The War on Drugs as "Humanitarian Crisis:" Examining the Latin American Experience

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Among the world's political elites there is a growing recognition that, as noted by the 2011 report from the Global Commission on Drugs, the war on drugs cannot be won.[2] In the context of a plausible post-prohibition, it is being reframed through a set of different narratives: for example, the Obama administration has abandoned the term and launched a new policy with a bigger emphasis on health and consumers,[3] and explicitly sees economic growth, not military responses as the most probable antidote to the influence of drug lords.[4]

However the shift in global perceptions generally, and U.S. policy specifically, has yet to impact Latin America, a region where powerful networks of organized crime, funded largely by trafficking illicit substances, pose an increasing challenge to democratic governments. Their presence, access to sophisticated assault weapons, use of private armies and the general increase in violent and gruesome crime across producer countries, is a growing concern, as politicians and intellectuals in the South demand an end to the "war on drugs." This demand is increasingly framed in terms of the tremendous human suffering it has caused, and the description of this suffering is sometimes called a "humanitarian crisis" by journalists and other observers.

This paper attempts to understand the Latin American "war on drugs" through the frame of humanitarianism, taking seriously the possibility of a humanitarian crisis. We define humanitarianism in two senses: one, a technical definition that includes the applicable international law for armed conflict (international humanitarian law or IHL.) IHL in fact restricts harm to civilians when legal and constitutional rights more widely defined are suspended by the facts of war, and grants special rights to humanitarian

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[2] http://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf

[3] http://www.whitehouse.gov/ondcp

[4] "The stronger the economies and the institutions for individuals seeking legitimate careers, the less powerful those narco-trafficking organisations are going to be," Mr Obama said. http://www.bbc.co.uk/news/world-latin-america-22408678

workers. It requires the existence of an armed conflict and adopts the frame of neutrality and impartiality to succor civilians, wounded combatants, and prisoners of war.

We also understand humanitarianism to be a more general concern for human suffering that insists on a response to human suffering based on the neutrality, impartiality, independence and humanity of this response. Hence, the appeal to humanitarianism more widely defined is found in mainstream organizations as a response both to natural disasters and man-made emergencies. It is part of the complex mandate of national and international agencies, which combine humanitarianism with human rights protection and development assistance.

In this paper we explore normative arguments on whether or not the war on drugs can be framed as a humanitarian crisis, either legally or more widely defined, and about whether the adoption of this understanding could further more appropriate responses to human suffering. As the debate stands, while several different actors have described the war on drugs as causing a humanitarian crisis in Latin America, this is certainly an emerging position and there is no consolidated humanitarian narrative. Yet, by mapping the war on drugs onto a humanitarian canvas, we hope to tease out what it means to see it as an object of humanitarian action and interventions, and identifying the political considerations and priorities upon which a humanitarian narrative would be constituted.

In this essay we tackle four different issues: the first is the definition of humanitarian crisis *per se*; the second is the emerging interest on complex emergencies in urban settings; the third is the issue of the application of international humanitarian law and last, we consider the use of humanitarianism in stabilization programs. In each point we consider the arguments *for* using a humanitarian frame, and their caveats. At the end of the day, we hope this paper can help elicit more complex debates about the use of the tag "humanitarian crisis" when referring to the enormous human costs of the war on drugs in Latin America.

1. Has the war on drugs generated a "humanitarian crisis"?

In its general usage by numerous relief organizations, a humanitarian crisis is an event or series of events which represents a critical threat to the health, safety, security or wellbeing of a community or large group of

people, usually over a wide area.[5] Some disasters can result from several different hazards or, more often, to a complex combination of both natural and man-made causes and different causes of vulnerability. Food insecurity, epidemics, sustained and violent civil unrest and repression, and displaced populations are common examples.

The phrase "humanitarian crisis" has often appeared in relation to the war on drugs, especially in Colombia. For example, in 2004, OCHA declared that Colombia had "the biggest humanitarian crisis in Western Hemisphere". Jan Egeland, the then-high profile UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, stated that: "the drug trade, while causing misery on both receiving and producing ends, caused even more misery on the production side".[6] In April 2013, Jordi Raich, the Chief of the IRCC in Colombia, insisted organized crime caused "as much or more deaths, threats, displacement and disappearances than the war" (with the FARC guerrillas).[7] The problem extends beyond Colombia: countries that are either producers or hosting transit routes to the United States have experienced a rapid escalation of lethal violence over the last decade. Across the region, journalists and human rights organizations have described in detail the proliferation of abuses related to drug trafficking, such as new forms of enslavement; extortion and murder of undocumented migrants [8]; and massive displacements from the countryside to the cities and within cities [9].

Government funding and policy efforts focused on eradication and interdiction of drug trafficking have also generated increasing human rights concerns that could eventually be framed in the terms of a "humanitarian crisis". Some examples are the growing prison population in dismal conditions, the frequent use of lethal force against civilians by the Army and heavily armed police forces, the destruction of food crops and wildlife by aerial spraying of crops, and the militarization of everyday life. There is mounting empirical evidence of the impact of the war on drugs on the "*health, safety, security or wellbeing of a community*", and the human costs of a de facto state of siege imposed in heavily militarized urban areas

[5] See for example- IRCC definition.

[6] http://www.un.org/apps/news/story.asp?NewsID=10691&Cr=colombia&Cr1#.UVHFNBfktfA

[7] El Espectador jueves 25 de abril de 2013 "Informe de la Cruz Roja Internacional: Acuerdos con las FARC no acarán la violencia" p2.

[8] http://www.insightcrime.org/slavery-in-latin-america/slaves-organized-crime-latin-america

[9] http://www.insightcrime.org/displacement-in-latin-america/the-new-face-of-forced-displacement-in-latin-america

where state forces fight drug gangs in the mode of urban warfare[10] to give only a few examples.[11]

From a normative standpoint, the impulse to regard the human costs of interdiction as a humanitarian crisis is attractive. However, considering the war on drugs through a humanitarian frame, both legally and more generally, is a deeply political move and not the neutral description of a factual situation. In fact, a rich and relatively recent literature has strongly critiqued the a-political assumptions and implications of humanitarianism around the world, as well as its numerous unforeseen costs.[12] To give an example of these costs, which are sufficiently expounded in the literature: humanitarianism has been used by the U.S. government to justify armed intervention in other countries, most notably the war with Iraq. It has also resulted in surprising power relations between refugees and humanitarian workers, especially expatriates, as officers on the ground become the gatekeepers to legal immigration from Africa to Europe in the form of asylum.[13]

Humanitarianism, like other legal and political frames that legitimate power, allows for certain actors and debates to occupy the public space, and others to lose it. In particular, it sets the stage for international humanitarian aid agencies and NGO to express concern and eventually demand a presence on the ground; in fact, humanitarianism is a thriving business that destines enormous amounts of money not only to aid, but increasingly to the maintenance and reproduction of growing national and international bureaucracies. These actors might have a political interest to

[10] Urban warfare for example http://www.insightcrime.org/news-briefs/armed-strike-rio-slums-challenges-brazil-pacification-program

[11] "The consequent displacement posed a security risk for Colombia, since it could lead to a massive recruitment of millions of young people by the guerrilla groups, the paramilitary forces and the drug gangs, said Mr. Egeland, a former UN Special Adviser on Colombia. OCHA would launch a new and extensive humanitarian aid plan next month focusing for 18 months on concrete humanitarian projects for the internally displaced and replacing the smaller plan launched two years ago, he said. Aid from the United States had led to the decline in common crime, he said, but the policy of killing cocoa crops was highly controversial among non-governmental organizations (NGOs) and across the country, even as the multibillion-dollar narcotics industry fuelled the intense conflict. The drug trade, while causing misery on both receiving and producing ends, caused even more misery on the production side, Mr. Egeland said.":
http://www.un.org/apps/news/story.asp?NewsID=10691&Cr=colombia&Cr1#.UVHFNBfktfA

[12] See for example: David Kennedy, Dark Side of Virtue, Reassessing International Humanitarianism (2004); Antonio Donini (ed) (2012)The Golden Fleece, Manipulation and Independence in Humanitarian Action; David Rieff, A Bed for the Night, Humanitarianism in Crisis (2003), Didier Fassin, Humanitarian Reason (2012).

[13] Ref to Sandvik.

adopt the humanitarian frame (and we consider humanitarian interests to be likewise political) and they could occupy political space in detriment to, for example, local efforts at social mobilization and resistance. Like all choices regarding public resources and power allocation, we argue this requires a carefully weighted political decision.

The assumed impartiality and neutrality of the humanitarian frame response can also help governments avoid political responsibility for what are the results of policy choices and not unmitigated natural disasters. Hence, we argue the extension the humanitarian project to new types of violence ("non-conventional") and localities (urban emergencies) without a closer examination of the political implications of this extension on the ground. In the next section we examine the extension of humanitarianism to the "complex urban emergencies" generated by the war on drugs, and its caveats.

2. Has the war on drugs generated a new "complex urban emergency"?

Increasingly, humanitarian organizations such as the International Committee of the Red Cross are exploring, under the moniker "non-conventional violence", the possible courses of action for dealing with the effects of gang and other forms of urban violence. Conventional violence is of course that generated by armed conflict proper; non-conventional violence, in turn, is that generated by phenomena like (but not exclusively) the turf wars among bands of organized crime.

One emerging frame for this non-conventional violence is "complex urban emergencies." Humanitarian actors make a distinction between natural disasters and the consequences of armed conflicts and war. Complex emergencies, as defined by the International Federation of Red Cross and Red Crescent Societies, are those disasters that result from "a complex combination of both natural and man-made causes and different causes of vulnerability."[14] Some examples are famines and displaced populations. Complex emergencies pose many challenges to humanitarian actors, including access to vulnerable populations and security risks for relief workers, human rights abuses and the possible presence of armed actors. As defined by the international community, complex emergencies are also

[14] www.ifrc.org

characterized by the need for large-scale, multi-faceted humanitarian assistance.

The emerging question is whether or not the impact of the war on drugs on urban zones can be understood as an urban humanitarian crisis or "complex urban emergency." where "there has been an alarming increase in displacement between neighborhoods due to intimidation of individuals and families, drug trafficking and threats", described as a humanitarian challenge. [15] Urban humanitarian crises, typically epidemics, mass evictions, and urban violence unfold in these poorer, denser settlements compounded by the close proximity of individuals and communities and by severe deprivation - the lack of decent shelter on safe and affordable land, limited access to basic services like clean water and sanitation, primary health care and education, and by extreme inequality and exclusion.[16]

The background of this trend to see urban violence as a humanitarian problem is of course massive urbanization worldwide, which has increasingly led humanitarian organizations to urban settings (World Disaster Report 2010). This flow has gone beyond presence in urban refugee camps and war-torn zones, to the recognition of urban violence in poor districts as concern for the humanitarian agenda. This growing concern comes from the recognition of the scale and distribution of urban violence, and of the humanitarian imperative to respond.[17]

A number of humanitarian actors are cautiously engaging these new urban sites of fragility with a kind of wary pragmatism. In a small number of settings affected by chronic urban violence such as Guatemala, Medellin, Port-au-Prince, and Rio de Janeiro, for example, humanitarian agencies such as the ICRC and Médecins Sans Frontières are undertaking more unconventional approaches – seeking to find ways of working with municipal and state-level authorities on sensitive issues of criminal and

[15] The humanitarian crisis in Colombia, above.
http://www.iss.europa.eu/uploads/media/Urban_violence_and_humanitarian_challenges.pdf;
[16] IASC Strategy: Meeting humanitarian challenges in *urban* areas,
www.humanitarianinfo.org/iasc/downloaddoc.aspx?docID=5615.
[17] See also Peterkse, S. 2010. "Urban Insurgency, "Drug War", and International Humanitarian Law: The Case of Rio de Janeiro*", Journal of International Humanitarian Legal Studies* 1 (1), October.
http://sites.tufts.edu/jha/archives/1524
http://hpcrresearch.org/sites/default/files/publications/Svens%20Paper.pdf
http://hasow.hospedagemdesites.ws/uploads/trabalhos/79/doc/2131948563.pdf

gang-related violence.[18] There have also been numerous protests about the unclear impact in these communities of the so-called pacification police, which is heavily armored and uses lethal force generously.

Humanitarian intervention in these settings however is not without its caveats. More generally, humanitarian actors have had complicated mandates that extend to development assistance as well as human rights issues. In spite of numerous efforts to coordinate with each other as well as with local and national governments, humanitarian intervention can compete and undermine with political organization and representation.

In some localities for example, local activists have a contentious mode of engaging municipal governments, demanding services and attention in the assertive language of political denunciation. In order to do so, they often run personal risks. They also broker truces and rules with local drug dealers in order to advance community activism. Humanitarian actors, with their stance of neutrality, and their ready access to cash, can unwittingly upend these local processes and balances of power, for example by stealing protagonism away from local leaders.

Intervention can also have perverse effects as slum dwellers in violent contexts scramble for scarce resources, competing with each other for the attention, and cash, of humanitarian actors. As the humanitarian bureaucracy becomes a local actor, it reinforces competition for urban political space (Buscher and Vlassenroot 2010), and remains itself unaccountable to democratic politics.[19]

The extreme violence of these urban settings has also raised the possibility of considering them locations of armed conflict. As Kevin Savage and Robert Muggah wrote in a recent article in the Journal of Humanitarian Assistance, chronically violent cities are increasingly "identified with a "new" kind of armed conflict with grave implications for humanitarian action and human welfare. Can the legal frame applied to regular armed conflict, IHL, apply to these new settings, and if so how? In the next section we examine the possibilities of this approach.

[18] Muggah, R. with Savage, K. 2012. "Urban Violence and Humanitarian Action: Engaging the Fragile City", *Journal of Humanitarian Assistance* at http://sites.tufts.edu/jha/archives/1524 for a review of the literature.

[19] Humanitarian presence and urban development: new opportunities and contrasts in Goma, DRChttp://www.researchgate.net/publication/41407122_Humanitarian_presence_and_urban_development_new_opportunities_and_contrasts_in_Goma_DRC

3. Is IHL applicable to the war on drugs?

The classic legal definition of humanitarian assistance curtails its action to armed conflict, internal or external, and to the application of the international legal frame (IHL) that also gives the Red Cross and Red Crescent special rights and protections in the Geneva conventions. The question of whether or not the suffering produced by the "new" violence described above can be a humanitarian issue is also relevant to the possibility of applying IHL, and hence to the definition of armed conflict itself. [20]

Beyond the legal possibility of using IHL, the lack of humanitarian action *vis a vis* the populations in distress has been configured as a problem in itself in the emerging mode of "responsibility to protect" clauses.[21] In this stance, States have a humanitarian responsibility to respond to large-scale distress in civilian populations when their own governments can't or won't do so. Lucchi (2010) for example decries the difficulty of responding to the humanitarian consequences of criminally violent urban settings simply because IHL does not apply.

This sort of preoccupation might extend beyond the impact on "innocent civilians" to concern with those civilians who do participate in the production and traffic of illicit drugs. This concern is definitively not a mainstream position, since the more common attitude is to express indifference to the suffering of the armed casualties of the drug wars, especially of armed members of organized crime. However various human rights organizations have expressed concern for these civilians, especially in relation to vulnerable populations such as indigenous peasants, prisoners and detainees, adolescents, and migrants.

The war on drugs in Latin America has had as an effect that the rights of defendants in criminal law, constitutional guarantees and human rights protections against the use of force by State officials have all been seriously curtailed. These limitations can be "informal," coming from tolerance and lack of prosecution, or they can respond to draconian legal reforms.

[20] Lucchi, E. 2010. "Between War and Peace: Humanitarian Assistance in Violent Urban Settings", *Disasters* 34 (4).
[21] R2P U.N. document

In any case, the humanitarian concern can extend to the use of lethal force by State actors against civilians, even if these civilians are organized crime outfits and use extreme violence against each other. The suggestive label of "criminal counterinsurgency" for organized crime seems to warrant such an unfettered use of force; so do the extremely punitive criminal law policies that have accompanied interdiction. Given this situation, one may wonder if IHL does not set precisely much needed limits to this use of force by armed actors, State and non-State. An example of this, although not in terms of IHL, is the fragile truce brokered in El Salvador between warring gang factions through intervention of the Church, resulting in a dramatic improvement of murder rates.[22]

However, for the war on drugs to be seen as an armed conflict in the sense of IHL, there are certain requirements. In order to be defined as an armed actor, groups need to have some form of territorial control and chain of command, requirements that governments are little inclined to examine if they occur in reality because it is perceived as a threat to both sovereignty and current criminal policy. Furthermore, the domestic political costs, for example, of considering any of the Mexican cartels an "armed actor" would be enormous. In Colombia, in contrast, with its protracted armed conflict, there have been serious discussions in the last two decades of the political standing of cartels that also espouse insurgent or even counterinsurgent ideals.

Whether or not IHL could arguably limit the use of lethal violence in these "new" conflicts, the fact remains that IHL is in essence a set of rules for lethal use for armed actors: while co-existing with human rights in war, they are seen as *lex specialis*: IHL-rules are not rules for ending hostilities or bringing societies towards peace. In this sense, arguing for the applicability of IHL (the threshold for armed conflict is crossed) is in a sense also a mode of legitimating militarization and the use of lethal force against what are other wise civilians, armed civilians, but civilians none the less.

A worrying trend names these civilians a "criminal insurgency."[23] While it does tend to capture the extent of professionalization of the military arm of certain (but not all, perhaps not even most) organized crime outfits, it also legitimizes the use of counter-insurgency tactics. In Latin America, these tactics, often promoted by the United States based on its Cold War

[22] News story from Guatemala

[23] I.e. John Sullivan and Adam Elkus "Cartel v Cartel: Mexico's criminal Insurgency" Small Wars Journal…

experience and failed Vietnam War, have been disastrous. The brutality of turf wars in Mexico is but one example: its escalation is directly linked to the formation of the "Zetas," a paramilitary organization that initially served one of the cartels, and whose original leaders and recruits were former counter-insurgency warriors. These warriors, recruited in the Mexican and Guatemalan armies, extended terror tactics against civilians to the turf wars, initiating, for example, and unstoppable wave of public decapitations. The use of these types of counterinsurgency tactics by the official armies in the drug wars remains undocumented, but are a serious concern.

One argument for the use of IHL would be to limit such practices, which occur under the pretense of a constitutional order. In fact, if constitutional rights and guarantees are in place, but unapplied, the call for IHL could in fact legitimate their definitive suspension and a permanent "state of exception." It could also, once again, preclude a political debate over the legitimacy of the present use of no-holds-barred lethal force against armed civilians by the State itself.

A further concern would be the application of IHL instead of human rights guarantees to generally unarmed criminal organizations. For example, in Colombia, the integration of illicit crops and armed conflict with the criminalization of coca growers, has resulted in the frequent blurring of the distinction between civilians and combatants. The war on drugs has in fact concentrated on coca-producing areas (mainly under guerrilla control),

A final concern, eluded by the humanitarian frame, is that of massive corruption. As the power of drug-traffickers grows in terms of their control of territory, it extends the privatization of justice and security, corruption of local governments and Armed Forces, and, in Jorge Luis Garay's terms, the reconfiguration and cooption of the State.[24] The crumbling of reliable local administrations and the venality of public officials, including Armed Forces, is taken for granted in the mode of an "emergency," and the range of policies directed toward these problems postponed. This leads us to the next concern: the relationship between humanitarianism and "stabilization."

4. Does the war on drugs warrant specific stabilization policies for the region?

[24]Ref: López et al 2010, Garay…

Several general criticisms have been leveraged against the politics of humanitarian engagement. One of the more salient is that compassion in fact de-politicizes political problems by rendering the subjects of humanitarian action- victims- without citizenship, voice or political subjectivity. In this paper we integrate that critique to the different aspects we consider. A second very salient critique, especially in the United States, is the way humanitarianism both has been appropriated and let itself be appropriated by stabilization policies in U.S. intervention abroad.

Over the last two decades, peace building and stabilization programs have incorporated humanitarian aspects into their mandates, contributing to serious problems in the field for humanitarian actors. The peace of stabilization is a "negative peace": violence subsides yet the underlying structures remain. Importantly, the main focus is on supporting existing leaders and maintaining status quo. Stabilization efforts are based on a combination of military, humanitarian, political and economic activities to control, contain and manage areas affected by armed conflict and complex emergencies. [25] It requires some type of collaboration or understanding between humanitarian aid and military operations, as well as support of often corrupt regimes.

These efforts offer a big hurdle to humanitarian actors as it involves breaking neutrality to actively support one party to the conflict, namely the ruling section. In the war against Iraq and Afghanistan for example, the U.S. government argued it shared the same values with humanitarian actors, and therefore should combine efforts. In this scenario humanitarian actors were expected to provide assistance after expected military victory, to collaborate with the advancing army, and to constitute a sort of a rearguard for U.S. troops.

In drug trafficking zones, the "war on drugs", carried out through aerial fumigation and manual eradication of plants, has a constant military accompaniment that results in armed combat, alliances between groups formed after the demobilization process and guerillas and the use of anti-personnel mines. [26] Collaboration or understanding between humanitarian

[25] Collinson, Elhawary and Muggah…

[26] The Humanitarian Crisis in Colombia CAUSED BY THE ARMED CONFLICT International Organizations Position Paper, Colombia June, 2011 http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/7C6B5E44F9918459C125797600398E72/$file/colombia-humanitarian-crisis-17nov2011-eng.pdf

aid and military operations would probably be a requirement of aid in these circumstances.

In Colombia, the explicit use of humanitarian aid forms a cornerstone of contemporary stabilization politics in though Plan Colombia and now through the so-called *zonas de consolidación* which combine counterinsurgency and counternarcotics operations. [27] The well known Plan Colombia in fact, which emerged during a meeting between Presidents Pastrana and Clinton in August 1998, was based on the possibility of combining military aid for counternarcotics units with development programs, human rights protection and humanitarian aid. There have been numerous criticisms of Plan Colombia, especially by human rights NGO. Amnesty International, for example, issued a press release in June 2000 signaling the military support of the current Colombian regime and the use of humanitarian and development programs as a U.S. intervention as a form of avoiding the Colombian's State responsibility in its own crisis.[28] It also avoids dealing with corruption in the Police and in the Army, as later reports of collaboration between the Public Force and drug lord financed paramilitary units has amply shown.

This critique can be extended to the use of humanitarian assistance as part of stabilizations policies that go beyond aid and include military and political support of existing regimes. In this sense, humanitarian organizations end up being instrumental to the United States' international policies, whose guiding interests are the economic and political interests of the United States itself, whereby humanitarian organizations argue their interests are those of the local populations suffering in the wake of natural disasters and other emergencies. This instrumentalization of humanitarian aid, widely critiqued in the setting of the war in Iraq and Afghanistan after 9/11, could also extend to a humanitarian response in Latin America, where the neutrality and impartiality of the intervention would elude government responsibilities, transparency, and the U.S interests at play.

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[27] Elhawary, S. (2010), Security for whom? Stabilisation and civilian protection in Colombia. Disasters, 34: S388–S405. doi: 10.1111/j.1467-7717.2010.01211.x

[28] "*Plan Colombia is based on a drug-focused analysis of the roots of the conflict and the human rights crisis which completely ignores the Colombian state's own historical and current responsibility. …Social development and humanitarian assistance programs included in the Plan cannot disguise its essentially military character.*"Amnesty Internationals position on plan Colombia http://www.amnestyusa.org/our-work/countries?id=176E15103DA50824802569120055839 4

Furthermore, it is clear participation in stabilization operations could dramatically erode the credibility of humanitarian actors on the ground. A foreboding of this is what happened with the military operation that rescued the former presidential candidate Ingrid Betancur and three American contractors kidnapped by the FARC. In the operation, soldiers used Red Cross insignia to trick the FARC into handing over the victims to fake Red Cross personnel, building on the Red Cross' covert but frequent humanitarian intervention in these cases. In the wake of this sting operation, the Red Cross suffered an enormous loss of credibility with the guerrillas, even though the operation was carried out unbeknownst to them. In a context of war, the predictable effect of an identification of humanitarian actors with one side of the conflict, the State, is loss of credibility and capacity to maneuver on the ground.

5. Conclusion

In conclusion, we are not convinced humanitarianism is the adequate frame for the enormous human costs of the war on drug that we and others have flagged. This does not mean that we are not convinced the war on drugs has been an integral part of an ongoing outburst of violence that ravages some parts of the region, namely the smaller countries of Central America and the Caribbean, and that challenges the stability of long-time democracies such as Mexico and Colombia. In the case of Mexico, lawlessness in the wars between criminal outfits, and increasingly, in the State's war against these same organizations, has been labeled, rightly so we argue "an epidemic."[29] In the case of Colombia, the war on drugs engenders land grabs, corruption, civil strife, endemic violations by the state in its paramilitary extension as well as massive forced displacement, with its attendant human suffering.

There some clear advantages to humanitarian aid in these circumstances. The host of national and international organizations that specialize in this type of relief are especially prepared to succor the needy and negotiate with local armed actors safe passage for victims and aid workers. Their intervention could result in a better response to massive suffering, even in complicated urban environments. Their complex mandates, that include often development assistance and human rights as well as humanitarian

[29] Guerrero…

concerns, can help deflate government's concern over the possible challenge to its own sovereign authority that could come from recognition of some sort of armed conflict.

There is another, although practically improbable, advantage to the humanitarian frame, especially to the appeal to IHL norms. The impartiality that is part of the humanitarian toolkit might help broker agreements between warring factions including the adoption of rules of engagement, exchange of prisoners, respect for children and family members, and humane treatment of unarmed combatants. It could also lead to the adoption of more stringent rules for the use of lethal force against organized crime by specialized Army and Police forces.

While these are all attractive goals, framing the war on drugs as a humanitarian crisis also has significant costs and challenges. First and foremost, it invisibilizes the range of government choices available to address the issue at hand, beyond the combination of military and humanitarian responses. Some of these responses are alternatives in the forms of interdiction. For example there are covert alternatives that have been argued for by Mexican pundits, such as slacking aerial control of drug traffic to disincentive use of ground routes, or focusing attention on the more violent criminal outfits giving the less violent ones a commercial advantage. The truce negotiated in El Salvador between gangs, disowned by the government but rumored to be the brainchild of the minister of Justice, is another example. The use of the Army instead of the Police in counternarcotics operation remains another clear issue of contention and one that requires further study. The need for policing of internal corruption is another major concern often sidelined. And of course the major example of an alternative is the regulation instead of interdiction of drug markets (which is starting with cannabis in the United States and in possibly in Urugay). The list is quite extensive.

Other alternatives have to do with strategies for a positive conception of peace, such as development strategies, redistribution or social investments. One example is the numerous efforts, many successful, to work with the at-risk youth that is enrolled by drug gangs through different social programs that range from sports and arts to job training and income generation to youth clubs and the adaptation of public urban spaces, such as parks and libraries, for the rowdy presence of groups of adolescents. In a situation of "emergency" these strategies are deemed as secondary to the humanitarian response.

A second major problem with the humanitarian frame, beyond the fact that it shifts the debate away from government responsibility and choices, is that it tends to the depolitization of international responsibility and international debate. To give one example, the problem of the large-scale transfer of sophisticated assault weapons across the U.S. border is nowhere on the radar of a possible humanitarian response from international community would be. Another example is the responsibility of the United States in supporting counterinsurgency modes of operation that are replicated in the drug wars against unarmed civilians. The debate on international responsibility seems to center on the pressing demand from Latin American governments for a reprieve of United States support for prohibition, a reprieve that is unrealistic considering the present layout of internal politics in the United States. A humanitarian frames contributes to the postponement of these debates.

A third major problem with the humanitarian frame is the subsidiary role it assigns to local governance structures, which are often bypassed by humanitarian actors. In fact, the conception of complex emergencies as a humanitarian crisis also carries with it the perception of complex emergencies as a situation where there is a breakdown in authority. Hence, international organizations, and even national organizations, have difficulties working with local governments, and the mandate to neutrality gives collaboration the tinge of partiality. However, given the frequent weakness of local civilian governments *vis a vis* local armed actors, the independence of humanitarian relief and development programs can also contribute to both the weakening and the lack of accountability of local governments.[30]

In sum our concern is that the institutionalization of war on drugs as humanitarian problem makes it an overly technical problem, and sidelines efforts at debating government's responsibility for political choices. We do believe there is an undeniable crisis, with enormous civilian suffering, and that governments need to be called in to account for their responsibility in adopting the policies that led to this situation. Making these costs visible should also help veer the debate about illicit drugs beyond the current stalemate into emerging alternative paradigms of regulation, redistribution, harm control, and special attention to at risk populations.

[30] http://humanitariancoalition.ca/info-portal/factsheets/what-is-a-humanitarian-crisis; http://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/definition-of-hazard/complex-emergencies/