

# McKennaMUN VIII Background Guide



## Organization of American States (OAS)

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Claremont McKenna  
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## DIRECTOR'S LETTER

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Hello delegates!

My name is Ricardo Mateos and I am very excited to serve as the director of the Organization of American States (OAS). I am a senior at Claremont McKenna College and my major is Philosophy, Politics and Economics (PPE). I was born and raised in Mexico City, but have spent a semester in Tokyo, Japan and a summer in Ho Chi Minh City, Vietnam. In my free time, I enjoy watching and playing soccer, working out, and cooking. I participated in my first Model United Nations Conference in 7th grade and have continued to participate in MUN conferences since then. I'm currently a member of the CMC travel team and was part of the group that won Best Small Delegation at Harvard WorldMUN in Madrid last year. I am sad that this will be my last semester doing MUN, but I will always cherish the amazing memories and friends I've made because of it.

While I won't be returning to Mexico after graduation, I love my country dearly and am very proud to be Mexican. One of my close friends growing up, Felix, is of indigenous origin. I have witnessed firsthand the hardship that people like him have to endure in an increasingly globalized society. Additionally, I've had to change certain aspects of my living style back home as a result of the violence and insecurity caused by the drug trade. Hence, the topics that we will discuss are of great personal

importance. I hope that this committee will help you become better informed about these two very important issues.

If you have any doubts with regards to this background guide or the conference in general, please email me at: [rmateos20@cmc.edu](mailto:rmateos20@cmc.edu) . I'm looking forward to meeting all of you.

Best,

Ricardo Mateos Castañón

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## COMMITTEE INTRODUCTION

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The Organization of American States (OAS) is the preeminent regional body in the Western Hemisphere. The OAS was formally established in 1948 in Bogota, Colombia with the signing of the Charter of the OAS. The organization's main purpose, as stipulated in Article 1 of the charter, is to "achieve peace and justice among member states, to promote solidarity and collaboration among them, and to defend their sovereignty, territorial integrity, and independence."<sup>i</sup> The four core principles of the Organization of American States are democracy, human rights, security, and development. These principles guide and influence all of the Organization's efforts.<sup>ii</sup>

The Organization of American States is composed by the 35 independent states of North, Central, and South America. However, in an effort to ensure transparency and viewpoint diversity, the OAS has granted Permanent Observer status to 70 states. Permanent observers are allowed to participate in the Organization's activities and contribute to its programs. The OAS' headquarters are located in Washington D.C., but the Organization also has regional offices in each of its member states.<sup>iii</sup>

The OAS is composed by various sub-organizations. Among these are the General Assembly, the Inter-American Juridical Committee, and the Inter-American Commission on Human Rights. The General Assembly is the supreme organ of the Organization of American States. It is composed by delegations from each of the member states, and each state has the right to one vote. The General Assembly has the power to decide the general actions and policies of the organization, to determine the structure and function of its organs, to approve the body's budget, and to determine quotas of the member states.<sup>iv</sup> The OAS charter establishes that the General Assembly must convene once a year, but it may also meet for sessions on an ad hoc basis. Our committee will be a simulation of one the General Assembly's annual meetings.

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## A: THE RIGHTS OF INDIGENOUS PEOPLES

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### INTRODUCTION

The term “indigenous peoples” is commonly used to refer to culturally distinct societies and communities whose identity is linked to the land they inhabit and the natural resources they consume.<sup>v</sup> The international community has struggled to reach consensus regarding the exact definition of “indigenous peoples”, and to this date, no formal definition has been adopted by any United Nations-system body.<sup>vi</sup> However, one of the most cited definitions of the concept of “indigenous” was outlined in Professor Jose R. Martinez Cobo’s *Study on the Problem of Discrimination against Indigenous Populations*. The definition reads as follows:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.<sup>vii</sup>

According to the most recent World Bank estimates, there are approximately 370 indigenous peoples in over 90 countries.<sup>viii</sup> Some examples of indigenous populations include the Inuit of the Arctic, the White Mountain Apache of Arizona, the Raramuri of Mexico, and the Bontoc people of the Philippines.<sup>ix</sup>

Although indigenous peoples may be found all across the globe, our committee will focus on groups situated in North, Central, and South America.

Indigenous peoples are some of the most vulnerable groups in the world. They face disproportionately high rates of poverty, health issues, crime, and human rights abuses.<sup>x</sup> For example, indigenous communities make up 5 percent of the world population, but they represent 33 percent of the world's extreme poor.<sup>xi</sup> The World Bank estimates that "indigenous peoples' life expectancy is up to 20 years lower than the life expectancy of non-indigenous people worldwide."<sup>xii</sup> This startling statistic is due to the fact that indigenous groups have limited access to health-care and are unable to afford the minimum levels of sustenance.<sup>xiii</sup>

Apart from threats to their physical integrity, indigenous people also face the constant risk of land dispossession. Ownership of territories inhabited by these groups has been transmitted through inheritance from one generation to another, and as such, is not accompanied by formal land titles.<sup>xiv</sup> This means that many governments recognize only a fraction of this land as formally or legally belonging to indigenous peoples. As a result, these groups are often displaced from the ancestral lands to which their culture is inextricably linked. To make matters worse, the instability and uncertainty resulting from displacement exacerbate the aforementioned health issues.

Additionally, indigenous groups (especially those in Latin America) have struggled to achieve social and political inclusion.<sup>xv</sup> Their unique cultural practices, the language barrier, and their remote

geographical location have marginalized them from the rest of society. This creates a problem because the lack of awareness of the plight faced by indigenous groups increases the chances of land dispossession and minimizes the attention that governments place on these individuals.

The international community must devote special attention to the current issues affecting indigenous groups. Such efforts would be consistent with the international community's tradition of helping out the most vulnerable and marginalized individuals. The current plight of indigenous peoples is multidimensional and complex, but it is an issue that requires immediate attention and one which the international community cannot ignore.

### **Topic History**

The plight of indigenous people in the Americas began nearly five centuries ago with the arrival of European colonizers. Conquistadors brought along a variety of deadly diseases that quickly decimated the native population. Among them were smallpox, measles, chicken pox, bubonic plague, typhus, and malaria.<sup>xvi</sup> Given that native populations had never been exposed to these infectious diseases, they were immunologically defenseless. Historians estimate that “upwards of 80–95 percent of the Native American population was decimated within the first 100-150 years following 1492.”<sup>xvii</sup>

Apart from disease, European colonists also brought along institutions from the Old World to the Americas. These institutions were designed to subdue the native population and exploit their labor for economic gain.<sup>xviii</sup> For example, the Spanish Empire established an agricultural system known as

*encomienda* throughout their colonies in present day Latin America. The Spanish Crown rewarded conquistadors for their efforts by providing them with large pieces of land and numerous indigenous individuals. Landowners had the responsibility to “guard natives against rival tribes, to teach them Spanish, and to inculcate them with Catholicism.”<sup>xxix</sup> In exchange for this protection, the indigenous population paid tribute to their landlords in the form of labor, money, or goods. Institutions such as the *encomienda* persisted throughout the colonial period, and this resulted in the systematic subjugation and exploitation of the local population.<sup>xx</sup>

By the time that the majority of American states attained their independence in the 1800’s, the indigenous population had dwindled, and the settlers had become the predominant sector of the population. During this time, the indigenous populations were recognized as sovereign peoples by the newly formed states. This is evident from the numerous treaties concluded between indigenous peoples and countries like the United States and Canada.<sup>xxi</sup> Unfortunately, this sort of recognition would not continue for much longer.

The international community devoted minimal attention to the plight of indigenous peoples during the early 20<sup>th</sup> century. In 1923, the representative of the Six Nations of the Iroquois (Cayuga Chief Deskaheh) travelled to Geneva to plead the League of Nations to provide support to his people. The chief spent an entire year in Switzerland and had to return home without having been heard.<sup>xxii</sup> The League

also denied a hearing to W.T. Ratana (a Maori religious leader) who travelled to Geneva in 1925 to complain that the British Crown stopped observing the Treaty of Waitangi.<sup>xxiii</sup>

Indigenous peoples' issues began to receive attention from the international community towards the late 1900's. This is due to the creation of numerous non-governmental organizations focused on indigenous peoples' rights during the 1960's and 1970's. The issues that fueled the creation of these organizations "ranged from broken treaties and loss of land to discrimination, marginalization, conflict and gross violations of human rights, including massacres."<sup>xxiv</sup> The International Work Group for Indigenous Affairs (IWGIA) is an example of such organizations. The IWGIA was founded in 1968 by anthropologists who were concerned by the ongoing genocide of indigenous peoples in the Amazon.<sup>xxv</sup> Survival International is a similar organization. They were founded in 1969 with the express aim "to prevent the annihilation of tribal peoples and to give them a platform to speak to the world so they can bear witness to the genocidal violence, slavery and racism they face on a daily basis."<sup>xxvi</sup> While these organizations are independent from the United Nations and regional bodies such as the OAS, they were instrumental in bringing the problems faced by indigenous peoples to the forefront of the international community's agenda.

The United Nations' first response to the plight of indigenous peoples occurred in 1972. The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities commissioned Jose Martinez Cobo, a sociologist from Ecuador, to prepare a comprehensive report on discrimination against

indigenous populations.<sup>xxvii</sup> Cobo was tasked with providing an overview of the state of indigenous peoples around the world, and recommending specific measures to alleviate their hardship. Cobo's report received widespread attention from the international community, and it led the United Nations Economic and Social Council (ECOSOC) to create the Working Group on Indigenous Populations (WGIP). The WGIP was the United Nations' preeminent body on matters pertaining to the promotion and protection of human rights of indigenous peoples until its replacement by the United Nations Permanent Forum on Indigenous Issues (UNPFII) in 2000.<sup>xxviii</sup>

The Permanent Forum plays a crucial role in promoting indigenous peoples' rights. Among its most notable achievements is the establishment of the International Decade of the World's Indigenous People, from 2005-2014. The purpose of this ten-year program was to "raise awareness about indigenous issues and produce information materials on indigenous issues."<sup>xxix</sup> Additionally, the UNPFII holds annual sessions in New York "to discuss economic and social development, culture, the environment, education, health and human rights."<sup>xxx</sup> More than 1500 indigenous individuals from all over the world attend these sessions, in addition to representatives from over 70 countries and 35 UN agencies.

While the creation of specialized UN agencies and NGOs during the 20<sup>th</sup> century brought the international community's attention to the plight of indigenous people, much work is left to be done. Indigenous people remain among the most vulnerable groups in the world. For example, in the United States, a Native American is 600 times more likely to contract tuberculosis and 62 per cent more likely to

commit suicide than the general population.<sup>xxxj</sup> Additionally, more than 50 percent of indigenous adults worldwide suffer from Type 2 diabetes.<sup>xxxii</sup> This demonstrates that assisting indigenous peoples must be one of the international community's top priorities.

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## PRESENT ISSUES

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The World Bank estimates that approximately 50 million indigenous individuals live in the American continent.<sup>xxxiii</sup> The majority of these people live in Latin America. The official denomination for indigenous individuals from the American continent is "Amerindian". However, the indigenous population of the Americas is far from homogenous. The Amerindians are composed of a wide variety of groups, each with their unique language(s) and culture. Hence, to truly understand the current state of indigenous people in the Americas, one must consider the unique challenges faced by these groups in different countries. While each country in North, Central, and South America is worthy of specialized attention, this guide will focus on three countries where the issues affecting indigenous peoples are especially salient: Mexico and Bolivia.

### **Mexico**

Mexico has the largest population of indigenous people in the Americas. The country's census bureau, the *Instituto Nacional de Estadística y Geografía* (INEGI), estimates that there are 17 million indigenous citizens belonging to 78 culturally distinct groups.<sup>xxxiv</sup> As is the case with indigenous peoples around the world, indigenous citizens in Mexico are overwhelmingly poor compared to the rest of the population. The 2010 census determined that 40.2 % of the country's indigenous population lived in extreme poverty.<sup>xxxv</sup>

Mexico's indigenous population is known for its rich cultural diversity. This is evident from the fact that there are over 70 indigenous languages spoken across the country.<sup>xxxvi</sup> Approximately 7.5 million individuals over the age of 3 speak at least one indigenous language. The most popular indigenous languages are Nahuatl, Maya, and Tzeltal. However, the number of indigenous language speakers has decreased steadily for the past two decades.<sup>xxxvii</sup>

The language diversity among Mexico's indigenous population presents an important challenge to the Mexican government's attempts to improve the quality of life for these segments of the population. Young indigenous citizens are not learning their native tongue because many government services, such as basic primary education, are provided in Spanish.<sup>xxxviii</sup> For these reasons, the National Autonomous University of Mexico estimates that 40 percent of the country's indigenous languages are at risk of disappearing within the next 20 years.<sup>xxxix</sup>

The Mexican government has taken direct steps to preserve the cultural and linguistic diversity of its various indigenous groups. However, these programs have been relatively unsuccessful. For example, the Mexican Congress approved the General Law of Indigenous Peoples' Linguistic Rights in 2003.<sup>xi</sup> This law recognizes 63 indigenous languages as "national languages" and gives them "the same validity as Spanish in their territory, location, and context."<sup>xii</sup> This means that indigenous people can communicate with government employees and request official documents in their native language. However, officials have failed to adequately enforce this law since its enactment - a phenomenon which current President Andres Manuel Lopez Obrador heavily criticized during his presidential campaign.<sup>xiii</sup>

Mexico's staggering economy is another source of hardship for the country's indigenous population. Indigenous people have been forced to migrate to urban areas to seek better economic opportunities. An estimated 54% of the Mexican indigenous population lives in urban areas. This number increased by 10 percentage points from 2000 to 2010.<sup>xiiii</sup> While indigenous peoples that inhabit rural areas have better economic conditions and increased access to health services, this is a regrettable phenomenon because it leads to unwanted cultural assimilation and the dilution of the cultural richness of these groups. The government has yet to find a solution that allows these groups to be economically successful without having to migrate from their ancestral lands.

## **Bolivia**

Bolivia has one of the largest populations of indigenous people (in terms of percentage of total population) in the Americas. During the most recent national census, carried out in 2012, 41 percent of the population self-identified as indigenous.<sup>xliv</sup> While this figure remains among the highest in all of Latin America, it signified a stark drop from the previous census (2001), where 66.4 percent of the population identified as indigenous.<sup>xlv</sup> There is not one single reason for this phenomenon, but a popular theory is that many people were dissuaded from self-identifying as indigenous because of fear of discrimination.<sup>xlvi</sup>

Similarly to Mexico's indigenous citizens, a large percentage of Bolivia's indigenous population has been systematically forced to migrate to urban areas. This is because of two reasons. First, urban areas provide better economic opportunities. Second, and perhaps most concerning, the Bolivian government often conducts seismic work in search of new oil and gas reserves in areas inhabited by indigenous people. Such activities disrupt the livelihoods of these vulnerable groups and impact their ability to sustain themselves.<sup>xlvii</sup> As a result, the Aymara and Quechua (the country's predominant indigenous groups) have migrated to Bolivia's cities such as La Paz, with many of them having to seek employment in the cocaine industry to ensure survival.

The Bolivian government has taken several measures to recognize the country's indigenous heritage and protect this segment of the population. In 2009, former President Evo Morales, who is of indigenous origin, led a successful effort to adopt a new constitution. This document recognizes 36 official languages and changed the country's official name from "Republic of Bolivia" to "Plurinational State of

Bolivia”.<sup>xlviii</sup> Additionally, the government passed the “Autonomy and Decentralization Framework” in 2010. This law establishes formal procedures for indigenous communities that wish to establish their own government structures based on traditional norms, procedures, and institutions. However, many indigenous individuals have expressed frustration with the law’s implementation, claiming that the bureaucratic process for gaining autonomy is “prohibitively complex”.<sup>xlix</sup>

In November 2019, Bolivia experienced a regime change that brought instability to the country. Thousands of Bolivian citizens took to the streets to protest the initial results of the October presidential election, which incumbent Evo Morales appeared to have won in a landslide.<sup>i</sup> In an independent audit, the Organization of American States determined that there was “clear manipulation” and irregularities in the activities of the Electoral Commission.<sup>ii</sup> The military forced Morales to step down, and he fled to Mexico shortly after.

The 2019 political crisis has had negative consequences for the country’s indigenous population. In late November, hundreds of indigenous pro-Morales demonstrators attempted to cross a military checkpoint in the town of Cochamba. The military opened fire, killing nine people and injuring approximately 100 others.<sup>iii</sup> Additionally, the NGO Human Rights Watch has reported that anti-indigenous discrimination has increased since Morales’ left office. While discussing the legitimacy of elections or the regime is not within the purview of this body, this committee must address how to protect the vulnerable indigenous population during this time of instability and unrest.

## PAST SOLUTIONS

There are two main international conventions that address the protection of indigenous peoples' rights: the 1989 International Labor Convention (ILO) No. 169 on Indigenous and Tribal Peoples and the 2007 United Nations Declaration on the Rights of Indigenous Peoples. These two landmark agreements are the two pillars of the international legal framework governing the rights of world's indigenous individuals.

The ILO Convention No. 169 was adopted on June 27, 1989. This convention was the first to recognize the collective rights of indigenous peoples on an international level.<sup>liii</sup>The convention asserts the "right of indigenous and tribal peoples to choose to integrate or to maintain their cultural and political independence" and forbids governments "from pursuing approaches deemed integrationist and assimilationist."<sup>liv</sup>However, this convention has only been ratified by 23 countries, which largely diminishes its ability to effect substantial change on the matter.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly in September 2007. The document is the most comprehensive international agreement on the rights of indigenous peoples, and it "establishes a universal framework of minimum standards for the survival, dignity and well-being of the indigenous peoples of the world" and "elaborates on existing human rights standards as they apply to the specific situation of indigenous peoples."<sup>lv</sup> The Declaration was almost unanimously supported by the international community, as it only received 4

votes against, and the countries that voted against it now support the agreement. While the UNDRIP signifies a momentous step in protecting the rights of indigenous individuals around the world, it is not legally binding due to the nature of most international statutes and declarations. Therefore, its effects depend on the degree to which each individual signatory decides to enforce it.

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## KEY ACTORS

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The issue of indigenous rights is multifaceted and involves a variety of actors. However, the indigenous communities and their respective national governments are at the forefront of the matter. While national governments are able to benefit from an established tax-collection system and recognition from foreign states, indigenous communities struggle to fund their efforts and often lack recognition from abroad. The problem with this power structure is that governments are disproportionately powerful when compared to their indigenous counterparts, and this disparity has allowed them to exclude the needs of indigenous peoples from the political agenda.

Non-governmental organizations play an important role in protecting and furthering the rights of indigenous peoples. These organizations play a crucial role because indigenous communities often lack funding to support their cause and find themselves in marginalized areas, which complicates the degree to which these communities can advocate for their cause. The aforementioned International Work Group

for Indigenous Affairs is among the most prominent NGOs working to promote the collective rights of the world's indigenous peoples. Additionally, the *Asociación Coordinadora Indígena y Campesina de Agroforestería Comunitaria Centroamericana* (ACICAFOC) is an NGO that focuses on helping indigenous communities become integrated into their region's economy without sacrificing their cultural background.<sup>lvi</sup> If governments and the international community are able to collaborate with the variety of existing NGOs, then improving the well-being of indigenous peoples does not seem like an onerous task.<sup>lvii</sup>

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## GOING FORWARD / POTENTIAL SOLUTIONS

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National governments and the international community have a complicated task ahead of them: they must protect the rights of indigenous communities and allow them the opportunity to become integrated with the larger polity, but they must be careful not to do so in an assimilationist fashion. This tension is inherent in any attempt to try and improve the condition of indigenous peoples, but this complication does not mean that finding novel and effective solutions is not possible.

Granting autonomy is one of the most common strategies to improve the condition of indigenous peoples. This strategy shows respect for the unique cultural background of indigenous groups, and allowing them to self-govern is conducive to the improvement of their well-being. Additionally, it is also

important for leaders of the different national governments to express support for indigenous communities and show them that they are an important part of the wider polity. These two strategies (formal legal provisions and informal attitudes from government leaders) can complement each other to diminish the suffering and marginalization of indigenous communities.

Mexico is a country that has benefited from using the two types of strategies mentioned in the previous paragraph. The first type consists of formal statutory provisions that grant indigenous people the right to self-determination and establish 63 indigenous dialects as “national languages.” The second type consists of informal actions taken by President Andres Manuel Lopez Obrador to demonstrate his commitment to indigenous people’s needs. Analyzing these two strategies, and how they work in tandem, is helpful for crafting new policies to help indigenous individuals.

Although Mexico’s 32 federal states are co-equal with each other, Article 2 of the Mexican Constitution grants indigenous people the right to self-determination and autonomy. This provision allows for a sub-national unit (i.e. an autonomous indigenous community) to have distinct rights and obligations from the rest. The coastal town of Santa Maria de Ostula is a famous case of an indigenous community that instituted its own grassroots government by citing Article 2.<sup>lviii</sup> In 2006, the town organized an autonomous police force in response to the widespread violence caused by President Calderon’s War on Drugs. Afterwards, the community ousted the political parties and municipal president, and established its own assembly-like government. The community has remained autonomous

since then, and “the resulting peace within the community has allowed the people of Ostula to focus on resurrecting unique cultural customs that contribute to their identity.”<sup>lix</sup>

Santa Maria de Ostula’s story of success demonstrates that the Constitution’s recognition of indigenous people’s right to self-determination is an effective tool to safeguard the well-being of indigenous people. The inhabitants of Santa Maria de Ostula were able to legally establish an autonomous government to address their particular needs without having to secede from Mexico. However, by allowing indigenous communities to institute their own system of government, this provision makes it likely for Amerindians to become alienated from the rest of the polity. As such, it must be supplemented by other policies to ensure Mexico remains a diverse but united democracy.

President Andres Manuel Lopez Obrador (AMLO) assumed office on December 1, 2018. In his first year as president, AMLO actively demonstrated a commitment to represent the interests of indigenous communities and further integrate them into the political sphere. However, Obrador’s advocacy has occurred through informal actions rather than through the passing of new legislation. The president invited several indigenous leaders to his investiture ceremony, held a portion of it in *Nahuatl* (Mexico’s most widely spoken indigenous language), and kneeled to receive a rite of purification from a shaman. Additionally, AMLO held a special ceremony involving indigenous rituals to ask Mother Earth for permission to build a train across the Yucatan Peninsula. AMLO has also expressed intention to observe a more stringent application of the Law of Linguistic Rights. These actions made Obrador the first Mexican

President to receive the “Baston de Mando” (an indigenous symbol of trust, respect, and support) from the leader of Mexico’s National Institute for Indigenous Communities.

AMLO’s welcoming attitude towards indigenous communities serves as the perfect complement to Mexico’s formal statutory policies, such as Article II and the Law of Linguistic Rights. The laws demonstrate that the Mexican government understands and recognizes the multicultural composition of its citizenry and grants formal rights to indigenous groups. On the other hand, AMLO’s actions help integrate the indigenous communities into the wider polity by showing them that the elected president is equally committed to represent the interests of *all* Mexicans regardless of ethnicity. If emulated elsewhere, these strategies can realistically improve the conditions of indigenous peoples.

## **QUESTIONS TO CONSIDER**

1. How should the international community go about identifying the most pressing issues affecting indigenous communities in the Americas?
2. What strategies and programs can the OAS and its member states undertake to change the societal perception of indigenous groups?
3. What can be done to improve the economic conditions of indigenous communities without forcing them to integrate into the rest of society?
4. How can national governments integrate indigenous communities into the political decision-making process?

5. How can the solutions devised in this committee be enforced in each of the relevant OAS states?
6. How can this body evaluate the success of its policies?

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## B: THE INTER-AMERICAN DRUG TRADE

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### INTRODUCTION

The illegal drug trade in the Americas consists primarily of production and sale marijuana, cocaine, and heroin. The export of these substances to the United States and Europe is also an important part of this industry. The production and distribution of drugs poses significant risks to the security and stability of countries in North, Central, and South America. For example, the United States' Congressional Research Service identifies illicit drug trafficking as one of the main threats to citizen security in Latin America.<sup>lx</sup>

The drug trade is mainly carried out by large scale criminal and terrorist organizations. The production and trafficking of these substances generate multi-billion-dollar revenues for these organizations. While the nature of this activity does not allow for exact statistics, the "United Nations estimated in a 2011 report that worldwide proceeds from drug trafficking and other transnational

organized crime were equivalent to 1.5 percent of global GDP.”<sup>lxi</sup> These massive revenues give drug trafficking organizations (DTOs) significant power, and it allows them to challenge the authority of the states in which they operate. This is especially true in Latin America, where “governments are often fragile and easily corrupted.”<sup>lxii</sup>

The drug trade is an issue that spans across borders and has negative consequences for all the countries in the American continent. The drug production occurs mostly in South American countries, such as Colombia, Peru, and Bolivia.<sup>lxiii</sup> Central American and Caribbean states are also involved, although their role is mostly as transshipment hubs. The final destination of these substances is usually in the United States, where the consumption of illicit drugs has steadily increased since 2002.<sup>lxiv</sup> This shows that the control and distribution of illicit substances is an issue that individual states cannot address on their own, and thus must be discussed by an international body such as the Organization of American States.

#### TOPIC HISTORY

The distribution of illicit drugs in the Americas began in the mid-1800s when Chinese immigrants introduced Americans to opium smoking. While the trading and selling of this substance grew rapidly and spread across the region, the issue did not begin in earnest until the late 20<sup>th</sup> century.<sup>lxv</sup>

The organized drug trade as we know it today began to take shape after the end of World War II. The unstable political environment in post-war Latin America allowed the distribution of drugs to become more organized and more international in its scope, and the emergence of the United States as a global

power strengthened its economy and increased the demand for drugs. During this time, Mexico dominated the illegal trade of opium and marijuana, while Peru dominated the (mostly legal) trade of products derived from the coca plant.<sup>lxvi</sup>

As is the case today, the primary aim of post-war drug production was to export the substances to the United States.<sup>lxvii</sup> In 1948, the U.N. became aware of this problem and adopted the goal of eradicating the Andean coca bush. While this was an unrealistic goal because of its scope and the cultural significance of the coca plant to many Andean cultures, it led to the criminalization of cocaine in Peru.

The postwar period saw the transformation of drug distribution from a disorganized, small-scale economic activity to a well-established operation. For example, “irregular and opportunistic smuggling by individuals” was replaced by an emerging network of traffickers that connected cities such as Lima, Havana, and New York.<sup>lxviii</sup> The establishment of these trafficking networks brought along millions of dollars in revenues to those involved, and it also signified the beginning of drug-related violence.

The formalization and professionalization of the drug trade coincided with the overthrow of the Bolivian government following a revolution in 1952.<sup>lxix</sup> The revolution gave indigenous peasants access to large amounts of land, and they turned to the production of coca given the lack of economic opportunities. This led to a massive surge in cocaine production and availability, and it signified Bolivia’s entry into the drug trafficking world.<sup>lxx</sup>

The production and demand for cocaine and marijuana continued to rise for decades, and in June of 1971, the United States' government famously declared a "War on Drugs". President Richard Nixon called drug abuse "public enemy number one" and began a campaign of drug prohibition, military aid, and military intervention to reduce the illegal drug trade in the Central and Southern American countries.<sup>lxxi</sup> This campaign was largely unsuccessful. Despite the significant increase in resources devoted to discouraging the production, distribution, and consumption of psychoactive substances, the level of drug-related violence surged dramatically in Latin America and the U.S.<sup>lxxii</sup>

A major U.S. strategy during the War on Drugs was to prod foreign governments to combat their local drug production. The Mexican government responded to this pressure and launched *Operación Condor* in 1975 to crack down on illicit drug production and distribution in the states of Chihuahua, Durango, and Sinaloa.<sup>lxxiii</sup> Additionally, both governments worked to secure the border and prevent drugs from being transported into the U.S. through this once popular avenue.

While the United States' policies toward foreign governments on matters of drug trafficking seemed to deliver positive results in the moment, they had major unintended consequences. The Mexican government's efforts to curb drug production and distribution created a power vacuum which Colombian traffickers used to seize the marijuana and cocaine market. According to U.S. government's estimates, "by the end of 1970s, Colombia owned seventy percent of the marijuana reaching the country from abroad."<sup>lxxiv</sup>

Colombia's history of tremendous political instability and its favorable geographical location for agriculture positioned the country to become the global apex of illicit drug trafficking. Additionally, political events in Chile further allowed Colombia to dominate the drug trade. The overthrow of President Salvador Allende by Augusto Pinochet in 1973 significantly reduced Chile's importance as a trafficking corridor and pushed the drug trade to Colombia. At the peak of its involvement in the world's drug production, "between 30,000 and 50,000 small farmers along Colombia's Atlantic coast relied on marijuana cultivation."<sup>lxxv</sup>

After quickly gaining control of the South American market, Colombian drug traffickers sought to control the distribution of marijuana and cocaine into the United States. Miami became the principal port of entry for these operations, and the increase in drug-related activity made into a highly violent city. The homicide rate in Miami in 1980 was seventy per 100,000 while the comparable figure for 2010 is just fifteen per 100,000. The formal establishment of Colombian drug cartels, alongside a surge in demand for cocaine, increased the annual quantity of cocaine imported into the U.S. from 15 metric tons in 1976 to 45 metric tons in 1982.<sup>lxxvi</sup>

During the mid-1980's, the United States worked to shut down the Caribbean corridors through which the majority of marijuana, cocaine and heroin arrived to the U.S. This effort, while successful, set the stage for the rise of violent drug-trafficking organizations based in Mexico. The shutting-down of the

Caribbean routes removed Miami's status as a drug-trafficking hub, and now "ninety percent of cocaine smuggled into the United States passes through Mexico."<sup>lxxvii</sup>

The late 1980's shift from Colombia to Mexico as the center of illegal drug distribution was the last major change in the structure of the global drug trade. There are currently four major drug trafficking organizations (DTOs) in Mexico: The Gulf, Sinaloa, Juarez, and Tijuana.<sup>lxxviii</sup> The main objective of these organizations is to handle the production and the shipment of marijuana, cocaine, and heroin into the United States, leaving the final consumer sales to American gangs. These cartels have found economic success with estimates of their yearly combined revenues ranging around \$13.6 billion USD annually. However, they are also the cause of unforeseen levels of violence and homicides in Mexico.

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## PRESENT ISSUES

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The structure of the American drug trade has not changed significantly since the late 1980's. The United States remains the largest market for illicit drugs, while Latin America remains the largest and closest source of illicit drugs. However, this industry has increased in its scope, power, and profitability. According to the U.S. Department of Justice, "Mexican and Colombian DTOs generate, remove, and launder between \$18 billion and \$39 billion in wholesale drug proceeds annually."<sup>lxxix</sup> This figure is significantly greater than the yearly revenues of various companies in Forbes 500.<sup>lxxx</sup> To make matters

worse, the trafficking networks that had initially been established for the movement of illicit substances are now also used to traffic human beings. These factors have contributed to making Latin America the only region of the world where violent crime (as measured by rates of intentional homicide per 100,000) is rising rather than declining.<sup>lxxxix</sup>

The Latin-American drug trafficking industry has turned particularly violent in the past decade. For example, in 2017 Mexico reached its highest level of homicides (20.5 murders per 100,000 people) in the past 20 years. The violence has been fueled by an increase in drug-related activity, which in turn is caused by an increase in demand for illicit drugs and the increased availability of firearms.<sup>lxxxii</sup>

It is not possible to pinpoint the exact cause of the boom in demand for drugs. However, one can partially explain this behavior by looking at the region's economic dynamics in the past 20 years. The United States' economy has been growing at a steady pace, while states in Latin-America have become democratized and integrated into the world economy. The effect is a Latin-American middle class nearly double in amount from its 2000 levels, which means that demand for goods (legal and illegal) has also increased in the area.<sup>lxxxiii</sup> Experts say that the increased trade flow in the region has also made it easier to transport illicit goods through formal border crossings.

While the majority of the drug production occurs in Latin America and is then sent to North America, the United States' is not a passive victim of this industry's woeful consequences. In February

2018, former Secretary of State Rex Tillerson stated that “the US was as much to blame for the drug problem as the Latin American nations supplying the narcotics used north of the border.”<sup>lxxxiv</sup>

Tillerson’s statement that the US “is to blame” is based on two major phenomena. First, the United States comprises the world’s largest single market for illegal drugs: The RAND Corporation estimates that “people who use drugs in the United States spent \$150 billion on cocaine, heroin, marijuana, and methamphetamine in 2016.”<sup>lxxxv</sup> Second, the vast majority of firearms used in drug-related activities in Latin America are of U.S. origin. For example, a recent study found that 70% of gun crimes in Mexico involve American-bought weapons.<sup>lxxxvi</sup> These weapons are bought legally in the United States and then smuggled south. In fact, Tillerson famously acknowledged that for every 10 trucks headed north inspected for drugs, only one truck going south had a comparable inspection.”<sup>lxxxvii</sup>

The international community has become aware of the dangers of the illegal drug trade and its potential to destabilize an entire region. This industry hurts the social, political, and economic well-being of all countries in the American continent. Moreover, drug consumption also poses a significant health risk: of an estimated 272 million drug users worldwide, about 250,000 lose their lives every year.<sup>lxxxviii</sup> The seriousness of the issue and the failed attempts to address it show that this is an urgent matter that demands the international community’s attention.

## **PAST INTERNATIONAL ACTIONS**

While drug-related activity and violence across the Americas have significantly increased in the past 20 years, this has not occurred without national governments putting up a fight. The majority of government anti-drug programs have unintended consequences, and instead of eradicating production and trafficking, they simply shift these activities to someplace else.<sup>lxxxix</sup> This is known as the “balloon effect” because of the way a latex balloon reacts when squeezed: the air moves, but it does not disappear. In Latin America, this is called the *efecto cucaracha* (cockroach effect) because “you can chase the pests out of one corner of your house, but they have an irritating habit of popping up somewhere else.”<sup>xc</sup>

The balloon effect has manifested itself across different countries and time periods. For example, marijuana production shifted from Mexico to Colombia in the 1970’s after the Mexican government’s efforts to destroy the fields where it was cultivated. Similarly, cocaine production shifted from Peru and Bolivia to Colombia in the 1990’s because of the criminalization of the substance in the former two countries.<sup>xcj</sup> These two examples demonstrate the importance of considering unintended consequences when devising anti-drug policy.

One of the most notable examples of a government’s failed attempt to curb drug production and distribution is Mexico’s frontal assault to DTO’s since 2006. Former president Felipe Calderon started this effort shortly after his inauguration in December 2006. The strategy consisted of deploying tens of thousands of military personnel to replace local police forces which he viewed as corrupt. With support

and funding from the U.S. government, Calderon's government captured or killed twenty-five of Mexico's top thirty-seven drug kingpins.<sup>xcii</sup>

Calderon's strategy's apparent success came at a cost: Mexico has experienced more than three hundred thousand homicides since the beginning of the drug war.<sup>xciii</sup> Additionally, some critics claim that this strategy, which focused on capturing the leaders of each DTO, "only succeeded in splintering the gangs" and "spawning many smaller and more dangerous criminal organizations."<sup>xciv</sup> Jesus Murillo Karam, Mexico's former attorney general, heavily criticized this approach by claiming it only "led to the seconds-in-command – generally the most violent, the most capable of killing –to be empowered."<sup>xcv</sup>

The Colombian government's unsuccessful efforts to curb coca cultivation are another example of the aforementioned "balloon effect". Authorities in Colombia attempted to reduce the cultivation of the coca plant (from which cocaine is extracted) by spraying chemicals over areas where coca fields are prevalent. Colombia's Defense Ministry claims that it destroyed more than 80,000 hectares of coca and seized over 400 tons of cocaine, but it still had a record cocaine production of 1,379 tons in 2017.<sup>xcvi</sup>

The Colombian government has shifted away from the strategy of forced destruction of coca fields and is now pursuing a strategy of voluntary crop substitution. This new approach allows coca farmers to voluntarily uproot their crops. Farmers would then exchange the coca plants for a monthly subsidy of 1 million pesos (around \$300) and technical assistance to begin alternative projects such as self-sustaining vegetable gardens. This program received initial support because it provided an economic

alternative to farmers whose livelihood depended on illicit crops; however, it has not delivered the expected results.<sup>xcvii</sup> People that signed up for the program claim the government has not completed its side of the bargain; these individuals have eradicated their coca crops but the government has only provided half the subsidies and no technical assistance.<sup>xcviii</sup> Marcos Rojas, one of the farmers involved in the program, says that the government's failure to comply with terms will force many of his neighbors to start planting coca once again.<sup>xcix</sup>

While the most notable efforts to combat illegal drug production and distribution have come from individual states, the international community has previously attempted to devise a global solution to the matter. The 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances is the main international drug control treaty in force today.<sup>c</sup> The convention emphasizes how the drug trade “undermines the legitimate economies and threatens the stability, security and sovereignty of States.”<sup>ci</sup> It calls for international cooperation in tracing and seizing drug-related assets, and provides a legal basis for extradition in drug-related cases among countries without extradition treaties.<sup>cii</sup> Despite its novel approach to fighting the drug trafficking industry, the convention has not delivered substantial results. The main reason is that the Constitutions of the signatory states take precedence over the document, and individual states cannot be forced to enforce the convention's provisions in their sovereign territory.

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## KEY ACTORS

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The Latin-American drug trafficking industry spans across North, Central, and South America. As such, all countries in the American continent are relevant to the issue and find it in their best interest to eradicate it. However, there are some countries in which drug-related activities are especially salient, such as the United States, Mexico, Colombia, and Bolivia. Additionally, drug-trafficking organizations in each of these countries play a key role in creating and perpetuating the violence and instability associated with the drug trade.

While eradicating the drug-trafficking industry is desirable for all American states, there is no consensus on how to achieve this goal. The disagreement on the best strategy to combat the illegal drug trade stems from the fact that the drug trafficking industry affects each of the countries in a different way. For example, the United States is particularly concerned with the smuggling of illicit substances into its territory through the southern border. Mexico, on the other hand, is particularly attentive to the flow of illegal firearms into the country from the United States. Lastly, Colombia and Bolivia are concerned with eradicating the cultivation of marijuana and coca plants, as well as shutting down the facilities where these crops are processed into drugs. This suggests that individual countries may favor anti-drug policies that address the facet of the issue that most directly affects them.

Apart from national governments, the DTO's are the drug-trafficking industry's most powerful and influential actors. While these groups' presence extends across Latin America, they are especially well-organized and powerful in Mexico.<sup>ciii</sup> The DTO's are involved in a breadth of illegal activities, including money laundering, bribery, gun trafficking, and kidnapping. Their sky-high profits gives them the ability to pay-off public officials and constantly challenge the Mexican government's authority. In December 2019, Genaro Garcia Luna, the former head of Mexico's *Agencia Federal de Investigación* (the country's equivalent to the FBI) and head of security policy under Felipe Calderon, was arrested in the US on charges that he had systematically accepted bribes from the Sinaloa cartel.<sup>civ</sup> This story, which is just one of many of its kind, demonstrates the incredible power that DTO's can wield, and shows that dismantling them is necessary to eradicate the drug-trafficking industry once and for all.

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## GOING FORWARD

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The history of the international community's efforts to combat the drug-trafficking industry demonstrates that crafting effective anti-drug policy is a difficult task. For years, Mexico and the United States have carried out a frontal assault on DTO's and waged "a war on drugs", but these efforts have done little to end illegal trafficking.<sup>cv</sup> Additionally, it is now clear that the majority of anti-drug programs tend only to "influence the location of production and methods of distribution."<sup>cvi</sup> Hence, national

governments and international organizations must consider the balloon effect when designing and implementing new strategies to combat this issue. Despite these complications, the international community can still seek to diminish the negative effects of the inter-American drug trade through well-crafted, novel policies.

The lack of success of previous anti-drug trafficking programs shows that the problem must be approached with original solutions. For example, experts at the Drug Policy Alliance suggest that drug programs should be evaluated by how much they reduce drug-related harm (such as overdose deaths, drug addiction and the transmission of diseases such as HIV) instead of measuring success based on slight fluctuations of drug use.<sup>cvi</sup> However, solving the issue requires much more than changing the metrics used to evaluate drug-policy; it is necessary to re-design the policies themselves.

Broadening the scope of United States' assistance to Latin American countries is a potential approach to reducing the negative consequences of illicit drug-trafficking. Current security cooperation agreements between the US and other American countries (such as the Merida Initiative with Mexico) focus on providing military assistance, training, and intelligence. These programs have the end goal of controlling, and ultimately eradicating, the supply of illegal substances. Experts at the Drug Policy Alliance suggest that these programs should look beyond military aid and focus more on citizen security and institution-building. The new initiatives, which can supplement or replace those already in place, should emphasize the rule of law and establish anti-corruption and community development programs.<sup>cvi</sup>

Solutions that focus on reducing the demand for illegal drugs could bring about significant results. Given that the majority of failed anti-drug efforts focused on the supply side of the equation, there is hope that solutions of this kind will work. Demand reduction strategies use mass education campaigns to inform potential users about drug addiction's disastrous consequences. Additionally, they help reduce the demand for heroin through drug substitution programs. Drug-dependent individuals are prescribed similar substances such as methadone and buprenorphine, which helps them gradually abandon their heroin dependence.<sup>cix</sup> Moreover, demand reduction programs could be an indirect way to diminish the power of DTO's. Simple economic theory dictates that a reduction in demand for a good will lower the price of the good. Hence, reducing demand for drugs will reduce the price the goods that DTOs traffic, and will signify smaller profits to fund their illegal activities.<sup>cx</sup>

Lastly, it is possible that legalization of substances such as marijuana can help reduce the levels of drug-related activity. Canada, for example, has legalized marijuana at the federal level, and some states in the United States have also lifted prohibition on the possession and consumption of this substance. Nevertheless, there is not enough evidence (yet) to warrant that legalization will decrease the levels of illegal drug production and distribution. Moreover, legalization of such substances is not a matter that should be discussed in a regional body. This goal could not be realistically achieved through an international convention, as the legalization of previously restricted substances would require the consent of each country's legislative body.

## QUESTIONS TO CONSIDER

1. What strategies have been used in the past to combat the distribution of illicit drugs? Why have some of them been successful when others have not?
2. How can national governments cooperate with international organizations to solve this issue?
3. What is more important: reducing the supply or reducing the demand for drugs? Can governments pursue these two goals simultaneously?
4. Is legalization a viable solution to the issue, or will it only exacerbate the already existing problems?
5. How can this body evaluate the success of its policies?

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