class was fought over indigenous consumption of the plant. The first coca prohibitionists, mostly church officials, sought to ban consumption outright, casting coca mastication as a dirty habit and citing the terrible labour conditions of the coca plantations. Colonial trade interests prevailed, however; the labour-enhancing qualities of mastication to the indigenous miners were too great to surpass. Thus, an equilibrium was reached in the early colonial period. Though some evidence is examined of diversification in the plant's applications and users, it largely remained a perceived vice of the highland miners.

Chapter two traces the evolution of the international narcotics control system. The origins of this episode require a shift in focus from coca to another drug crop, opium. As a drug of much greater personal, social and global detriment, it was opium that kick-started the contemporary prohibition movement. Over the nineteenth century, the British Empire had consolidated an incredibly lucrative opium monopoly, producing vast amounts of poppy in

Bengal to satisfy the colossal rates of addiction it had imposed on the Chinese population. As the Empire's grip on the region loosened towards the end of the century, and Chinese domestic opium production threatened British primacy in the trade, the new configuration of imperial power opened space for an opium prohibition movement to establish itself. This was bolstered by increasingly influential religious temperance movements in Britain and the United States, who formed international coalitions to push for action. The convergence of these novel forces resulted in two major advances for the prohibitionist cause. Firstly, the signing of the Ten Year Agreement between the British and Chinese, that secured a bilateral winding down of opium production and, secondly, the organisation of the first international drug control conference, the Shanghai Opium Commission of 1909.

Though Shanghai was the first multilateral effort to combat narcotic drugs, its recommendations were not binding and little action was taken. From this point, prohibitionist diplomats, primarily from the US, began to take more concerted action and pushed for a further conference with plenipotentiary powers. The breadth of the regime was also expanded to include pharmaceutical drugs, including cocaine, which drew the Andean nations into the movement. Next, the institutional phase accelerated the pace of regulatory development. By including drug control measures in the Treaty of Versailles, the scope of the regime expanded dramatically and international institutions were established under the newly formed League of Nations to monitor the international drug situation. Over the institutional phase, the frequency and scale of international conferences increased and binding resolutions emerged. US prohibitionists lobbied the international oversight bodies to bring supply-side controls, such as on coca cultivation, into the regime's purview. The efforts of prohibitionists culminated in the signing of the 1961 Single Convention on Narcotic Drugs. This legislation, which remains the backbone of the international drugs control system, brought together the fragmented conventions that had been passed over the previous decades. Vitally for the purposes of this text, it criminalised coca chewing and, for the most part, cultivation. The Single Convention laid the foundations of Bolivia's confrontation with the regime some fifty years later.

Finally, chapter three addresses the modern era and the consequences of coca stigma and an absolutist approach to narcotics prohibition for the contemporary state of Bolivia. The convergence of the sixteenth- and twentieth-century periods demonstrate how misunderstandings of the coca plant have manifested an untenable coexistence of respecting indigenous cultural practice and meeting treaty obligations. The chapter begins with an overview of Bolivian efforts to navigate coca policy amid heavy-handed, US-led coca eradication programmes. From the arbitrary targets of 'Law 1008', which resulted in multiple fatalities in the Bolivian coca regions of the Yungas and the Chapare, to the community-led rationalisation policies of indigenous leader Evo Morales, I seek to demonstrate how the prohibition regime mandated avoidable conflict, while dismissing the right of participation in traditional cultural heritage. Concluding the chapter, the focus shifts to the most recent efforts of the Bolivian state to reconcile its coca heritage with prevailing UN intransigence over coca prohibition.

1. Evolution of a Tradition: Sixteenth-Century Coca in the Andes

The 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, in Article 14, declared its measures "shall take due account of traditional licit uses, where there is historic evidence of such use."[1] No commentary is offered on the practical meaning of taking "due account." By investigating the first recorded period of major transformation in coca's role in the Andes, this chapter seeks, firstly, to establish beyond doubt the long-held existence of "traditional licit uses." Not just to the indigenous labourers of Spanish colonial mining operations, but also to the region's pre-Columbian civilisation, coca represented a mainstay of daily cultural praxis. The second intention of focusing on this period is to demonstrate the lack of agency afforded to local communities in their use of the "divine plant," a major recurring theme of this work. In casting leaf as a product of the devil and symbol of uncivilised values, while expanding its production to accelerate mineral extraction, the authorities of the early colonial period offer one of the earliest examples of how coca policy were exercised upon, rather than by, the Andean communities who cultivated it.

1.1: The "divine plant" - Pre-Columbian understandings of coca

The first written accounts of coca use do not predate Francisco Pizarro's defeat of the last Inca monarch, Atahualpa, in 1533.[2] Though absent of written historiographical tradition, the pre-Columbian Andean civilisations left a number of clues that evidence the well-entrenched position of coca in Inca society. Firstly, the Spanish arrivals' observations and accounts of local oral testimony made evident that the the leaf's consumption was not a new phenomenon. Indeed, unsurprisingly, the sacred status of the leaf can be readily identified in the iconography of extant cultural artefacts. Evident from the annals of the first Inca-origin historians, coca's place in Inca society stretched back as far as its memory.

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[1] Convention against Trafficking of Narcotic Drugs and Psychotropic Substances, 20 December 1988, United Nations, https://www.unodc.org/pdf/convention_1988_en.pdf (2 November 2019), 14.

[2] W. Golden Mortimer, *History of Coca: The "Divine Plant" of the Incas*, (New York, J.H. Vail and Company, 1901), 7.

These sources reveal the centrality of the leaf to ceremonial practice and spiritual life more broadly. Finally, recent advances in archeology tell us that the examples of Andean coca cultivation can be found in prehistoric eras, millennia before even the Inca Empire was established.

FIGURE 1: The coca heartland

Source: Google Maps.

Among the ranks of the first expeditionaries to reach Peru was the young Pedro Cieza de León, whose chronicles of the colonisers' first encounters with the indigenous population are among the most cited of the period. Just fourteen years of age when he sailed for the Americas, Cieza travelled the region extensively during the first confrontations between the Incas and the Spanish colonisers, and wrote in minute detail of the customs and practices of indigenous communities. His observations of how the locals mixed dried coca leaves with lime from dedicated calabashes make clear that it was a long-assimilated practice. The delicate leaves, which the locals kept in their mouths "from morning, until they lie down to sleep," tell Cieza that their mastication "prevents them from feeling hungry, and gives them great vigour and strength."[3] So precious were dried coca leaves that, between 1548 and 1551, "there was not a root nor anything gathered from a tree, except spice, which was in such estimation."[4] His account also reveals the extent of coca cultivation during the period period, which spanned from Guamanga (present-day Ayacucho, roughly equidistant between Lima and Cuzco) and the city of Plata (present-day Sucre), a range of over a thousand kilometres (see Figure 1).[5]

The absence of Inca literature did not mean the region's pre-conquest history was not recorded. Iconography inscribed on extant articles of clothing and accessories tell visual stories of the features they display and of the status of those who carried them. As well as the calabashes for lime that Cieza documented, accounts of Inca dress make frequent reference to the pendant bags carried by nobles, whose primary function was containing the their coca supply.[6] The fact alone that some of the most notable examples of Inca textiles are coca accessories points to the plant's privileged status. Furthermore, the pendant bags were elaborately embroidered, with much of their exterior dedicated to decorative tassels and emblems of alpacas and other fauna.[7] As such, not only do the bags' function as a coca container indicate the prestige of their contents, their designs also indicate that of their users.

To corroborate the deductions drawn from Inca iconography, we can consult again the early written chronicles. As the Spanish presence in the region drew on, a gradual osmosis of language and culture began. For students of the period, this window of just a few generations provides invaluable insights to pre-Columbian Andean culture. For the first time, the earliest Andean mestizos, whose upbringing remained steeped in their oral history, could transcribe their annals. One such individual was Guamán Poma. Poma was torn between two identities; though a Christian neophyte and sometime operative of the colonial

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[3] Pedro de Cieza de León, *The travels of Pedro de Cieza de Léon, A.D. 1532-50*, (London, published for the Hakluyt Society, 1864), 352.
[4] Ibid.
[5] Ibid.
[6] Lauren Finley Hughes, "Weaving Imperial Ideas: Iconography and Ideology of the Inca Coca Bag," *The Journal of Cloth and Culture* 8, no. 2, (2010): 151.
[7] See, for example, Figure 2 in ibid.: 152.

administration, he lamented the destruction of traditional Andean culture.[8] In 1613, he wrote a thousand-page illustrated letter to the Spanish king, Felipe III, detailing his cultural heritage and the threat posed to it by colonial rule. Within his chronicle, as well as numerous textual references to coca consumption, Poma's illustrations include several impressions of notable public figures, whose attires feature the signature pendant bag of the Inca nobles.[9] Most significant among these is the sketch of Manco Capac Inca, the first Inca monarch and subject of abundant Inca mythology, replete with his royal vestige and pendant bag (see Figure 2).[10] Of course, Poma's reproduction of the Inca idol's garments relied entirely on the folk memory of his forebears. However, his inclusion of the coca bag in depicting the most important figure of the Inca Empire relays how central coca was to his understanding of folk history. As well as a marker of elite status, Manco Capac's pendant bag in Poma's illustration tells of the longevity of coca's status; though there is no accurate date for the origins of Inca nobility, they may stretch back as far as 1400.[11]

Not just a political status symbol, to the Inca, coca was held as a gift from the divine. Indeed, Andean indigenous ideology, unlike that of the colonisers, did not make distinct categories of state and faith; rulers were simultaneously heads of state and deities.[12] Spiritual and political authority were deployed symbiotically to help legitimise the Inca hierarchy and the coca leaf functioned as a totem in this process. The queen of the fourth Inca king, Huayna Capac, was bestowed the title of Mama Coca, the most sacred title one could bear.[13] At the Temple of the Sun in Cuzco, the civilisation's most hallowed site, worshippers were only permitted to approach the alter if they held a quid of masticated leaves in their cheek. Mandated diviners would spit a wad onto two fingers and if the

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[8] Terence N. D'Altroy, *The Incas*, (West Sussex, UK, and Malden, MA, Wiley-Blackwell, 2014), 25-26.

[9] Felipe Guamán Poma de Ayala, *The First New Chronicle and Good Government: On the history of the world and the Incas up to 1615*, trans. Roland Hamilton (Austin: University of Texas Press, 2009), e.g. 125; 135.

[10] Indeed, there is no certainty that Manco Capac was a real historical figure and not a character of Inca mythology. Real or not, Poma saw fit to include the pendant bag in his image.

[11] Brian S. Bauer, "Pacariqtambo and the Mythical Origins of the Inca," *Latin American Antiquity* 2, no. 1, (1991): 8.

[12] D'Altroy, *The Incas*, 15.

[13] Mortimer, *History of Coca*, 152.

FIGURE 2: Guamán Poma's illustration of Manco Capac Inca, first Sapa Inca

Source: Felipe Guamán Poma de Ayala, *The First New Chronicle and Good Government: On the history of the world and the Incas up to 1615*, trans. Roland Hamilton (Austin: University of Texas Press, 2009), 63.

omens were good, the liquid would run evenly down both fingers.[14] Religious events were incomplete without the ceremonial burning and chewing of coca and, importantly, such occasions were the only time commoners were permitted to use what Mortimer dubbed "the divine plant."[15]

The Inca Empire, though relatively undocumented, provides historians with the fullest available picture of pre-conquest coca in the region. The plant's ubiquity in understandings of religion and power leave little doubt that it was a mainstay of Andean cultural life.

[14] Richard T. Martin, "The Role of Coca in the History, Religion, and Medicine of South American Indians," *Economic Botany* 24, no. 4, (1970): 426.

[15] Mortimer, *History of Coca.*

However, archeological advances now tell us that the Inca chapter of the coca story falls not even half way along the complete timeline of the plant's human consumption. In one study of a sample of mummified hair, discovered in northern Chile and dated to around 1000 B.C., metabolites attributable only to the coca plant were identified.[16] Further back yet, excavation of the first prehistoric settlements in the upper valleys of central Peru show evidence of cultivation some time between 1900 and 1750 B.C.[17] Physiological and botanical studies confirm what Andean communities have known for millennia —that the plant's nutritional value and homeopathic use for treating altitude sickness make it an invaluable resource for highland living.[18] Thus, it is not surprising that evidence of consumption and cultivation appear in the same places as that of the region's first organised communities. These sources do not reveal much about the sociocultural role of coca to those peoples, however, it is near certain that it featured in the earliest developments in prehistoric agriculture.

1.2: Potosí - The colonial thirst for silver

The mineral wealth of the Andes (as well as the continent more broadly) transformed the colonial administration of region from the moment it was discovered by Spanish prospectors. Few aspects of society were left untouched by these changes and the coca leaf was certainly not exempt. Even during its position as a sacred gift, the stimulant qualities of coca chewing were well known. Thus, when the Spanish thirst for silver created an immense new demand for labour, it is not surprising that authorities would put these qualities to use in the mines. As well as maximising miner productivity, the new demand for coca created a lucrative market in itself. The following section addresses these developments.

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[16] Mario A. Rivera et al, "Antiquity of Coca-Leaf Chewing in the South Central Andes: A 3,000 Year Archaeological Record of Coca-Leaf Chewing from Northern Chile," *Journal of Psychoactive Drugs* 37, (2005): 455-458.

[17] Thomas C. Patterson, "CENTRAL PERU: Its Population and Economy," *Archaeology* 24, no. 4 (1971): 320.

[18] Victor B. Stolberg, "The Use of Coca: Prehistory, History, and Ethnography," *Journal of Ethnicity in Substance Abuse* 10, no. 2, (2011): 127-128.

The Inca, like many contemporary Andean farmhands or long-distance drivers, knew well of the work-enhancing benefits that coca chewing afforded. As well as suppressing the appetite, minimising interruptions to a full day's work, its stimulant qualities allowed for longer working hours at a greater pace. *Chasquis*, relay messengers, were among the few rank-and-file members of Inca society permitted to use coca to quicken their pace between towns across the rocky and hazardous territory.[19] As discussed further in the next section, the colonial authorities were not eager to embrace the stimulant qualities that coca evidently afforded its users. To the clergy in particular, the plant was an unwelcome relic of a pre-Christian past. Economic interests, however, would soon render this stigma a secondary concern, with the discovery of the vast mineral deposits that were waiting to enrich the metropole.

Though known to indigenous communities in the pre-Columbian eras, the vast mineral wealth of the Andes region marked an incredibly fortuitous discovery for the Spanish colonial enterprise, with its insatiable thirst for precious metals. Foremost among the deposits discovered was the now-legendary Cerro Rico ('Rich Hill') in Potosí. Emerging from the arid landscape of the altiplano at almost five thousand meters of elevation, the Cerro Rico produced an estimated 85 percent of the silver mined in the region.[20] The city of Potosí, at the foot of the hill, grew to be among the largest in the colonial Americas, rivalling sixteenth-century London and Paris for size.[21] Colonial prospectors wasted little time in capitalising on the discovery. Between 1545 and the turn of the century, extraction rose from ten million to 70 million pesos of silver.[22] To put these figures into perspective, estimates of European silver stock in 1500 suggest 37.5 thousand metric tons; by 1823, the Potosí mines alone had added around 23 thousand more, an increase of more than sixty percent.[23]

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[19] Richard T. Martin, "The Role of Coca in the History, Religion, and Medicine of South American Indians," *Economic Botany* 24, no. 4, (1970): 428.
[20] Jack Weatherford, *Indian Givers: how Native Americans transformed the world*, (New York, Three Rivers Press, 2010), 7.
[21] Ibid.
[22] Kendall W. Brown, *A History of Mining in Latin America: from the colonial era to the present*, (Albuquerque, University of New Mexico Press, 2012), 17.
[23] Ibid.

Prior to the explosion of mining operations in the Potosí region, the land was sparsely populated. Sitting on the eastern fringe of the Atacama desert, the dry climate made the arid earth unsuitable for agriculture and the harsh ascent from the tropical lowlands left the altiplano relatively unconnected to the extensive Inca road network. As such, prospectors initiated a dramatic migration drive of indigenous labourers from the adjoining provinces. To achieve this, a *mitta* (labour conscription law) was introduced, whereby colonial authorities required all indigenous adult males between the ages of 18 and 50 from the adjoining provinces to contribute a total of 18 months' labour within their years of liability.[24] Consensus is lacking over exact figures of the mining conscription. Mortimer puts the figure at 11,189 for the year 1573 alone, though notes this dropped dramatically thereafter, owing to indigenous depopulation of the province.[25] Another estimate suggests 100 thousand heads were summoned over the course of the sixteenth century.[26] Labour in the mines was backbreaking and relentless. *Mitayos*, conscripted indigenous miners, were required by mine owners to meet quotas of twenty or thirty loads of ore per shift. The already meagre wages were cut if this was not achieved, or they were forced to finish their quota without further pay. Typically, in a five-day period, *mitayos* were required to work seven ten-hour shifts.[27]

To facilitate their labour, coca chewing became the norm among *mitayos* to alleviate hunger, fatigue and altitude sickness. The colossal scale of mining operations in the region, along with the work-enhancing qualities of coca mastication, caused consumption of the leaf to soar. Citing the early chronicler Garcilasso, Mortimer writes that in 1548 alone, 100 thousand *cestas* (between 800 thousand and one million kilos) were consumed by the miners.[28] Accurate records of how this explosion of coca use translated to increased cultivation do not exist. Perhaps hyperbolically, Naranjo has suggested a "one thousand-

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[24] Mortimer, *History of Coca*, 156.

[25] Ibid.: 157.

[26] Herbert S. Klein, "Coca Production in the Bolivian Yungas in the Colonial and Early National Periods," in *Coca and Cocaine: Effects on People and Policy in Latin America*, eds. Deborah Pacini and Christine Franquemont (Cambridge, Mass.: Cultural Survival, 1986), 53.

[27] Brown, *A History of Mining in Latin America,* 78.

[28] Garcilasso in Mortimer, *History of Coca,* 157.

fold" increase when compared with Inca times.[29] Considering the stringent limitations that Inca nobles imposed on coca distribution, this may not be far from the truth, however, it is not possible to safely attribute the entire increase to mining operations.

Recognising the potential to maximise the productivity of *mitayos,* colonial authorities endeavoured to maintain a steady supply of coca to the region, despite the opposition of the anti-coca lobby (addressed in the next section). Indeed, the miner-driven coca trade became a lucrative source of revenue in itself. Like all agricultural production, the colonial administration extracted a levy on land under coca cultivation. In Cuzco, four hundred Spanish merchants lived solely from the profits of the coca trade.[30] In 1600, the coca trade to Potosí alone was worth five hundred thousand pesos, a modest figure when compared with the silver, whose extraction the leaf facilitated, but a first-rate return relative to other agricultural goods.[31] Even the church took a tithe on the trade. In a 1539 letter to the Spanish king, Bishop Valverde wrote that of all the tithes levied by the church, the primary earner was that on the coca trade.[32] A similar sentiment is recorded two decades later, when officials of the Cuzco Bishopric wrote that all other tithes but that on coca were "worth almost nothing."[33] The mining enterprise and coca trade were optimally exploited by their mutual dependence; the more silver that was mined, the more coca was required. This was an ideal arrangement for the colonial enterprise, allowing merchants and prospectors to extract maximum profit from both the natural resources of the territory and the manual labour of the population.

1.3: The "devil's leaf"- The first coca debate

Resource exploitation and evangelisation were central tenets of the Spanish colonial enterprise. While the former enriched the colonial elite and lent prestige to the metropole,

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29 Plutarco Naranjo, "Social Function of Coca in Pre-Columbian America," *Journal of Ethnopharmacology* 3, no. 2-3, (1981): 168.

30 Eduardo Galeano, *Open veins of Latin America: five centuries of the pillage of a continent*, (New York, Monthly Review Press, 2012), 47.

31 Gootenberg, *Andean cocaine*, 20.

32 Rafael Varón Gabai, *Francisco Pizarro and his brothers: the illusion of power in sixteenth-century Peru*, (Norman, University of Oklahoma Press, 1997), 249.

33 Ibid.

the latter provided a moral code to justify the great human cost of the civilising mission. As the relation between mining and the coca trade demonstrates, economic interests took precedence over moral purity. However, for many, the survival of coca's cultural role from pre-conquest times was a pagan hangover yet to be eliminated. As this section seeks to demonstrate, indigenous agency with regards the sacred leaf was absent from the moment the colonisers established dominance of the region. Even after the advantages of the Potosí trade were evident, the debate raged on over colonial policy on coca cultivation and its impact on the moral integrity of the society, as well as on the health of the natives. Nowhere was this more active than in the coastal regional capital of Lima, far removed from the mines and plantations of the highlands. Unlike other New-World crops, coca was not widely adopted into the new creole order of Spanish America, and was confined to the indigenous highlanders of the Andes. Even their consumption of the leaf was met with prolonged resistance. This resistance represents the first recorded prohibitionist movement, which cited the terrible working conditions of the coca plantations and the inherent idolatry of coca use as its foremost justifications. Ultimately, the phenomenal bounty unearthed beneath the Cerro Rico and other mines rendered the prohibition lobby doomed from the outset, but this did not prevent the debate from re-emerging throughout the sixteenth century. After the turn of the century, an equilibrium established itself in the colonial-era consumption and production of coca. The mining-driven trade continued, albeit on a slightly decreased scale, and, while some evidence exists of the leaf's incorporation into creole culture, its consumption largely remained a practice of the indigenous highlanders.

As was the case in many of the first encounters between indigenous populations and colonial authorities in the Americas, cultural practices of the native Andeans were cast as idolatrous and blasphemous superstitions. The coca leaf —both its mastication and ritual usage— was, in the first place, not exempt from this trend. In other parts of the Spanish dominion, indigenous customs were subject to what Gootenberg terms 'mestizo-isation,' which is to say they were appropriated and adapted to suit the sensibilities of emerging creole populations.[34] *Cacahuatl*, Aztec-era drinking chocolate, is a typical example of this

[34] Paul Gootenberg, *Andean Cocaine: The making of a global drug*, (Chapel Hill, University of North Carolina Press, 2008), 19.

process.[35] This is an important point in the understanding of the modern-day coca debate; the mestizo-isation of *Cacahuatl* led to a global embrace of chocolate as a consumer good, allowing cocoa to become a staple of colonial trade stock, along with other drug products like tea, coffee and sugar. Coca, however, perhaps owing to a distaste for the physical act of chewing and spitting, remained a marker of a subaltern, 'Indian' class and was contained within its Andean heartland.[36]

Coca as heresy

Though coca use was never effectively subsumed in the process of creolisation during the early colonial period, there was an active debate over whether the crop and its consumption should be formally extirpated. At the vanguard of the first ever coca prohibitionist lobby were members of the Catholic Church. This is little surprising given the nature of its partnership with the state in the colonial project. Colonial administration throughout Spanish America functioned under a two-pronged posture of legitimacy; the Church imposed moral dogma, while the State administered the bureaucracy and eliminated threats to Spanish rule. Though chewing would come to be tolerated as a distasteful foible of the subaltern highlanders, the ritual use of coca represented a plain act of heresy. At the Second Council of Lima in 1569, the plant was described as a "useless and pernicious leaf […] on account of the belief stated to be entertained by the Indians that the habit of chewing coca gave them strength which is an illusion of the Devil."[37] The conclusions of the Second Council did not fall on deaf ears in the metropole, as evident in the text of the coca law introduced by Felipe II later that year. It read, "they [indigenous Andeans] imagine that by carrying it in their mouth they receive strength and vigor for their work which, according to those who have experimented with it, is an illusion of the devil."[38] However, the petitions of the prohibitionists were unsuccessful in the face of recognition of the work-enhancing

[35] Ibid.

[36] There are two major exceptions to coca's regional containment: its extract, as used in popular beverages like Vin Mariani and Coca-Cola, and its alkaloid, the primary ingredient of cocaine.

[37] Tim Madge, *White mischief: a cultural history of cocaine*, (New York, Thunder's Mouth Press, 2001), 27.

[38] Joseph A. Gagliano, "The Coca Debate in Colonial Peru," *The Americas* 20, no. 1, (1963): 50.

benefits of mastication; the legal text continued, “we do not wish to deprive the Indians of this mitigation for their work, even if it is in their imagination.”[39]

Coca ritual practice did not enjoy such reluctant toleration. While it is wrong to view early colonial government in purely monolithic terms, in certain instances the authority of church and state were hand-in-glove. Idolatry was one offence subject to near-universal condemnation under Spanish rule. During his tenure as viceroy (1567-1581), Francisco de Toledo, a bureaucrat and a pragmatist in the coca debate, condemned anyone guilty of marrying an idolatrous woman to a hundred lashes and a lifetime ban from holding public office.[40] On the part of the church, its mission to evangelise saw a steady increase of punishments for religious offences under the Lima chapter of the Holy Inquisition, which spanned two and a half centuries from the mid-1500s. Over the course of this period, some three thousand trials were brought by the church, including 48 auto-da-fé sentences (burning at the stake).[41] It is not within the scope of this text to detail the Lima Inquisition at any length, however it is sufficient to say that ritual coca use would have constituted both heresy and witchcraft under the regime, crimes that made up a combined 22 percent of those heard.[42] Though stopping short of a comprehensive coca ban, the crown agreed that ritual practices were not to be tolerated. Felipe II’s 1569 law urged clergymen to “maintain constant vigilance” against the plant’s use in “superstition, witchcraft […] and other evil and depraved ends.”[43]

The first prohibitionist lobby

Not all the arguments for prohibition were couched in terms of colonial ideological purity. The perilous working conditions of the coca plantations also raised humanitarian concerns among administrators for the safety of the *camayos* (coca plantation workers). The

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[39] Ibid.: 51.

[40] Mortimer, *History of Coca,* 110.

[41] Teodoro Hampe-Martínez, “Recent Works on the Inquisition and Peruvian Colonial Society, 1570-1820,” *Latin American Research Review* 31, no. 2, (1996): 43-44.

[42] Ibid.: 44; 53. Gagliano reports that questions on the use of coca appeared in almost every Inquisition witchcraft trial of the seventeenth century. See footnote in: Joseph A. Gagliano, "Coca and Popular Medicine in Peru: An Historical Analysis of Attitudes," in *Spirits, Shamans, and Stars*, eds. David L. Browman and Ronald A. Schwartz (Berlin; New York: De Gruyter, 1980), 43.

[43] Gagliano, “The Coca Debate,” 51.

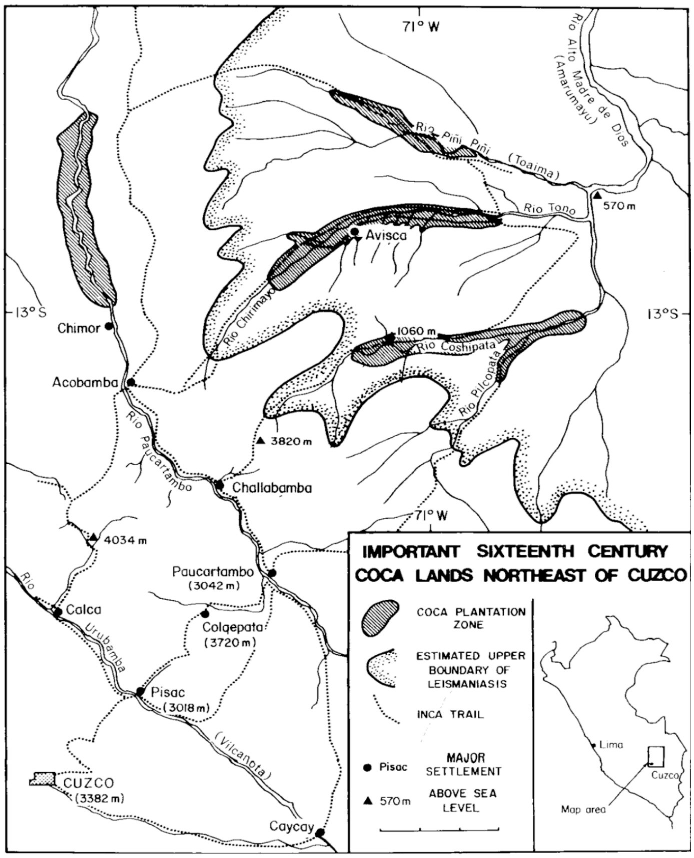

FIGURE 3: Important early colonial plantation zones

Source: Daniel W. Gade, "Inca and colonial settlement, coca cultivation and endemic disease in the tropical forest," *Journal of Historical Geography* 5, no. 3, (1979): 267.

subtropic selva that lays on the eastern slopes of the mid-Andes, forming part of the western rim of the Amazon Basin, housed the most significant early colonial coca plantations (see Figure 3). Though providing the ideal climate for the delicate coca shrubs, the region presented a number of risks for the indigenous labourers summoned from the sierras to the west of the mountain range. Migrant labourers from the Sierra were absent of resistance to a disease known then as the *Mal de los Andes*, a parasitic tropical disease now known as leishmaniasis.[44] Causing necrosis of the skin and spreading to the internal organs, the disease inflicted a great number of casualties among the *camayos*. In 1562, as many as

[44] Illustrating the endemicity of the disease among sierra-originating workers in the region, leishmaniasis may even have been the constraining factor in the westward expansion of the Inca Empire. Longitudinally spanning 4,500 kilometres, the Empire's westward expansion, in pursuit of the sacred plant, reached only 700 kilometres —to where the major colonial-era plantations would later be established (see Figure 3). See: Daniel W. Gade, "Inca and colonial settlement, coca cultivation and endemic disease in the tropical forest," *Journal of Historical Geography* 5, no. 3, (1979): 263-279.

200 patients were treated for leishmaniasis at the hospital in Cuzco.[45] Reliable data for the death rate among *camayos* is not available. Nonetheless, citing plantation death rates as high as 50 percent, the humanitarians among the prohibitionists were successful in enacting reform, if not in banning the plant altogether.[46] Under the viceroyalty of Margués de Cañete II (1555-1560), a series of ordinances were introduced to reduce the working hours of *camayos* and ensure plantation owners gave them sufficient rations of food.[47] On the limiting of cultivation itself, the Cañete ordinances were modest, prohibiting only the establishment of new plantations for a ten year period.[48]

There is a conspicuous disparity between the humanitarian concern shown for the plantation *camayos* and the *mitayos* of the silver mines. Both were subject to gruelling conditions and a not-insignificant degree of coercion in their labour, yet, sympathy for the *camayos* and exploitation of the *mitayos* were invoked as arguments on opposite sides of the debate. Both Gagliano and the primary material from colonial records, the two major sources for the colonial coca debate, are silent on this inconsistency. The most obvious explanation for this is the simple comparative economic advantage that mineral extraction offered. Though the coca trade was a formidable regional earner, the Potosí mines, as established, increased precolonial silver stock in all of Europe by 60 percent. Thus, the relative weight of humanitarian arguments against economic interests would have been entirely asymmetrical between the two groups of labourers. A secondary explanation might also be put forward. Despite being subject to unconstrained colonial oversight and taxation, unlike the mines, the coca plantations remained the property of indigenous community elites, or *caciques*. Given the contempt shown towards the pre-conquest customs and norms of indigenous communities, it is not a stretch of deductive reasoning to suppose that *caciques* would be held to wholly different humanitarian standards than the Spanish mine owners.

[45] Gagliano, "The Coca Debate," 44.

[46] Jospeh A. Gagliano, *Coca prohibition in Peru: the historical debates*, (Tucson, Ariz., University of Arizona Press, 1994), 50.

[47] Gagliano, "The Coca Debate," 48.

[48] Ibid.: 49.

Prohibitionists continued to petition for their cause to the crown and subsequent viceroys until the mid seventeenth century. In reality, however, the debate had given way to the Spanish thirst for silver as soon as its abundance in the region was known. In economic and regulatory terms, thus, the evolution of the plant's role stabilised. Cultivation did decline after the turn of the century.[49] This was attributed to a decline in the indigenous population and a slower return of silver ore from the mines, as the purer and shallower deposits were depleted. Culturally speaking, for the most part, the stigmatisation of coca persisted. To the emergent urban creole class in major cities like Lima, chewing the leaf remained a backward vice of the highlanders. Individuals caught doing so could be cast out from their families and the church continued to severely castigate heretical crimes involving the leaf.[50]

Creolisation, however, was an indefinite and multilateral process, and coca's survival meant that it was only a matter of time before variations in its uses, as well as its users, arose. One Inquisition report from the mid-seventeenth century tells of a poor Afro-Peruvian widow hosting coca mastication gatherings at her home, whose attendees included nuns and even a member of the Holy Office of the Inquisition.[51] Novel forms of coca consumption also appeared. Later in the century, with the new availability of strong cane spirits, the first records appear of concoctions mixing coca with alcohol.[52] This is significant because it marks the one of the earliest efforts to present the leaf in a in a form that might be deemed more palatable to the upper echelons of urban creole society. Coca tonics, like Vin Mariani and its alcohol-free imitation Coca-Cola, would later become the only product (besides cocaine) to reach global mass consumption. Thought it would be too great a leap to claim the cane-spirit coca tonics of seventeenth-century Lima were a direct descendent of these products, they illustrate the appeal of coca's effects and the inevitability of experimentation with its consumption.

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49 Ibid.: 62.

50 Gagliano, *Coca Prohibition in Peru*, 89-90.

51 Leo Garofalo, "Conjuring the Coca and the Inca: The Andeanization of Lima's Afro-Peruvian Ritual Specialists, 1580-1690," *The Americas* 63, no. 1, (2006): 75.

52 Ibid.: 77.

With regards to the later international prohibition of the sacred leaf, the early colonial period provides a valuable example of how external interests would come to determine its position in society. The sources that detail the pre-Columbian understanding of the coca plant demonstrate that its local consumption was an unquestioned fixture of society. The fear and stigma that would come to feature heavily in the debate over its legality was largely the result of the boom in cultivation that the discovery of the silver deposits ignited. A remarkably similar reproduction of this dynamic would surface in the debates around the cocaine-driven boom. Just as the modern Andean nations have little taste for cocaine, the pre-hispanic Andeans had little interest in silver. The common denominator of the two episodes of coca history is a foreign lust for a highly lucrative good, supported by an externally imposed coca boom in the Andes region.

2. History of International Regulation: The Development of Modern Prohibition

In order to contextualise the modern-era coca debate, it is necessary to fully understand the broader movement of prohibition that developed over the twentieth century. To this episode, coca did not initially play a central role. In the intervening period, coca policy reached an equilibrium. The leaf, largely confined to the Andes, continued to be chewed and ritually invoked in relative secrecy. At the same time, other drug crops, most notably opium, were enriching colonial enterprises on the other side of the world, in the Far East. As a drug whose profitability rivalled that of silver, but whose psychoactive effect dwarfed that of coca, opium became a commodity of global consequences. By the nineteenth century two of the era's greatest powers, the British and Chinese Empires, were at war over its regulation and trade. By the twentieth, the drug would draw all of the Great Powers into the regulation debate. Indeed, in the age of nascent international governance, drug regulation would be one of the first truly international pillars of multilateral cooperation. Thus, as this chapter seeks to demonstrate, opium politics were the seedling from which the prohibition regime would grow.

2.1: The road to Shanghai - Opium, empires and the roots of prohibition

The first calls for international prohibition made possible by the passing alignment of interests between the late Chinese Qing dynasty and emergent moralist sentiments in the West. The waning dominance of Indian opium on the global market gave China, whose addiction rates had long plagued the population, a new leverage in breaking the status quo of near-unbridled circulation of the commodity. At the same time, religiously motivated temperance movements in Great Britain and the United States were rallying for legal action to tackle the scourge of widely available intoxicants. Backed by a number of christian denominations, such as the Quakers and the American Methodist Episcopalians, these movements viewed the use of drugs and alcohol as a departure from the divine image of man. Additionally, the anti-opium cause was bolstered by missionary activists in the Far

East, many of whom lamented the drug's interference in efforts to spread the gospel. By the early twentieth century, trade rivalries that had previously propped up the unbridled circulation of the drug reached a turning point, allowing the opium abolitionist cause to gather real momentum for the first time. The convergence of these disparate forces resulted in the convening of the first international drug control conference, the Shanghai Opium Commission of 1909. Though the moral crusade of the prohibitionists remained subordinate to colonial trade interests, the conference set forth a chain of events that would have lasting, global consequences.

The most powerful early impetus for reform came from the nationalist imperial government of China, under the late Qing Dynasty. Over the nineteenth century, China had lost two wars over its efforts to curb the opium trade and the government feared that the ever-increasing domestic consumption of the drug was destroying both the state's independence and the people's self esteem.[53] China was the largest opium consumer by a large margin. Estimates on the number of Chinese smokers vary greatly, from the modest (and almost certainly incorrect) figure of one million, to the more realistic 40 million, or one percent of the late-nineteenth-century population.[54] The UNODC, using the Chinese delegates' figures at the 1909 Shanghai Commission, arrive at a working estimate of around 13.5 million.[55] None disagree that the scale of consumption was colossal.

The failure of Chinese efforts to curb British-Indian imports of opium by military means had left the economy in a state of vassalage. Not only was it afflicted by high rates of addiction among its productive workforce, it had also been subordinated to the major regional rival in the process. In the early 1900s, 95 percent of imported opium came from British India.[56] Following the conquest of Bengal by the British East India Company in the mid-eighteenth century, a monumentally lucrative monopoly over the commodity was

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[53] United Nations Office on Drugs and Crime (henceforth, UNODC), *A Century of International Drug Control* (Vienna, United Nations, 2008), 29.

[54] Kathleen L. Lodwick, *Crusaders Against Opium: Protestant Missionaries in China, 1874-1917*, (Lexington, KY, University Press of Kentucky, 1996), 18-19.

[55] UNODC, *A Century of International Drug Control,* 37.

[56] Thomas D. Reins, "Reform, Nationalism and Internationalism: The Opium Suppression Movement in China and the Anglo-American Influence, 1900-1908," *Modern Asian Studies* 25, no. 1, (1991): 114.

established.[57] Thus, British trade interests trod breezily over any complaints of the human or spiritual cost of opium addiction. By the end of the nineteenth century, however, Bengali opium no longer saturated the market. Snowballing consumption in China reached a point where demand could no longer be met by Indian supply alone and, by 1906/07, Chinese opium production estimates exceeded India's by a factor of almost seven.[58] The loss of the century-long comparative advantage in the opium trade that Britain had enjoyed provided a new brick in the foundations of the prohibition movement. Aware that Indian supply could be easily replaced by the Chinese domestic product, a bilateral agreement would ensure that British-Indian losses would be met or exceeded on the other side.

At the same time, in the West, morally driven pressure groups were gaining ground in their campaigns to eliminate governments' roles the opium trade. In Britain, the 1874 foundation of the Society for the Suppression of the Opium Trade (SSOT) marked the birth of what would become a powerful lobby. At the heart of the SSOT were a group of distinguished and wealthy Quakers, who provided the initial funding for office space and the publication of the first anti-opium journal, the *Friend of China*.[59] Buoyed by the influential role that Quakers had played in British slave emancipation earlier in the century, the anti-opium activists sought to project abolition as the next step in Britain's moral evolution. The core tenets of their appeal were threefold: Firstly, Britain had imposed the drug's legality by military force over the two Opium Wars; secondly, the only justification for this imposition was the lucrative nature of the trade; and, finally, that one's ability to consume opium moderately was a patent fallacy.[60]

During the same period, some China-based missionaries, frustrated by their lack of progress in spreading the gospel and apparently having little influence on local policy, turned their efforts to the British supply. Though they may have numbered some 600 members, including various notables from their respective clergies, their influence on Chinese policy

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[57] Rolf Bauer, *The peasant production of opium in nineteenth-century India*, (Leiden; Boston, Brill, 2019), 13.

[58] UNODC, *A Century of International Drug Control,* 33.

[59] Bruce D. Johnson, "Righteousness before Revenue: The Forgotten Moral Crusade against the Indo-Chinese Opium Trade," *Journal of Drug Issues* 5, no. 4, (1975): 307.

[60] Ibid.: 307-308.

was minimal.[61] It must be noted that the extent to which missionary moral objection was sincere or widespread is disputed. Opium historian Hans Derks maintains that "a very few individuals among them" had the courage to portray the opium problem as imposed by foreign powers, opting instead to attribute the issue to a moral weakness among the Chinese.[62] Consensus on the quantity and sincerity of the appeals notwithstanding, Western anti-opium movements received stories from the missionaries of how opium was obstructing evangelisation.[63] In the first place, the effects of opium addiction rendered users more interested in pursuing their addiction than adopting any new moral code. In addition, the sense of hypocrisy of the Western missionaries was not lost on the locals; it was Western interests that had sustained opium production for a century and, in the eyes of a typical Tianjin opium divan frequenter, the same foreigners now cast its consumption as sin.[64]

Importantly, a similar international moralism was gaining ground in political circles in the United States. Again, temperance activists and missionaries of various Protestant denominations were petitioning the state both at home and abroad to put legal protections in place against the consumption and circulation of alcohol and drugs. Methodist Episcopal missionaries in Singapore in the 1880s, for example, inveighed against the moral turpitude that opium use represented. They formed alliances with like-minded Anglo-Christian pressure groups, including the SSOT.[65] Like the missionary community in China, the Methodists wielded little influence in their host country and began petitioning the US state to tackle the opium problem at source.

By the turn of the century, the prohibitionist cause had finally gained traction in governmental circles of the United States and United Kingdom. In the US, in 1906, President Theodore Roosevelt submitted to Congress what was to become known as the

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61 Lodwick, *Crusaders Against Opium,* 30-31.

62 Hans Derks, *History of the Opium Problem: The Assault on the East, ca. 1600-1950*, (Leiden; Boston, Brill, 2012), 613.

63 Lodwick, *Crusaders Against Opium*, 31.

64 Reins, "Reform, Nationalism and Internationalism," 110.

65 David W. Scott, "Alcohol, Opium, and the Methodists in Singapore: The Inculturation of a Moral Crusade," *Mission Studies* 2, no. 29, (2012): 158.

Philippine Report.[66] The report was the product of a commission of investigators sent to the Philippines, then under US rule, to investigate the effects of widespread opium consumption in the major East-Asian consumer countries, with the exception of China. The Philippine Report successfully proposed a model for opium prohibition in the US territory, based on a Japanese prohibition model implemented ten years prior in Japanese Formosa (modern-day Taiwan).[67] Marking the most ambitious opium prohibition regime hitherto attempted, the American authorities in the Philippines implemented a three-year state monopoly on the trade and banned domestic production. Supply of the drug was to be phased out by the end of the three-year period.[68] Though limited to the Philippines, the report set a precedent among the global super powers that state intervention in opium suppression was practicable and right in the new international order. Hastily translated into Chinese and cited at Parliament in the UK, the report breathed new life into the global prohibition movements.

On the other side of the Atlantic, towards the end of the nineteenth century, the anti-opium cause had initially seen mixed results. The reformers' petitions to the state had prevailed in securing the establishment of the Royal Commission on Opium, which was tasked with investigating whether the export trade to the Far East should be limited to medicinal applications.[69] The Commission's report in 1895, however, was an unexpected disappointment, describing the "gloomy descriptions" of opium use as "an exaggerated impression as to the nature and extent of the evil to be controlled."[70] This largely quashed hopes of reform for over a decade, until a shift in the parliamentary balance of power would breathe new life into the movement. The 1906 election brought to an end the trade-oriented Conservative administration and the Indian opium question had taken a prominent role in election campaigns. Counted among the newly elected members were 250 candidates that had promised to support the anti-opium cause.[71] In May of that year, introducing one of the

66 Reins, "Reform, Nationalism and Internationalism," 112.

67 Ibid., 113.

68 Ibid., 112-114.

69 John F. Richards, "Opium and the British Indian Empire: The Royal Commission of 1895," *Modern Asian Studies* 2, no. 36, (2002): 377-378.

70 Ibid.: 378.

71 Johnson, "Righteousness before Revenue," 317.

earliest British parliamentary motions against the Indian opium trade, one member cited the Philippine Report's condemnation of the trade, which described it as "an evil, for which no financial gain could compensate."[72]

Once the Liberals had taken office, efforts to end the trade began to accelerate. In 1908, Britain and China, the two major opium stakeholders, entered into the first significant bilateral pact to wind down the two largest producers' cultivation and trade of the drug. Known as the 'Ten Year Agreement,' the deal set out that each partner would reduce production by ten percent annually.[73] Peking agreed to submit to British inspection after three years of the agreement's introduction, to allay fears that rogue production would stifle progress.[74] The agreement was a marked success. Though war in Europe and revolution in China would divert priorities before the ten-year period expired, the British inspector reported positively on Chinese eradication efforts in 1910-11 and, in 1913, the last licit chest of opium was shipped between British India and China.[75] The agreement was symbolic of the major shift that that was underway in the global political economy. The primacy of British interests in the region was waning irreversibly and the rising multipolarity meant multilateralism was increasingly the primary form of diplomacy.

Where the history of international narcotics regulation is concerned, this emerging new order provided an essential platform on which a nascent consensus could be built. American and Chinese diplomats organised an international conference to be held in Shanghai, later becoming known as the Shanghai Opium Commission (SOC), which was convened in February of 1909. The SOC marked the first of a host of twentieth-century multilateral conferences dedicated to the international drug problem. The participating national delegations were: the US, Austria-Hungary, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia (Iran), Portugal, Russia and Siam (Thailand).[76] Turkey, a

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[72] Theodore Taylor in ibid.

[73] William B. McAllister, *Drug Diplomacy in the Twentieth Century: An international history*, (London; New York, Routledge, 2000), 24-25.

[74] Ibid.

[75] Ibid.

[76] International Opium Commission (hereafter, IOC), *Report of the IOC*. Vol. I—Report of the Proceedings, Shanghai: North China Daily News & Herald Ltd., 1909. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2330532/ (28 October 2019), 3-6.

small but not insignificant producer country, was invited but did not attend.[77] Though the Chinese hosts desired outright abolition, they recognised that giving plenipotentiary effect to the motions discussed would prevent most invitees from attending.[78] Thus, the proceedings were advisory in scope. Both a cautious optimism and unconcealed aspirations of the host nation were evident in the welcoming address of Tuan Fang, Viceroy of Liangjiang;

> "[T]he main object of this Conference will be to consider the question of putting a stop to the consumption of opium, fortunate indeed will it be for the whole world if by the labours of the Conference a way be found to shorten the limit and bring about the abolition of opium at an early date. I do not think that national interests and division of races will be brought forward and produce difficulties between our countries, thereby hampering the work of opium abolition."[79]

The SOC was neither a great success nor an unexpected disappointment. On the one hand, it produced by far the most comprehensive account, until that point, on the global state of the production, consumption and circulation of opium products. Furthermore, it was the first opportunity for abolition-supporting states, primarily the US and China —whose diplomatic relations were otherwise somewhat frosty— to build coalitions. Yet, the lack of plenipotentiary powers allowed trade interests of the colonial powers to tread roughshod over the petitions of the Chinese and American delegations. Though the British had conceded to winding down British-Indian production with the Sino-British pact less than a year before, its delegates were circumspect in agreeing to any significant legal barriers, which the prohibitionist delegations hoped would restrict legal use to medical applications.[80] The Dutch representatives, too, were intransigent on the issue of any meaningful prohibitive measures, though recognised in a resolution put forward that the industry could not go on unreformed. The Netherlands' delegate Chief Commissioner De Jongh, introducing a Dutch resolution at the conference, described the total and expeditious eradication of opium as "a high but at present an unattainable ideal."[81] Instead, the motion

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[77] McAllister, *Drug Diplomacy,* 28.
[78] UNODC, *A Century of International Drug Control,* 33.
[79] IOC, *Report of the IOC,* Vol. I*,* 10.
[80] Johann Friedrich Scheltema, "The Opium Question," *American Journal of Sociology* 16, no. 2, (1910): 225.
[81] IOC, *Report of the IOC,* Vol. I*,* 62.

proposed that management of the industry be decoupled from the financial interests in its sustenance, within a timeframe "not longer than the circumstances require."[82]

Though the SOC fell short of establishing binding principles in drug control, it was a critical moment in the quest for prohibition for several reasons. Firstly, it demonstrated that the era of the primacy of colonial trade interests was waning. Where the British India Company had dominated policy decisions both in Great Britain and the eastern British colonies, it was now evident that, under the right political-economic conditions, pressure from below was a challenger to the colonial order. The success of the missionaries and Christian prohibitionists during the years following the opium monopoly are one example of this. With the US' rise to superpower status, and the contemporaneous sense of international moral responsibility, the ground was fertile for the growth of the prohibition movement.

2.2: The Hague period and wartime developments, 1911-1920

Although the SOC indicated a significant departure from the supremacy of colonial trade priorities in the battle for prohibition, it did not produce the regulatory revolution that its champions hoped for. All of the colonial powers, as well as Persia (Iran), took no substantive action on the recommendations established at Shanghai.[83] On the part of the British, diplomats felt that their major concession had already been made with the successful implementation of the Ten Year Agreement. With this in mind, their participation in the SOC was a gesture to maintain their diplomatic profile on the international stage more than evidence of a true commitment to the further rolling out of controls.[84] The one exception to this intransigence was the decision to end Indian opium exports to territories that had explicitly banned its import.[85] Importantly, this stopped the trade between British India and the Philippines, a move that likely sought to quell the Americans' resolute prohibitionism. However, the Philippines and China notwithstanding, the opium trade in

82 Ibid.

83 McAllister, *Drug Diplomacy,* 30.

84 There is some debate over the extent to which the British were active partners or 'heel-draggers' in the prohibition movement. This is addressed in later in this section.

85 Ibid.

Asia continued to provide hefty returns to the colonial powers. In British Hong Kong, revenues from the drug accounted for over 29% of the colony's total returns in 1906.[86] During the same year, in the Portuguese colony of Macao (now territory of modern-day China), opium revenues amounted to 25.7% of the total.[87]

To the lofty campaign of the American prohibitionist diplomats, however, the opium limitations of the Shanghai period were modest gains more than conclusive victories. Bishop Charles Henry Brent, then the figurehead of the US anti-drugs mission, made no delay in pursuing a further conference with plenipotentiary effect. The rising profile of domestic addiction rates in the US combined with the country's burgeoning internationalism lent renewed sway to the prohibition crusaders. Brent and his colleagues, rallying the support of the new international anti-opium coalition that the SOC facilitated, maintained pressure on the international community to reconvene and build on the foundations laid in Shanghai. Finally, by threatening to host a conference on US soil —with or without the European powers— they were successful. The reluctant states feared that a meeting in the midst of the moralistic US populace, even with a lesser attendance than the SOC had achieved, would allow regulatory ambitions to snowball.[88] The date was set for the Hague, to begin on 1 December 1911.

The run-up to the Hague Opium Commission (HOC) set the stage for the coca plant's entry into the international drug control regime story. As conditional on their participation, the opium powers —primarily Great Britain— insisted on the inclusion of manufactured drugs in the agenda for the conference. The two primary substances in question were codeine, an opium derivative, and cocaine. Here, a debate prevails in the literature as to why the reluctant-regulator states would have sought to expand the scope of the SOC, having consistently dragged their heels on attending the conference at all. The conventional theory is that the British hoped that, by bloating the scope of the conference, building a consensus would become impossible amid competing vested interests. This strategy was aimed at

[86] IOC, *Report of the IOC*. Vol. II—Report of the Delegations, Shanghai: North China Daily News & Herald Ltd., 1909. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2330532/ (28 October 2019), 361.
[87] Ibid., 364.
[88] McAllister, *Drug Diplomacy,* 31-32.

Germany in particular, whose large pharmaceutical sector would cause the Germans to balk. Among others, both Paul Gootenberg and William McAllister, two of the most published authors on the episode, put forth variations on this explanation.[89] Countering the orthodoxy of the (mostly) British heel-dragging and prevarication on broadening the regulatory regime, James H. Mills has argued the efforts to include cocaine control in the HOC deserve reappraisal. Reviewing the minutes of preparatory sessions between diplomats ahead of the conference, Mills argues that there is a case for the view that there were sincere concerns over the rising rate of cocaine use in the British-Asian territories.[90] He also notes that, during the conference, far from sitting back while German and Dutch objections to cocaine were made, the British representatives sought out concessions to prevent the talks from collapsing.[91]

The significance of this divergent view is that it does not fit the narrative of British diplomats obstructing regulatory advances in order to protect British trade interests from a spiralling control regime. With great economic stakes in the opium trade, and none at all in that of cocaine, it is tempting to view the British strategy cynically. Put differently, one might take the view that British interventions were intended either to derail the prohibition programme outright, or to balance losses with the cocaine-producing European powers by drawing cocaine regulation onto the Hague agenda. As historian Harry G. Gelber has noted, it became "conventional wisdom" that early British drug diplomacy had been "wicked, sinful and grasping."[92] Mills' account, however, signals otherwise. It falls outside of the scope of this text to investigate thoroughly the sincerity of the British contribution to the abolition project. However, it is important to nominally address the debate in this account of coca's inclusion in the regime because it ultimately determined the stage at which

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[89] Paul Gootenberg, *Andean Cocaine*, 208; McAllister, *Drug Diplomacy,* 32. While Gootenberg argues it was hoped that cocaine's inclusion would prevent a comprehensive agreement being reached during the conference itself, McAllister's claim is that British conditionality was designed to derail the SOC before it even began.

[90] James H. Mills, "Cocaine and the British Empire: The Drug and the Diplomats at the Hague Opium Conference, 1911–12," *The Journal of Imperial and Commonwealth History* 42, no. 3, (2014): 400-419.

[91] Ibid.: 406.

[92] Harry Gregor Gelber, *Opium, Soldiers and Evangelicals: Britain's 1840-42 war with China, and its aftermath*, (New York, Palgrave Macmillan, 2004), x.

cocaine was subsumed into it. As with later be dealt with, cocaine's inclusion would be the deciding factor in the decision to regulate coca.

The treaty that emerged from the HOC in January 1912 was the first binding international contract to limit the production and consumption of opium, morphine, heroin and cocaine to medical uses. The treaty's listed signatories (the SOC attendees minus Austria-Hungary) were: Prussia (Germany), the United States, China, France, the United Kingdom, Italy, Japan, the Netherlands, Persia (Iran), Portugal, Russia and Siam (Thailand).[93] Chapter 3 of the Convention dealt with cocaine and stipulated that the manufacture of the drug was to be limited to two permitted applications: medicinal applications or in preparations comprising a maximum of 0.1 percent cocaine.[94] Importantly, Chapters 5 and 6 required the introduction of measures at a national level to enact the will of the treaty.[95] At this embryonic stage of the formal, institutionalised international legal system, the enforcement of the Hague Convention would depend on national agencies to facilitate and enforce its purpose.

Though coca was not yet named in the provisions, the cultivator territories (Bolivia, Peru, Formosa and Java) were already a cause for concern among the HOC participants. Germany, with the backing of Portugal and France, argued that until the unrepresented producer nations agreed to sign the treaty, secondary production would simply migrate to those countries in pursuit of regulatory laxity.[96] The insistence of the German, French and Portuguese delegates that the treaty's entry into force be conditional on the ratifications of cultivator states was a major blow to the hard-line prohibitionists at the conference. While the argument was a logical one, it did not bode well for the implementation of the treaty; depending on ratifications of states that had not contributed to its drafting effectively clipped the wings of any prospective consensus. As the following two and a half years would prove, these concerns were not ill-founded. Only eight of the HOC signatories had

[93] League of Nations, *International Opium Convention*, The Hague: League of Nations, 1912. https://treaties.un.org/doc/Treaties/1922/01/19220123%2006-31%20AM/Ch_VI_2p.pdf (28 October 2019), 25-26.
[94] Ibid., 28-29.
[95] Ibid., 29-31.
[96] UNODC, *A Century of International Drug Control,* 50.

ratified before war broke out in Europe, rendering this short chapter of internationalist optimism short lived.[97]

The Great War would ultimately provide an unforeseen boon to the international control regime, yet its onset cast progress into doubt. As well as an increase in morphine production to cater to wounded Allied forces in France, illicit circulation of cocaine and opiates began to rise.[98] Rumours circulated of both Allied and German soldiers mixing drugs and alcohol to embolden their actions on the battle field and reports emerged of prostitutes in Britain selling drugs to soldier clients in 1916.[99] Across Europe, states' security apparatuses were too strained to adequately address the problem. This did not, however, prevent the profile of the drug scare from diminishing. Cases such as the death of Billie Carlton, a famous young actor who died of an apparent overdose of alcohol, cocaine and opium in 1918, held the issue in public awareness in the West.[100] Additionally, pro-prohibition states had foreseen the impact that the war would have on the progress made at the Hague. In response, the US, China, the Netherlands, Norway and Honduras announced, in 1914, that they would ratify and implement the treaty among themselves.[101] Though such a minimal subscription could not generate meaningful reductions on the amount of drugs in circulation, it did offer a lifeline to the seedlings of the control regime.

Despite raising the public profile of the drug issue and threatening the survival of the nascent control regime, the First World War's most significant impact came unexpectedly. At the initiative of US and UK statecraft, prohibitionist diplomats were able to peg the future of the regulatory regime to the peace negotiations in the aftermath of the war. By including a commitment to signing and ratifying the the Hague Convention in the signing of the Treaty of Peace with Germany (better known as the Treaty of Versailles, henceforth ToV), the scope that had eluded the SOC and the HOC was secured. Article 195 of the ToV states:

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97 Ibid.

98 McAllister, *Drug Diplomacy,* 36.

99 Paul Knepper, *International Crime in the 20th Century: The league of nations era 1919-1939*, (New York, Palgrave Macmillian, 2014), 115.

100 Ibid., 116.

101 UNODC, *A Century of International Drug Control,* 50.

> Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912 agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.
>
> Furthermore, they agree that ratification of the present Treaty should in the case of Powers which have not yet ratified the Opium Convention be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.[102]

Where signatories of the Hague convention numbered just twelve, and ratifiers yet fewer, the ToV was ratified in the first instance by 27 nations. This was a critical moment for the future of coca prohibition. In the first place, Germany was finally forced to curb the pharmaceutical sector's manufacture of cocaine, which the Hague conference had failed to achieve. Furthermore, among the 27 ratifying nations of the ToV were Peru and Bolivia, the two major cultivators. Though the coca plant itself was yet to be drawn into the regime, the fact that cocaine and, now, Peru and Bolivia had been brought into the fold meant the direction of travel for international coca regulation was set.

2.3: The League of Nations era

Where the pre-World-War-I era had sought multilateral agreement on the general shape of the regime, it left implementation and practical control to national bodies. The institutional phase, however, saw the international community develop a more active role in the supply and consumption of narcotic drugs. The Covenant of the League of Nations (LoN), itself appended to the ToV to ensure maximum subscription, set out the League's competencies in narcotics control. Article 23, establishing control over both licit and illicit production, trade and traffic, stated that members will "entrust the League with the general supervision over the execution of agreement with regard to…the traffic in opium and other dangerous

[102] Treaty of Peace with Germany (Treaty of Versailles), 10 January 1920, United States Library of Congress, https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf (30 October 2019), 175.

drugs."[103] The same year saw the introduction of the Opium Advisory Committee (OAC). This was the first truly international oversight body for the global narcotics trade, charged with monitoring the state of members' levels of supply, consumption, trade and traffic in relation to the commitments established in 1912 at The Hague. The OAC's establishment was a step forward on two fronts. Firstly, it could enjoy a perception of impartiality that had eluded previous, national initiatives that suffered from distrust over potential conflicts of interest. Secondly, leading on from the first, the body was entrusted with collecting data from national bodies as well as forming partnerships with other nascent international bodies, such as the International Police Commission, to facilitate its reporting.[104] As the OAC's role matured, it began to act as a draft legislator, feeding concrete recommendations to the LoN legislative bodies, the Assembly and Council.[105]

Though the institutional development of the regime that the LoN facilitated was substantial, the prohibition project remained stunted by limited participation and conflicting interests. The October Revolution of 1917 had left Communist Russia excluded from the League and then-US President Woodrow Wilson had failed to secure ratification of the ToV, the American political mood having turned inward in response to the Great Depression. The exclusion of two of the Great Powers acted as a brake on the impetus to radically confront the production side of the drug supply chains. The old colonial powers, who still had considerable economic interests in opium, defended its traditional use in Asia, while the Andean states fought for their coca interests and would promise only to stabilise, not reduce, cultivation.[106] Absent of significant participation from the US and Russia, the only two Powers without declared interests in production, there was little impetus to focus on supply.

The debate on focussing on supply-side or demand-side reduction has remained a critical one in drug regulation discourse. As chapter three addresses in more detail, tackling

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[103] S.K. Chatterjee, *Legal Aspects of International Drug Control*, (The Hague; Boston; London, Martinus Nijhoff Publishers, 1981), 70.
[104] Ibid. 80-81.
[105] Ibid.
[106] UNODC, *A Century of International Drug Control,* 52.

production has always risked subjugating traditional cultural practices as well as critical sources of income for Global-South communities. In the League of Nations era, foundations were laid for this dichotomy. US diplomats, apparently unmoved by the country's non-participation in the LoN, made meaningful and lasting interventions at sessions of the OAC. In 1923, the US Harding Administration sent Surgeon-General Rupert Blue as an unofficial observer to an OAC meeting, where he made clear that the US strategy was, and would remain, the restriction of supply-side narcotics activity.[107] This sent a clear message to producer nations that their economies and cultures were not considered obstacles to US intentions of pursuing drug-crop eradication. Blue's presence made clear that US influence, even from the outside, was significant. His interventions went as far as to change the Committee's report, declaring quasi-medical opium use as "not legitimate," against the intentions of the member participants.[108]

That said, the ambit of US influence was not such that it could dictate League legislation outright. This was evident from the convention that emerged from the Second Opium Conference, held in Geneva in 1925, under the auspices of the LoN. Importantly, the text of the convention did show that an agricultural focus in narcotics interdiction had entered the fray. Article 3 of the convention obliged contracting parties to "limit the number of towns, ports or other localities through which the export or import of raw opium or coca leaves shall be permitted."[109] This marked the first instance in which the coca plant was named expressly in an international convention. Furthermore, Articles 4 and 5 broadened the scope of substances over which contracting parties were required to "limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use."[110] These substances now included crude cocaine and ecgonine, two intermediary substances between raw coca and synthesised cocaine.[111] Though the parameters of prohibited substances were evidently edging closer to the raw natural precursors, the crops themselves were yet to fall into the regulated category proper. It is not clear the extent to which this distinction was

[107] McAllister, *Drug Diplomacy,* 53.
[108] Ibid.
[109] Convention Protocol Final Act, 19 February 1925, League of Nations, https://treaties.un.org/doc/Treaties/1925/02/19250219%2006-36%20AM/Ch_VI_6_6a_6bp.pdf (1 November 2019), 3.
[110] Ibid.
[111] Ibid.

influenced by US lobbying, yet Rupert Blue's intervention at the meeting in 1923 suggests the US preference would have been to proceed with the full interdiction of the raw ingredients. Indeed, failure to include them in treaty caused both the American and Chinese delegates to the conference to balk, and their signatures were withheld.

Again, international cooperation broke down with the onset of further war and cast the future of narcotics regulation into fresh uncertainty. While the League of Nations project had provided an opportunity and a platform for the drug control project, its collapse risked compromising the progress that had been made. Furthermore, the recurring obstacles of limited participation and competing vested interests continued to hinder progress. This did not stop the creeping expansion of the prohibition regime's purview. The LoN episode of the regime's development demonstrates that a supply-side focus on control measures was of increasing appeal to prohibitionist diplomats like Rupert Blue. Though the Second World War would again rearrange the global distribution of power, as the following section demonstrates, this would not ultimately cause great upset to the central priorities of these actors.

2.4: A regime renewed? The Single Convention and regulation under the UN

The introduction of the 1961 Single Convention on Narcotic Drugs signalled a new era in the prohibition regime and it set the fundamental architecture for the modern-day regulatory order. In several respects, it represented a watershed in the development of the regime. Where previous conventions had notionally condemned the unfettered global flow of drugs, but stopped short of banning them, the 1961 Convention took a decidedly proscriptive turn. In terms of coca, it may be considered as the formal beginning of its prohibition; for the first time, the coca crop was explicitly targeted, and its traditional uses implicated. Firstly, it required cultivator states to set up an effective state monopoly over production and trade, in order that the crop's ultimate eradication might be facilitated when such a step was practicable. Additionally, the Convention mandated the destruction of coca bushes where possible and set a 25-year time limit for the prohibition of coca chewing. Perhaps the most critical reform that the legislation introduced was its scheduling procedure. This created four categories of controlled substances based on their perceived danger. This was the point at which the coca leaf became a 'Schedule-I substance,' reserved for the most dangerous drugs under regulation.

Prior to the introduction of the Single Convention, coca cultivation had largely escaped the remit of the control regime. Though Article 3 of the 1925 LoN Convention, as mentioned, restricted the number of towns through which raw products could be transported, its efficacy was weak. Enforcement was left up to the relevant national agency and, while the OAC was charged with monitoring these agencies' adherence to Article 3, in practice, there was little oversight. This was particularly the case with coca, international concern over which was greatly overshadowed by the opium crisis throughout the first half of the century. By mid-century, however, there could be little doubt that the regulatory creep of international regulation was edging towards the cultivation side. A 1953 Protocol was the first step in a process of heightened regulation and enforcement of agricultural drug products. Limited to opium, the Protocol effectively entrenched and expanded the equivalent provisions of the 1925 Convention; a list of seven producer states were required to set up national agencies to monitor production, which were —unlike before— legally accountable the UN Permanent Central Board.[112] Though the Protocol, on its drafting, did not extend jurisdiction to coca cultivation, its importance is as a forerunner to similar provisions in the Single Convention.

By the 1960s, the hardline prohibitionists were clear that their mission would be incomplete until the cultivation of raw ingredients had been drawn into the control regime. Adolf Lande, one of the foremost figures in UN-era drug control and a chief architect of the 1961 Convention, wrote that lack of provision for cultivation was, until that point, "the most serious gap in the treaties."[113] To address this perceived gap, the Single Convention included a number of clauses that dealt with cultivation specifically. The first obligation,

[112] Chatterjee, *Legal Aspects of International Drug Control,* 331-335. The Permanent Central Board, established at the 1925 conference in Geneva and inherited from the LoN by the UN, was tasked with monitoring global narcotics production against requirements for licit demand. See: ibid., 86.

[113] Adolf Lande, "The Single Convention on Narcotic Drugs, 1961," *International Organization* 16, no. 4, (1962): 780.

somewhat vaguely articulated in Article 22, requires a contracting party to prohibit cultivation where such an action is considered to be "the most suitable measure, in its [the party's] opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic."[114] The lack of specificity in qualifying conditions and the discretion afforded to contracting parties is likely a "covering clause," included to catch cases that are not covered by subsequent relevant articles —primarily, abuses of the warranted hemp cultivation allowances added for industrial purposes.[115] Article 26, Paragraph 1, picked up on the 1953 Protocol's obligation, requiring parties permitting the cultivation of the coca bush to effectively impose a state monopoly over the crop, establishing an agency to regulate the amount of land cultivated and take exclusive control of export and internal trade.[116] Illustrating the comprehensiveness of the coca ban, Paragraph 2 mandated the destruction of all coca bushes growing wild, as well as those under illegal cultivation.[117] The one permitted use of coca leaves, under Article 27, was the preparation of flavouring agents, most famously used as an ingredient of Coca-Cola (addressed further in chapter two).[118]

At the same time, the 1961 Convention expanded on a system of ranking substances based on their perceived danger to pubic health. The levels, or 'schedules' as they would come to be known, were the product of a diplomatic compromise, during the drafting of an earlier convention in 1931. Prohibition guru Herbert L. May had sought to establish that manufactured drugs should be considered "guilty until proven innocent," to which German representatives had contested that some substances, notably codeine, were of considerably less danger than other narcotics.[119] The compromise that emerged was to establish a secondary category of less harmful drugs to which, upon approval of the parties, lesser substances could be moved. The Single Convention expanded this system to become a four-category scale, allowing for greater distinction between substances' potential for harm, as

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[114] Single Convention on Narcotic Drugs, 25 March 1961, United Nations, https://www.unodc.org/pdf/convention_1961_en.pdf (2 November 2019), 12.
[115] Chatterjee, *Legal Aspects of International Drug Control,* 368.
[116] Single Convention, United Nations, 14.
[117] Ibid.
[118] Ibid.
[119] McAllister, *Drug Diplomacy,* 96-97.

well as incidental therapeutic, licit applications.[120] Schedule I substances are considered those most prone to abuse and least therapeutically valuable; Schedule IV contains those least abuse-prone and of more therapeutic value. Importantly, in 1961, the coca leaf was designated —and has since remained— a Schedule-I narcotic.[121] This designation rested solely on a perceived (and misplaced) similarity with cocaine, as well as an ignorance of the plant's local traditional applications in Andean communities and its physiological effect on the body. This designation I address further in chapter three.

Though abundantly evident that coca cultivation was now in the crosshairs of the prohibition agenda, the Single Convention, as evidenced by Article 26, did not ban the crop outright. The reason for this was simple pragmatism from the prohibitionist ranks, who recognised, somewhat superficially at least, that longstanding traditional practices could not be summarily and abruptly extinguished. Herbert L. May, by then seen as an elder statesman of the prohibition project, wrote in his commentary of the draft Single Convention that the "undesirable practices" of traditional opium, coca and hemp consumption were "impracticable to suppress immediately."[122] The solution that made it to the final draft was to delay the implementation of an outright ban, with the expectation that the Article-26 mandated state monopoly would, in the future, be in a stronger position to execute the goal of full eradication (excepting what was required for the Article 27 allowance). In the case of coca, this "transitional reservation," under Article 49, was set at 25 years.[123] Notably, the provision targeted coca chewing specifically, rather than cultivation, and said nothing of the plant's ritual applications, inclusion in consumer products or preparation as a herbal tea.[124] It is unclear whether this was simply an oversight on the part of the legislation's drafters, or if these uses were deemed permissible.

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120 David Bewley-Taylor and Martin Jelsma, "Regime change: Re-visiting the 1961 Single Convention on Narcotic Drugs," *International Journal of Drug Policy* 23, no. 1, (2012): 76.

121 Single Convention, United Nations, 26 (appendix).

122 Herbert L. May, "The Single Convention on Narcotic Drugs; Comments and Possibilities," *Bulletin on Narcotics*, no. 1, (1955): 1-14.

123 Single Convention, United Nations, 23.

124 Ibid.

The first conclusion to be drawn from the history of the prohibition regime is that the application of its principles were not evenly applied across the substances that fell into its purview. Part of the reason for this was that, as its scope and pace of development grew, more and more narcotics needed to be considered and conference time was limited. A more pertinent explanation for the coca ban, however, was that the degree of scrutiny afforded to a substance depended greatly on the power of the interests behind a specific designation. For both these reasons, scrutiny of the opium question was substantial; as the first drug to enter consideration and with major powers fighting from both corners, the arguments for and against regulation were well rehearsed. A similar trend was also observed with cocaine during the Hague conference. Coca, however, had no active defenders during the drafting of the 1961 Convention. Thus, in the face of the powerful, absolutist prohibition forces observed from US diplomats, there was no resistance to its inclusion and no significant discourse over the appropriateness of its inclusion in Schedule I. I address what little investigation there was in the following chapter, however, suffice to say for the moment, that the tide of prohibition was not obstructed by considerations of coca's millennia-long traditional importance.

3. Bolivia: Recent and Contemporary Developments

Though quite discrete in both time and geographical location, the early-colonial and twentieth-century periods set the conditions for a unique contemporary problem. The coca politics of modern Bolivia have been a central point of contention in the country's public discussion. Feeding into discourses of nationalism and imperialism, indigenousness and modernity, ruralism and urbanism, and myriad others, the coca leaf cannot be considered a historical quirk or a minor policy issue from the Bolivian perspective. As such, though the plant's inclusion may have been somewhat breezily included in international regulations, its consequences in Bolivia were substantial. In this final chapter, focussing on the two major coca growing regions, the Yungas and the Chapare (see figure 4), I address two periods in the contemporary coca politics of the Andean plurinational state. Firstly, I investigate the coca policy developments of the last four decades, which have shifted dramatically in response both domestic and international political pressures. Section 3.2 then turns to recent diplomatic efforts by the Bolivian government to have the coca ban reappraised.

3.1: '¡Coca sí; cocaina no!' - Coca politics in modern-day Bolivia

From the 1980s, a cocaine-driven coca boom took hold in the two major Bolivian coca-producing regions, the Yungas and Chapare. This drew the country's anti-narcotics efforts into the US-led drugs war that saw militarised, forced eradication programmes imposed on both traditional growers and newcomers, who sought to profit from the lucrative cocaine industry. As a result, a number of policies were introduced that combined limits on aggregate national cultivation with heavy-handed interventions to eradicate illegal cultivation. The increasingly deadly programmes reached a turning point with the election of indigenous coca-grower Evo Morales to the presidency. Introducing a new policy rationale of rationalisation and social control, which expanded upon previous reforms entitling all growers to a limited right of cultivation and used the coca syndicates instead of military policy to enforce them, the Morales administration was successful in continuing to reduce illegal cultivation while eliminating fatalities from the drugs war.

FIGURE 4: The major contemporary Bolivian coca regions, the Yungas and the Chapare

Source: The Economist, 'Coca's second front', *The Economist*, 4 January 2001, https://www.economist.com/the-americas/2001/01/04/cocas-second-front (15 November 2019).

The coca boom and breaking point of forced eradication

It is not, as stated, the intention of this text to broach the hugely well-attended scholarship on the drug war at large. That said, understanding the rationalisation policy requires addressing the period that immediately proceeded it, in which militarised and US-backed eradication campaigns led to deadly confrontations with the *cocaleros* of the Yungas and the Chapare. The key period of Bolivia's drug war came at the late 1980s and early 90s, when coca production was at its peak. Burgeoning European demand for cocaine, adding to already-colossal US consumption levels, had made the drug the only product since sixteenth-century silver to push coca cultivation to such towering heights. In 1990, estimates of the country's production ranged from 225 to 725 tons and employed as much as 12 percent of the labour force.[125] So lucrative was the cocaine-driven coca trade that Roberto Suárez, a Bolivian rancher and operative of the infamous Medellín Cartel in Colombia, offered to pay the country's three-billion-dollar national debt, in return for the release of his son from prison.[126] The spiralling increase in production is not difficult to

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125 Linda C. Farthing and Benjamin H. Kohl, *Evo's Bolivia: Continuity and change*, (Austin, TX, University of Texas Press, 2014), 130.
126 Ibid.

understand. The coca plant's ideal terrain, the rocky subtropics, are not well suited to the growing of other crops. Soy, sugar, rice and maize, among others, had been modelled as potential alternatives, but none were found to compete with coca in profitability to the farmer.[127] Most importantly, during the 1990s, coca was exceedingly more profitable than alternatives; rice harvests, for example, could produce just a tenth of the value of coca.[128] Where substitute crops might offer one or two harvests per year, coca can be harvested three or more times.[129] Furthermore, coca leaves when dried are lightweight and do not bruise or spoil, making them easier than food crops to transport in rural regions.

The response of the state to illicit cultivation was consistently heavy-handed. Coca control programmes were rolled out from the early eighties, under both military and civilian governments. Paramilitary eradication units were established, most famously the UMOPAR (*Unidad Movil Para el Patrullaje Rural* —'Mobile Rural Patrol Unit'), or *leopardos*, who were funded and trained by the US Drugs Enforcement Agency (DEA).[130] Legal provisions for forced eradication culminated in the passing of Law 1008 in 1988. The law's passing marked a major turning point in anti-coca operations for a number of reasons. Firstly, its drafting was heavily influenced by US demands. Threatening to withhold vital international aid, the US government insisted on a more systematic and further militarised programme of criminalising and eliminating coca plantations.[131] Previously, regulation focused on the sale of the leaves but not on their cultivation, meaning the *cocaleros* were largely spared from the violence of the drug war.

Law 1008 was also pivotal in that it established three new categories of territory in the coca growing regions. Firstly, the territories were designated as either legal or illegal. The sanctioned zone, which was chiefly the territory of the Yungas, where coca had the longest

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[127] Bill Gibson and Ricardo Godoy, "Alternatives to coca production in Bolivia: A computable general equilibrium approach," *World Development* 21, no. 6, (1993): 1007-1021.

[128] Ibid.: 1008.

[129] Stephen B. Karch, "Japan and the cocaine industry of Southeast Asia, 1864–1944," in *Cocaine: Global Histories*, ed. Paul Gootenberg, (London, Routledge, 1999), 156.

[130] Leonidas Oikonomakis, *Political Strategies and Social Movements in Latin America: The Zapatistas and Bolivian Cocaleros*, (Cham, Springer International Publishing, 2019), 151.

[131] Katheryn Ledebur, "Bolivia: Clear Consequences," in *Drugs and Democracy in Latin America: The Impact of U.S. Policy*, eds. Coletta A. Youngers and Eileen Rosin, (Boulder, Lynne Rienner Publishers, 2005), 145.

traditional presence, covered just 12 thousand hectares.[132] The illegal zone, mostly in the territory of the Chapare, covered 37 thousand hectares. Of the illegal zones, there were two subcategories: “zones of surplus production in transition,” where coca crops were to be gradually replaced with alternatives with the assistance of the state and “zones of illicit production,” where crops would be eradicated without compensation.[133] The result of Law 1008's geographical distinction was to turn the Chapare into an effective war zone. In the region alone, as many as 206 *cocaleros* —eight of them babies— were killed by paramilitary forces between 1980 and 2004.[134]

The clashes between the eradication authorities, known as DIRECO, and the *cocaleros* would have lasting effects on coca politics and compromised the success of the programme from the outset. In response, *cocaleros* invented creative means to undermine the compensation schemes of DIRECO. Some of those targeted for subsidised eradication were reported to have clipped plants at the base of the stem, instead of the required uprooting, so that new shoots would appear after subsequent inspections and, vitally, receipt of the compensation.[135] Others exploited the scheme by surrendering fields where the soil was already exhausted and had no further value as coca plots. One is reported even to have propped up already-uprooted plants in an empty field, in order to extract the bonus from a DIRECO inspector[136] The scheme was not a resounding success and substantially failed to meet eradication targets. After a year of sustained efforts in the Chapare, only seven percent of illegal hectarage was uprooted, far from the 70 percent upon which the US had made aid payments conditional.[137]

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132 Jon Hellin, "Coca Eradication in the Andes: Lessons from Bolivia," *Capitalism Nature Socialism* 12, no. 2, (2001): 142.

133 Oikonomakis, *Political Strategies and Social Movements in Latin America,* 150.

134 Ibid.

135 Madeline Barbara Léons, "After the Boom: Income Decline, Eradication, and Alternative Development in the Yungas," in *Coca, Cocaine and the Bolivian Reality*, eds. Madeline Barbara Léons and Harry Sanabria, (Albany, NY, State University of New York Press, 1997), 147-148.

136 Ibid.,148.

137 Fernando García Argañarás, "Harm Reduction at the Supply Side of the Drug War: The Case of Bolivia," in *Harm Reduction: A New Direction for Drug Policies and Programs*, eds. Patricia G. Erickson et al, (Toronto, University of Toronto Press, 1997), 101.

Militarised zero-coca eradication programmes persisted under various guises into the beginning of the new millennium with limited success and great social cost. The beginning of the end of this approach came with the arrival to the presidential office of Carlos Mesa, in 2003. The increasingly organised *cocalero* unions struck a deal with the new president that departed from the Law 1008 zone designations, which were considered by the unions —unsurprisingly, those in the Chapare in particular— to be arbitrary, discriminatory and ineffective. The deal permitted all farm-holds to cultivate a maximum of one *cato*, an area equal to 1,600 square metres, with any excess subject to eradication.[138] Though DEA participation in forced eradication persisted under the *cato*-agreement era, the violence appeared to drop dramatically after its introduction; where recorded deaths for the periods 2001-02 and 2002-03 were 13 and 12 respectively, only three were recorded in 2003-04.[139]

The Morales era

Despite progress made in reducing coca-related violence, Mesa's presidency provoked massive civil unrest in its handling of the country's abundant natural gas supply and he was forced to resign in 2005, two years after taking office.[140] The landslide electoral victory of Evo Morales later in the year threw coca politics again into the forefront of the public sphere. Morales was himself of indigenous *cocalero* background, and rose to power through the ranks of the coca unions as a community organiser.[141] Not just for the politics of narco-traffics and the coca plant, Morales' victory was seen as a major turning point in Bolivian history. Seen as the first wholly indigenous leader to ever be elected in the majority-indigenous country, his campaign messages of social justice and anti-imperialism resonated with indigenous communities within and beyond the coca heartland. Speaking on his victory, he promised "zero cocaine, zero narco-trafficking, but not zero coca."[142] Relations

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[138] Katheryn Ledebur and Coletta A. Youngers, *CRISIS or OPPORTUNITY? Bolivian Drug Control Policy and the U.S. Response* (Andean Information Network, 2006), 3.

[139] Oikonomakis, *Political Strategies and Social Movements in Latin America,* 152.

[140] Farthing and Kohl, *Evo's Bolivia*, 13-14.

[141] Ibid.

[142] Juan Forero, 'Coca Advocate Wins Election for President in Bolivia', *New York Times*, 19 December 2005, https://www.nytimes.com/2005/12/19/world/americas/coca-advocate-wins-election-for-president-in-bolivia.html (7 November 2019).

with the US, he claimed, would be cordial but would no longer be a "relationship of submission."[143]

Despite being widely credited as a revolution in Bolivian coca politics, the quantitative core of the new administration's approach remained quite similar to that of the Mesa era. The *cato* system was retained; each farm was still required not to exceed more than 1,600 square metres under cultivation. The Morales policy did depart from previous policies, however, on the upper limit of aggregate national cultivation. Law 1008 had, quite arbitrarily, set this figure at 30 thousand acres. During the Mesa Administration, this number was restricted to 20 thousand acres, calculated by taking the sum of all of the state-sanctioned *catos.*[144] In 2007, however, the government announced that the figure would be raised to 50 thousand, its highest historical level.[145] Ultimately, any upper national limit at this stage was somewhat arbitrary. Though the limit on acreage was notionally intended to reflect domestic demand for chewing and other licit consumption, there was no reliable data on what proportion of existing output was destined for licit or illicit markets. Neither was there a clear picture of how domestic licit demand translated into acres under cultivation. Prior to Morales' election, an agreement had been reached between the government, the *cocaleros* and the US Embassy to carry out an objective study by the European Union of licit demand. Upon Morales' election, officials agreed long-term targets would be based on the outcome of the study. Its results, however, were not forthcoming due to disagreements over methodology and whether prospective increases in demand should be taken into account.[146]

Where the Morales coca policy was a major break from the past was in its implementation. Controversially, the government expelled the DEA and the pre-Morales US ambassador in

143 Ibid.

144 Farthing and Kohl, *Evo's Bolivia*, 133.

145 Ibid.

146 Ledebur and Youngers, *CRISIS or OPPORTUNITY?,* 3. Since Ledebur and Youngers' writing in 2006, the EU-led study put local demand at 36 thousand acres. The Morales government stuck to its original figure of 50 thousand, arguing the EU figures did not consider future demand. See: Farthing and Kohl, *Evo's Bolivia*, 133.

2008.[147] In place of the US-backed eradication forces, the new policy put coca inspections in the hands of communities and the coca federations themselves, under a scheme labelled 'social control.' While the per-head cultivation limit remains, offenders are dealt with by their local coca union. Inspections are carried out by union officials every three months and, if excess coca is discovered, it is either eradicated or both eradicated and *cato* rights are withdrawn for that farmer for a year. Union leader and compliance official Delfín Olivera Borja notes that, because the system is internally managed, the "social pressure to conform is intense."[148] Central-government oversight is not entirely eliminated, however; repeat offenders can have their lands seized under the regulations. The policy has also incorporated modern technology in its implementation. In 2013, the government began cross-referencing union inspections with satellite monitoring to ensure compliance.[149] In addition, registered *cato* holders are now required to register themselves with the Economic and Social Development Unit, who use a database requiring biometric identification of certified *cocaleros* to prevent fraudulent cultivation.[150] In theory, the biometric database, known as SISCOCA, should allow the product to be traced from field to final sale, as well as well as its passing through checkpoint controls en route.[151]

The demilitarisation of the campaign against illicit coca production appears to have generated positive results. This is certainly the case in terms of recorded mortalities, of which there have been none since the policy's introduction. In terms of reducing cultivation, the results can be seen to have continued, or moderately improved on, a positive trend since the end of the boom during the eighties and nineties. Since the turn of the century, the year 2000 marked the lowest cultivation levels at 14,600 hectares across all of the cultivated regions.[152] However, a broadly increasing year-on-year trend subsequently

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[147] Felipe Barral and Kevin Bohn, 'Morales: Government will take over for DEA in Bolivia', *CNN*, 1 November 2008, http://edition.cnn.com/2008/WORLD/americas/11/01/bolivia.dea/ (15 November 2019).

[148] Farthing and Kohl, *Evo's Bolivia*, 136.

[149] Ibid., 137.

[150] Thomas Grisaffi and Kathryn Ledebur, "Citizenship or Repression? Coca, Eradication and Development in the Andes," *Stability: International Journal of Security and Development* 5, no. 1, (2016): 8.

[151] Ministry of Government, Plurinational State of Bolivia, poster displayed at presentation by Bolivian delegation at 62nd Session of the Commission on Narcotic Drugs, Vienna, 15 March 2019.

[152] UNODC, *Bolivia Coca Survey for 2008* (Vienna, United Nations, 2008), 9.

rose to a peak of 31 thousand hectares in 2010, followed by a general decrease to around 23 thousand in 2018, the most recent figure available.[153] It is certainly remarkable that the social movement surrounding Evo Morales and his government's innovative policy could garner such support among *cocaleros* that ambitious reduction targets could be met through largely voluntary eradications. At the time of writing, the future of the rationalisation policy has been cast into doubt, following the deposition of Morales by military and civilian police, as well as fresh civil unrest. As Farthing and Kohl observed, prior to these developments, "[s]ome farmers argue that they should plant as much coca as possible, because they anticipate a return to repressive policies once Evo leaves office."[154] As a charismatic leader and a figure of admiration to many among the *cocaleros,* it is not unthinkable that cooperation may quickly deteriorate in his absence.

3.2: Coca Diplomacy - Re-assessing the coca ban

Chapter two ended its account of the development of the control regime at the passing of the Single Convention. As this remains —subject to a small number of later amendments and subordinate conventions— the lasting international legislation in force, subsequent developments must be interpreted with reference to the post-1961 order. It is to these developments that I now turn. More specifically, this section considers the inherent contradictions of the current order, with regards to traditional coca use, and traces the efforts made by Bolivian and other Andean-nation representatives to work around the problematic provisions while meeting the rest of the obligations under the treaties.

Article 49

Regardless of the perceived success of Bolivia's rationalisation programme, it was in contravention of Article 49 of the 1961 Single Convention. Indeed, even US-backed policies like Law 1008 implied the continuation of licit consumption by their designation of legal and illegal cultivation. This means they too amounted to an implicit contravention

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153 Ibid; UNODC, *Monitoreo de Cultivos de Coca 2018, Bolivia* (La Paz, United Nations, 2018), 18.
154 Farthing and Kohl, *Evo's Bolivia*, 137.

Article 49.[155] Article 49 of the Convention, we recall, was included to allow a grace period, termed 'transitional measures,' for the phasing out of certain substances and psychoactive preparations that could not realistically be halted immediately.[156] In the case of coca mastication, 13 December 1989 marked the exact date at which these transitional measures expired. From this point on, any national legislation that recognised coca chewing as a legal act was in breach of the treaties.

The inclusion of the Article 49 provision on coca was founded in recommendations from a 1949 UN commission of enquiry on coca chewing, mandated by the UN Economic and Social Council (ECOSOC).[157] The commission was established at the request of the Peruvian government —seemingly concerned with the same coca stigma as the colonial authorities four hundred years prior— who sought to "free a people from the slavery of an addictive drug."[158] The commission's head, Howard B. Fonda, was far from an objective observer. He was a close associate of the hardline US prohibitionists that had pushed for more stringent regulation throughout the post-war international conferences and had previously stated his belief that coca chewing was a possible cause of "racial degeneration."[159] Prior to beginning the commission's enquiries, Fonda remarked in an interview, "[o]ur studies will confirm the certainty of our assertions and we hope we can present a rational plan of action."[160] In language heavily reminiscent of the complaints of the 1569 Second Council of Lima seen in section 1.3, he continued, vowing to pursue "absolute and sure abolition of this pernicious habit."[161]

The report that emerged from the commission, published in 1950, followed the sentiment that, for all purposes, appeared to have been decided before work began. The commission

[155] As the Single Convention's Article-49 transitional measures expired in 1989, Law 1008 — introduced in 1988— did not contravene Article 49 during its first year of applicability.

[156] Single Convention, United Nations, 14.

[157] Martin Jelsma, *Lifting the ban on coca chewing: Bolivia's proposal to amend the 1961 Single Convention* (Transnational Institute, 2011), 2.

[158] David Bewley-Taylor, *The United States and International Drug Control, 1909-1997*, (London, Continuum, 2001), 86.

[159] Ibid., 86.

[160] Martin Jelsma, *Lifting the ban on coca chewing*, 2.

[161] Ibid.

report was followed by two World Health Organisation (WHO) reports within two years, the first of which declared that “coca chewing comes so closely to the characteristics of addiction […] that it must be defined and treated as an addiction.”[162] The second report, in 1952, declared “coca chewing must be considered a form of cocainism.” And, thus, the Article 49 provision made it into the drafting of the most most lasting and comprehensive international drug control treaty to date. Remarkably, a review of this position has not since been published by any body of the United Nations, meaning the reports represent, by default, the official international position on coca chewing. There is little doubt that by contemporary standards of impartiality in policy-informing research, the Fonda commission would not be considered acceptable. Furthermore, more recent study has undermined the view that the appetite-suppressing qualities of coca lead its users to follow an inferior diet to those who do not.[163]

Though there were no further published positions on the UN position on chewing, there was one further study carried out. In 1995, the WHO announced the publication of a report based on research it had carried out during that decade with the UN Interregional Crime and Justice Research Institute (UNICRI). The report studied the effects of coca use and derivatives (of which it is unclear if cocaine was included) on individuals and communities in 22 international cities. Not only did the report declare health problems associated with coca chewing as “unlikely,” it recommended that the WHO should investigate further the potential therapeutic benefits of the coca leaf and whether these could be transferred to other countries.[164] The results were explosive to the prohibitionists among the international offices. The US representative to the WHO threatened that the US would withdraw its funding from the organisation if it did not disassociate itself with the findings. Eventually, the US National Institute on Drug Abuse quashed the research during its tender for peer review and its results were never formally published.[165]

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[162] Pien Metaal et al, *Coca yes, cocaine, no? Legal options for the coca leaf,* (Transnational Institute, 2006), 9.

[163] Roderick E. Burchard et al, "Coca Chewing and Diet," *Current Anthropology* 3, no. 1, (1992): 1-24.

[164] Pien Metaal et al, *Coca yes, cocaine, no?,* 7-8.

[165] Ibid. 8.

Bolivia’s coca diplomacy

In 1988, some successes were won in the legal recognition of coca chewing, with the passing of the Convention against Trafficking of Narcotic Drugs and Psychotropic Substances, which added to, rather that superseded, the 1961 Single Convention. Article 14, Paragraph 2, reiterated that parties should take “appropriate measures” to eradicate plants containing narcotic substances, again naming the coca bush specifically.[166] However, the Peruvian and Bolivian delegations to the conference that established the Convention successfully petitioned for an additional sentence to be included in the paragraph.[167] It states, “[t]he measures adopted shall respect fundamental human rights and shall take due account of traditional licit uses, where there is historic evidence of such use.”[168] The victory, however, was not more than symbolic. Paragraph 1 of the same Article explicitly states that “[a]ny measures taken pursuant to this Convention by Parties shall not be less stringent” than the 1961 Single Convention.[169] A similar clause in Article 25 reiterates the sentiment.[170] By subordinating the the 1988 Convention to the Single Convention, as well as raising an inherent and, to date, unaddressed contradiction in the two treaties, the signatories extinguished any hope that the Bolivian and Peruvian intervention would codify a meaningful reappraisal of the coca bush. Because of this, Bolivia issued a formal reservation to the Convention, reiterating that its own legal system recognises “the ancestral nature of the licit use of the coca leaf which, for much of Bolivia’s population, dates back over centuries.”[171] Having not made a reservation to the 1961 Convention, the move was of little other than symbolic meaning.

When Evo Morales’ presidency was inaugurated in 2006, the administration moved quickly to draft and establish a new constitution that codified the rights of the indigenous majority. Article 384 of the constitution declares, “[t]he State protects native and ancestral coca as a cultural heritage, a renewable natural resource of Bolivia's biodiversity, and as an element

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[166] Convention against Trafficking of Narcotic Drugs and Psychotropic Substances, United Nations, 12.

[167] Martin Jelsma, *Lifting the ban on coca chewing*, 2.

[168] Convention against Trafficking of Narcotic Drugs and Psychotropic Substances, United Nations, 14.

[169] Ibid.

[170] Ibid., 18.

[171] Martin Jelsma, *Lifting the ban on coca chewing*, 2.

of social cohesion; in its natural state it is not a narcotic. The re-evaluation, production, commercialisation and industrialisation shall be governed by law."[172] The Constitution went as far as to stipulate that any international treaties that contradicted it must be denounced or renegotiated.[173] The explicit protections for coca afforded under Article 384 clearly put the drug treaties at odds with the new Constitution. As such, the Morales government began a campaign at the UN in an attempt to have coca chewing reappraised. Initiating the efforts, the government announced its intentions to withdraw from the Single Convention if the parties did not agree to decriminalise traditional coca use. Negotiations took place in 2011, during a meeting in La Paz with representatives of the International Narcotics Control Board (INCB), the quasi-judicial body that evolved from the League of Nations' OAC, including the Board's then-president, Hamid Ghodse. The Bolivian president appealed to Board members that the coca provisions' inclusion in the treaties was a "historical error."[174] He also sought a pragmatic approach, arguing that if, after 50 years, it had not been possible to eliminate the practice, it would never be possible to fulfil the provisions.[175]

The INCB was unmoved. Retrospectively amending the Single Convention would set a dangerous precedent, it was argued, and risked undermining the spirit of the entire regime. As the Morales-INCB meeting was not a plenary session, it was not obliged the publish minutes. Thus, there is unfortunately not further information available as to the INCB responses to the Bolivian arguments. The outcome meant the government had no further options but to push ahead with withdrawing from the Single Convention, with the intention of re-acceding with a reservation on the clauses criminalising coca consumption. The official announcement of intention to withdraw was submitted at the end of June 2011, to allow for the required six month period of notice to expire before the new year. The letter of

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172 Nueva Constitución Política Del Estado, 2009, Estado Plurinacional de Bolivia, https://bolivia.justia.com/nacionales/nueva-constitucion-politica-del-estado/primera-parte/ (12 November 2019). Translation my own.

173 Kathryn Ledebur and Coletta A. Youngers, 'Bolivian Drug Control Efforts: Genuine progress, daunting challenges', *WOLA*, 1 November 2008, https://www.wola.org/sites/default/files/AIN-WOLA%20Final%20Bolivia%20Coca%20Memo.pdf (14 November 2019).

174 Evo Morales in Transnational Institute with Reuters and Associated Press, 'Evo does not convince the INCB on coca chewing', *tni*, 1 November 2008, http://druglawreform.info/en/newsroom/latest-news/item/3049-evo-does-not-convince-the-incb-on-coca-chewing (18 November 2019).

175 Ibid.

intention to re-accede and notification of reservation was submitted on 29 December 2011.[176] Re-accession required that not more than a third of the treaty's signatories objected to the reservations. The move was not without risk; legal debate is inconclusive over what the outcome would be if the one third of signatories was met, but it could have meant involuntary exclusion from the treaty altogether.[177] Bolivia, however, bound by its new constitution, unilaterally made its own re-accession dependent on the reservations making it through; if a third of the parties objected, it would withdraw from the treaty for good.[178] This would have resulted in significant ostracisation from the international community, resulting in the likely loss of significant aid payments, as well as sacrificing any future influence over international drug policy.

Not surprisingly, the INCB vocally opposed the actions of the Bolivian government. In a July press release that year, the Board encouraged parties to the convention to reject the reservations:

> "The international community should not accept any approach whereby Governments use the mechanism of denunciation and re-accession with reservation, in order to free themselves from the obligation to implement certain treaty provisions. Such approach would undermine the integrity of the global drug control system, undoing the good work of Governments over many years to achieve the aims and objectives of the drug control conventions."[179]

The Bolivian response was equally strongly worded,

> We categorically reject the claims and erroneous opinions expressed by the INCB that the Plurinational State of Bolivia has the intention of undermining the integrity of the international drug control system and that we are against the spirit of the Convention […] The circumstances of a totalitarian military dictatorship were the political conditions when Bolivia ratified the Single Convention in 1976. At that time, the same reservation would have been accepted without problem as was the case later with our reservation to the 1988 Convention.[180]

[176] Robin Room, "Reform by Subtraction: The Path of Denunciation of International Drug Treaties and Reaccession with Reservations," *International Journal of Drug Policy* 23, (2012): 403.

[177] Ibid.: 407.

[178] Ibid.: 408.

[179] INCB Secretariat, 'International Narcotics Control Board Regrets Bolivia's Denunciation of the Single Convention on Narcotic Drugs', *United Nations Information Service*, 5 July 2011, http://www.unis.unvienna.org/unis/pressrels/2011/unisnar1114.html (18 November 2019).

[180] Calzadilla Sarmiento in Room, "Reform by Subtraction," 408.

The United States also spearheaded a campaign to block approval of the reservations, and was successful in strong-arming all eight of the G8 group, as well as the Netherlands and Portugal.[181] Fortunately for the Bolivians, the near-universal subscription to the treaty means the US no longer enjoys the same level of influence it did during the development phases of the regime. With 184 parties to the Convention, it would have had to whip the delegates of 62 nations to vote in line with its preference. The 14 objections that were raised, thus, meant Bolivia's re-accession was safely secured. With the exception of Sweden and the G8 bloc, the objectors all reportedly disapproved of the process of re-accession with reservation, not the traditional use of coca itself. Mexico was the only Latin American objector state.[182]

The modern-day chapter of Andean coca and the diplomacy around the conflicting UN coca ban and Bolivian constitution constitute a historical episode of avoidable violence and diplomatic tension. Firstly, the arbitrary absolutism of the international prohibition regime inadvertently mandated a bloody conflict in the plantations of the Yungas and Chapare. Had the UN treaties permitted a more nuanced approach from the outset, and allowed local authorities to work cooperatively with cultivator communities to prevent coca production for the cocaine industry, over two hundred deaths may have been avoided in Bolivia. This would not have been at the expense of reducing illicit cultivation, as the figures from the period under the Morales administration illustrate. Additionally, better diplomatic practice would not have been difficult to establish. The commission behind the decision to include Article 49 in the Single Convention was plainly biased, thereby producing faulty conclusions that resulted in contradictory regulations. More broadly, actions such as the suppression of the 1995 WHO report suggest that commitment to prohibition remains an immutable and arbitrary dogma more than an informed and evidence-based principle. While the Bolivian government's re-accession strategy was successful, it was only necessary because of the intransigence of the hard-line prohibitionists.

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[181] WOLA, 'Bolivia Wins a Rightful Victory on the Coca Leaf', *WOLA: Advocacy for Human Rights in the Americas*, 11 January 2013, https://www.wola.org/2013/01/bolivia-wins-a-rightful-victory-on-the-coca-leaf/ (18 November 2019).

[182] Ibid.

Conclusion

The diplomatic wrangling that was required for the Bolivian state to square its constitutional protection of coca as natural heritage with international obligations is evidence alone that the international drug treaties are in need of reform. Though attention on the treaties' inherent contradictions has abated since the country's re-accession was accepted, they remain in conflict with other nations' acceptance of traditional drug consumption. Khat, for example, a North African shrub that, like coca, has been consumed for centuries for its mild stimulant properties, also falls within the UN-prohibited substances. The absolutism of international drug prohibition extends even beyond the traditional. More recently adopted drugs like cannabis, now legal in Uruguay and several US states, may at any time come into dispute with obligations under the Single Convention. The current regime's prohibition philosophy emerged from the need to address the most dangerous substances, like opium and cocaine, and expanded outward. Driven by a powerful minority of absolutists, the regime has arbitrarily swelled to include almost all psychoactive substances under wide consumption. Not only do the treaties dismiss indigenous traditions, they fail to adequately distinguish between abuse-prone and potentially life-threatening substances and mild mind-enhancers that may be better regulated at the national level.

Regarding the right to participate in cultural life, the coca leaf and its traditional consumers have faced unnecessary stigmatisation. At the same time, the more general injustice of the lacking local autonomy of Andean communities has prevailed. As chapter one illustrated, this began with colonial administration of the region. By stripping indigenous communities of agency over the use of coca, the colonial authorities were able to stigmatise a millennia-old cultural resource while, at the same time, expanding its production to profit from the region's mineral wealth. The ECOSOC's flawed 1949 commission into coca chewing demonstrates that the stigma had stuck. As with the drafting of the 1961 Single Convention, the fate of coca's legality was decided among actors that had no interest in the plant's original, traditional consumption.

The development of the monolithic, uncompromising prohibition regime demonstrates that the disregard for traditional cultural practice remains. As chapter two sought to prove, a regime that was born of imperial rivalries and religiously motivated lifestyle movements became a global behemoth of rules and institutions. The regime then bloated, without reflection, imposing rules of near-universal application, regardless of individual histories and local priorities. Though it oversaw the development of essential institutions and forums for discussion, its direction was determined by a radical minority wielding disproportionate influence.

While this was a product of a rapidly expanding system of global governance that did not have time to reflect on its authority as it grew, the need to do so remains. The Bolivian example proves that, while the global cocaine problem remains as prevalent as during the boom of the 1980s, alternative strategies that do not involve militarised eradication can be successful. Doing this, however, requires acknowledging and challenging policy failures at the international level and learning from local successes.

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