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Cameron Ming

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**ZERO COCA, ZERO CULTURE: BOLIVIA'S STRUGGLE TO
BALANCE CULTURAL IDENTITY AND THE NEED FOR ECONOMIC
STABILITY IN THE MIDST OF THE EXPIRING ANDEAN TRADE
PROMOTION AND DRUG ERADICATION ACT**

*Cameron Ming**

I. INTRODUCTION

“The Saudis can fight alcoholism by forbidding the sale of Jack Daniels, but we'd think they were crazy if they ordered us to eradicate fields of barley in Tennessee.”¹

—John Tierney, a journalist, regarding the eradication of coca in Bolivia.

From adobe hut to presidential mansion, Evo Morales is a man of the people.² Bred on Bolivia's harsh altiplano rather than among the country's economic elite,³ Morales assumed the office of president in a historic victory for

* J.D. candidate, University of Tulsa College of Law, Tulsa, OK, May 2008; B.A., English, Brigham Young University, Provo, UT, Aug. 2003. A special thanks to Austin and Greg for all of your guidance and persistence. Most importantly, I am eternally indebted to Kressyda and Eliot for being the light at the end of this long tunnel.

1. John Tierney, *Reading the Coca Leaves*, N.Y. TIMES, Sept. 23, 2006, at A11.

2. See Jennifer Brea, *Evo Morales, President of Bolivia*, About.com, <http://worldnews.about.com/od/whoswhoinworldaffairs/p/evomorales.htm> (last visited Apr. 30, 2007).

3. *Evo Morales Aima – Childhood*, http://www.evomorales.net/paginasEng/perfil_Eng_infan.aspx (last visited Apr. 30, 2007) [hereinafter *Childhood*].

democracy.⁴ An anomaly among politicians, Morales is described as an incorruptible, honest official who promotes popular causes.⁵ But despite all of his alleged good characteristics, one item has become an international stumbling block for Morales: his fervent dedication to the coca leaf.⁶

It is difficult to understand how the coca leaf, believed to be a gift from the gods,⁷ could be the source of human rights violations⁸ and a billion dollar illegal drug industry.⁹ Yet coca has been a cause of contention for decades. And with the Andean Trade Promotion and Drug Eradication Act ("ATPDEA") set to expire on June 30, 2007,¹⁰ the leaf may soon be linked to the "erosion of democracy" in Bolivia.¹¹

Bolivia is one of the poorest countries in South America,¹² despite having the second largest natural gas reserves on the continent. Nearly two-thirds of the nation's population live in squalor.¹³ In times of financial trouble, Bolivia has

4. Waltraud Queiser Morales, *Responding to Bolivian Democracy: Avoiding the Mistakes of Early U.S. Cuban Policy*, MIL. REV., July-Aug. 2006, at 27, available at <http://usacac.leavenworth.army.mil/CAC/milreview/English/JulAug06/Morales.pdf> ("The election of Evo Morales as president of Bolivia is perhaps the strongest evidence to date that countries on the Andean Ridge are achieving that often-stated policy goal. By all accounts, Morales's election gave him the first true public mandate in Bolivia's history.") [hereinafter *Responding to Bolivian Democracy*].

5. Steve Boggan, 'Coca is a Way of Life', GUARDIAN, Feb. 9, 2006, available at <http://www.guardian.co.uk/international/story/0,,1705685,00.html>; *Responding to Bolivian Democracy*, *supra* note 4, at 32.

6. Boggan, *supra* note 5.

7. Solimar Santos, Comment, *Unintended Consequences of United States' Foreign Drug Policy in Bolivia*, 33 U. MIAMI INTER-AM. L. REV. 127, 131 (2002).

8. See Sam Logan, *Bolivia Has the Right To Grow Coca*, International Relations & Securities Network, Aug. 17, 2006, available at <http://www.isn.ethz.ch/news/sw/details.cfm?id=16539>.

9. See Office of National Drug Control Policy, *Drug Policy Information Clearinghouse: Fact Sheet*, Mar. 2003, at 2, available at http://www.whitehousedrugpolicy.gov/pdf/drug_datsum.pdf.

10. ATPA Extension, H.R. 6111, 109th Cong. § 7002(a) (2006) ("Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended by striking 'December 31, 2006' and inserting 'June 30, 2007'").

11. Hal Weitzman, *Rhetoric collides with Bolivia trade hope*, FIN. TIMES, Aug. 30, 2006, available at <http://www.ft.com/cms/s/d6d3e98e-3854-11db-ae2c-0000779e2340.html>.

12. Connie Veillette, *Bolivia: Political and Economic Developments and Relations with the United States*, CRS REPORT FOR CONGRESS, June 22, 2005, available at <http://www.fas.org/sgp/crs/row/RL32580.pdf>.

13. U.S. Department of State, Background Note: Bolivia, Mar. 27, 2007, available at <http://www.state.gov/r/pa/ei/bgn/35751.htm> [hereinafter Profile]; Julie McCarthy, *A Bolivian Populist Upends the Status Quo*, Sept. 15, 2006, NPR, available at <http://www.npr.org/templates/story/story.php?storyId=6061781> ("At least 60 percent of Bolivia's population lives on \$2 or less a day, and the gap between rich and poor is one of the widest in the world."); Habitat for Humanity Bolivia, <http://www.habitat.org/intl/lac/24.aspx> (last visited Apr. 30, 2007) ("Bolivia has a population of 8 million people, 3.6 million of which do not have access

turned to its centuries old friend, the coca leaf, to help alleviate economic pains.¹⁴ In 1985, economic adjustments caused many to rely on the production of the coca leaf which stimulated the overall national economy.¹⁵ However, coca is also the main ingredient in cocaine.¹⁶ Bolivia's economic dependence on coca has caused the United States to place a greater interest in expanding economic development in Bolivia, along with its cocaine-producing counterparts—Columbia, Ecuador, and Peru.¹⁷ With the ultimate goal to wean them off of coca, the United States passed the Andean Trade Preferences Act (“ATPA”) in 1991.¹⁸ That act made way for the renamed Andean Trade Promotion and Drug Eradication Act (“ATPDEA”) in 2002,¹⁹ which permits an abundance of goods to enter the United States with no importation tariffs, in hopes that the economy will grow in other areas.²⁰

The ATPDEA expired on Dec. 31, 2006, but was shortly extended to June 30, 2007.²¹ The language of the temporary extension provides for a further conditional extension of six months if the benefiting country implements a sufficient trade agreement.²² Peru and Columbia have already negotiated new bilateral trade agreements with the United States while during the proceedings

to potable water and sewage services. . . . Statistics also show that out of the total population, 58 percent of Bolivian families live in huts that do not meet the minimum living conditions, lacking basic services and sanitation. Thirty-two percent of homes accommodate three or more people per bedroom.”); *The Situation of Children in Bolivia*, UNICEF, http://www.unicef.org/bolivia/children_1540.htm (last visited Apr. 30, 2007) (“Children and women are the groups most affected by high national levels of poverty. According to the 2002 Poverty Map, 2.5 million children and 2.6 million women live in conditions of poverty. The causes of mortality in children aged under 5, according to the Ministry of Health, are directly associated with poverty. Also, 36 per cent of these deaths occur owing to diarrhoeal diseases, 20 per cent owing to acute respiratory infections, 16 per cent owing to perinatal problems (related to childbirth) and an estimated 28 per cent owing to malnutrition.”).

14. See generally Kathryn Ledebur, *Coca and Conflict in the Chapare*, WOLA DRUG WAR MONITOR, July 2002, available at http://www.wola.org/media/ddhr_bolivia_brief.pdf.

15. *Id.*

16. E.g., Daniel Kurtz-Phelan, *Jack of All Plants*, LEGAL AFFAIRS, March | April 2006, at 12, available at http://www.legalaffairs.org/issues/March-April-2006/scene_Phelan_marapr06.msp.

17. Veillette, *supra* note 12.

18. SECOND REPORT TO CONGRESS ON THE OPERATION OF THE ANDEAN TRADE PREFERENCE ACT AS AMENDED I (Apr. 30, 2005), available at http://www.ustr.gov/assets/Trade_Development/Preference_Programs/ATPA/asset_upload_file337_7673.pdf [hereinafter SECOND REPORT].

19. *Id.*

20. Bolivia and the Andean Trade Program, <http://lapaz.usembassy.gov/atpdea/atpaeng.htm> [hereinafter Andean Trade Program].

21. ATPA Extension, *supra* note 10, § 7002(a)-(b).

22. *Id.* § 7002(b)(1)-(2).

Bolivia maintained its status as an “observer.”²³ Excluding Bolivia from an agreement would essentially loose the third largest producer of cocaine from any eradication efforts.²⁴ With strong ties and new trade agreements with Cuba and Venezuela, Bolivia may be looking to sever its dependency on the United States.²⁵

The amount of coca cultivation decreased for the first time in 2005 after a steady upward trend in the last five years.²⁶ Morales has expressed his commitment to reducing poverty and to sustaining alternative economic development.²⁷ Continuing the reduction of coca can go hand in hand with reducing poverty if a long-term, viable alternative to coca cultivation is available to farmers.²⁸ This is the very purpose of the ATPDEA—to provide a sustainable economic option to coca cultivation.²⁹

The purpose of this comment is to show the impact the ATPDEA has had on Bolivia—both economically and in providing an alternative to the drug trade—and to explain the need for forming a trade agreement extending ATPDEA benefits while re-examining the strict policies on coca eradication. Section II explores the economic and cultural importance of the coca leaf to Bolivia, while section III examines the differences between the original ATPA and the expanded ATPDEA and the economic effects stemming from the change. Section IV discusses the development of President Evo Morales and the duplicitous stance that Bolivia has taken regarding the United States. The possible effects of an expired ATPDEA, as well as the key to an effective change are discussed in section V.

Critical rhetoric and antagonistic trade agreements have distanced Morales from the United States and any new trade agreement, but Morales still courts the U.S. for continued benefits despite the growing political rift. However, the U.S. might not be willing to withdraw support from Bolivia for its own interests, in

23. Weitzman, *supra* note 11; Common Foreign Policy, <http://www.comunidadandina.org/ingles/Exterior/usa.htm> (last visited Apr. 30, 2007) [hereinafter Common Foreign Policy] (“Spurred by the need to have stable and predictable trading relations with the United States once the period of effectiveness of the ATPDEA expires, Columbia, Ecuador y [sic] Peru have been negotiating a free trade agreement with that country since May 2004, in order to promote more trade and investment. . . . It should be added here that Bolivia has been participating as an observer in those negotiations.”).

24. Weitzman, *supra* note 11.

25. Anita Snow, *Cuba, Bolivia, Venezuela Reject US Trade*, Bilaterals.org, Apr. 29, 2006, available at http://www.bilaterals.org/article.php3?id_article=4596.

26. UNITED NATIONS OFFICE ON DRUGS AND CRIME, COCA CULTIVATION SURVEY, June 2006, at 1 (2006), available at http://www.unodc.org/pdf/andean/Bolivia_coca_survey_2005_eng.pdf [hereinafter UNODC 2006].

27. *Id.*

28. *Id.*

29. SECOND REPORT, *supra* note 18, at 1.

addition to Bolivia's. Although Bolivia is largely dependent on the United States for economic growth, it has received support and influence from countries which are diplomatically at odds with the United States. To avoid the erosion of democracy and the stifling of a budding economy, the United States must reexamine its emphasis on coca reduction while still maintaining trade benefits.

II. UNDERSTANDING COCA

Coca is primarily grown in three areas of Bolivia: the Yungas of La Paz, the Chapare of Cochabamba, and the Apolo region of northern La Paz.³⁰ Most of these areas consist of rural farmers that rely on coca because of a lack of other viable economic alternatives.³¹ When these farmers are confronted by anti-drug advocates, farmers argue that they have the right to grow coca for two reasons: (1) the deep-seated tradition of coca in the Bolivian culture, and (2) the economic cornerstone that the leaf has become in the region.³²

A. Coca Culture

Unlike other coca-producing countries, like Columbia, the coca leaf is rooted deep in the history and tradition of Bolivia.³³ According to legend, the promiscuous goddess of health and happiness, Cocomama, was cut in half by her jealous lovers.³⁴ From her severed ends grew the first coca plants.³⁵ Others considered the leaf a gift from the Sun god, believing that coca is a "sacred symbol of the mother earth."³⁶ Ancient Incan Kings chewed the sacred leaf and the practice began to spread.³⁷ For indigenous groups, coca still plays an integral role in religious and cultural ceremonies.³⁸ Each day as workers enter mines they present an offering of coca and alcohol to the god of the underworld,

30. UNODC 2006, *supra* note 26, at 13 (showing the percentage of coca grown by region: the Yungas produced 71% of the total, the Chapare produced 28%, and the Apolo produced 1%.); Daniel Tyler Cook, *The Case for Coca and Cocaine: Bolivia's March to Economic Freedom*, 13 MINN. J. GLOBAL TRADE 57, 60 (2004).

31. Melanie R. Hallums, *Bolivia and Coca: Law, Policy, and Drug Control*, 30 VAND. J. TRANSAT'L L. 817, 826 (1997); Cook, *supra* note 30, at 60.

32. Cook, *supra* note 30, at 60.

33. Boggan, *supra* note 5.

34. Micha Lindemans, *Cocomama*, ENCYCLOPEDIA MYTHICA, July 20, 1999, <http://www.pantheon.org/articles/c/cocamama.html>.

35. *Id.*

36. Santos, *supra* note 7, at 131.

37. Hallums, *supra* note 31, at 822.

38. Santos, *supra* note 7, at 131.

El Tio (the devil), to ensure the mine is safe and productive that day.³⁹ The leaf is exchanged in wedding ceremonies,⁴⁰ and during a wake the coca is chewed while mourning for the dead.⁴¹ Much more than a plant, coca "functions as an index of cultural identity, and serves as a medium of communication between humans and supernatural beings."⁴²

Its link to the spiritual realm spills over into a number of daily roles.⁴³ One promoter of the leaf states, "If you can't sleep because of indigestion or bad circulation or anxiety, drink a cup of coca tea and you will sleep. . . . But if you need to do hard work or study, chew 20 or 25 coca leaves and you will work all night."⁴⁴ In rural areas, workers carry pouches with coca leaves⁴⁵ because on the altiplano, where altitudes can reach 4,200 meters⁴⁶ (13,779 feet) and survival requires grueling labor, the coca's ability to alleviate fatigue, pain, and symptoms of high altitude sickness is invaluable.⁴⁷ The leaf is also known for its ability to suppress hunger and thirst.⁴⁸ In social situations, the art of chewing is a skill that is practiced, especially after meals.⁴⁹ Coca has even made its way into the world of products.⁵⁰ Items ranging from weight-loss tonic to chewing gum to shampoo now rely on coca as an ingredient.⁵¹ The plant contains vitamin A, calcium, vitamin C, and several other pharmacologically useful chemical substances⁵² which are important given the poor diet generally available to the Bolivian peasants.⁵³ There are also products to treat medicinal problems including tuberculosis, cancer, and even cocaine addiction.⁵⁴ These examples illustrate why coca has been called "the world's most complete plant"⁵⁵ and why

39. Melissa Giovanni, *Potosi Potosi Potosi! Vamos a Potosi!*, <http://www2.ess.ucla.edu/~bolivia/potosi.html> (last visited Apr. 30, 2007).

40. HARRY SANABRIA, *THE COCA BOOM & RURAL SOCIAL CHANGE IN BOLIVIA* 38 (1993).

41. Ralph Bolton, *On Coca Chewing and High-Altitude Stress*, *CURRENT ANTHROPOLOGY*, 418-20 (June 1979).

42. SANABRIA, *supra* note 40, at 38; Cook, *supra* note 30, at 61.

43. Kurtz-Phelan, *supra* note 16.

44. *Id.*

45. Hallums, *supra* note 31, at 824.

46. Profile, *supra* note 13.

47. Cook, *supra* note 30, at 61.

48. Hallums, *supra* note 31, at 826.

49. *Id.* at 24.

50. Kurtz-Phelan, *supra* note 16.

51. *Id.*

52. *Id.*

53. SANABRIA, *supra* note 40, at 38.

54. *Id.*

55. Kurtz-Phelan, *supra* note 16, at 12.

some Bolivians have called for an amendment to enshrine the sacred status of the coca in the Bolivian constitution.⁵⁶

B. Coca Economy

Bolivia, the poorest country in South America,⁵⁷ maintains an annual per capita income of only \$940.⁵⁸ Nearly two thirds of the population engages in agriculture, yet it only accounts for 14.5% of the gross national product.⁵⁹ Coca is vital to the economy because of its major contribution. Before strong eradication measures were implemented, nearly 60,000 farmers grew coca, while thousands more participated in the other aspects of production such as transporting, selling, and distributing.⁶⁰ It is estimated that the eradication of coca has cost the Bolivian economy nearly \$500 million.⁶¹

The coca plant dominates the industry because of the failure of other possible cash crops to successfully provide income.⁶² The coca's success comes from a variety of factors. First, Bolivia has the unique environment required for coca to thrive.⁶³ Second, the coca plant can survive the extreme conditions of the Bolivian Chapare region while other crops do not.⁶⁴ Coca is less predisposed to insects and disease than other cash crops such as coffee and rice.⁶⁵ Finally, other crops fail to perform as successfully on the market as the coca plant.⁶⁶ For example, bananas and grapefruit typically bring in \$35 to \$250 a year, if growers are even able to find a market.⁶⁷ On the other hand, one source states that an acre of coca may produce \$475,⁶⁸ while another calculates that an acre could provide as much as \$2,921 a year, under ideal growing conditions.⁶⁹ In a land

56. Marcelo Ballvé, "Mother Coca" Wins in Bolivia, Can Evo Morales Foster World Coca Market?, *New America Media*, Dec. 21, 2005, available at http://news.newamericamedia.org/news/view_article.html?article_id=99b24b3ff23a2b115a2802b7bf85117f.

57. Hallums, *supra* note 31, at 822.

58. Profile, *supra* note 13.

59. *Id.*

60. Cook, *supra* note 30, at 61.

61. *Id.* at 62.

62. *Id.* at 62-63.

63. *Id.* at 62.

64. *Id.*

65. SANABRIA, *supra* note 40, at 44; Cook, *supra* note 30, at 62.

66. Cook, *supra* note 30, at 61.

67. Hallums, *supra* note 31, at 822.

68. *Id.*

69. SANABRIA, *supra* note 40, at 46 (Under ideal growing conditions, one hectare could yield \$7,215 worth of coca.).

where two-thirds of the population lives in poverty,⁷⁰ survival generally dictates growing what produces the highest return. The farmers turn to coca because it keeps them from falling further into poverty.⁷¹ Without asking questions about the coca's final destination,⁷² they rely on the income for their very survival.⁷³ It is now estimated that one-third of the population relies on the coca industry, directly or indirectly.⁷⁴

Aside from the plant's hardiness and value on the market, other economic factors explain the increase in export-oriented coca production.⁷⁵ From the time of Spanish Colonialism, minerals were at the center of Bolivia's exports.⁷⁶ A decline in prices for tin and natural gas during the 1980s spurred a drop in the highland economy, resulting in high unemployment in those regions.⁷⁷ Migrant workers made their way to the Chapare region where the coca industry offered jobs and security.⁷⁸ Coca, a labor-intensive crop, absorbed the arrival of migrant labor.⁷⁹ Although the Chapare offered the perfect climate,⁸⁰ it was illegal to grow coca there,⁸¹ but with the influx of workers, the illegal coca trade soon surpassed the licit coca market, "launching Bolivia into the international drug trade."⁸² Because of the continuing levels of poverty and meager economic opportunities elsewhere, the coca trade thrived among rural farmers.⁸³

Bolivian Law 1008, which deals with the cultivation of coca, caps the legal amount of coca at 12,000 hectares.⁸⁴ Located primarily in the Yungas⁸⁵ region

70. Profile, *supra* note 13.

71. Cook, *supra* note 30, at 63.

72. Boggan, *supra* note 5 ("Asked how [a coca farmer] would feel if the buyer of his crop channeled it into illegal cocaine production, he replies: 'I wouldn't know anything about that.'").

73. *Id.* ("'[Income from selling coca] means everything to us,' says Ramos [a coca farmer]. 'I have two children and, for me, it means we have food, I can pay for my children's education and bring them up properly.'").

74. *Id.*

75. Hallums, *supra* note 31, at 825.

76. *Id.*

77. *Id.* at 826.

78. *Id.*

79. SANABRIA, *supra* note 40, at 47 ("Coca cultivation requires over three times as much labor as other labor intensive lowland crops such as coffee and rice . . .").

80. Cook, *supra* note 30, at 62.

81. Hallums, *supra* note 31, at 827.

82. *Id.* at 826.

83. *Id.*; Boggan, *supra* note 5 ("Morales flatly refuses to admit it, but without narco-trafficking, large sections of his community would simply starve.").

84. Ley del Regimen de la Coca y Sustancias Controlada [Coca and Controlled Substances Law], Ley N° 1008 de 19 de Julio de 1988, Artículo 29° [hereinafter Ley 1008] ("la cantidad de coca necesaria para cubrir la demanda del consume tradicional . . . la misma que no podrá exceder la producción equivalente a un área de 12.000 hectáreas de cultivo de coca . . .").

of La Paz, this coca is used for traditional and other legal uses. In 2004, the Bolivian government temporarily permitted 3,200 hectares of coca to be grown in the Chapare region,⁸⁶ but much more is grown in reality.⁸⁷ The United States estimates that 5,000 hectares of coca would fulfill the need for traditional usage.⁸⁸ In 2004, 27,700 hectares of coca were cultivated throughout Bolivia.⁸⁹ Of the estimated⁹⁰ 49,000 metric tons of coca produced it is estimated that 38,000 metric tons were available for cocaine production.⁹¹ The amount decreased in 2005 to 25,400 hectares,⁹² equaling an estimated 42,000 metric tons, but still left a significant surplus of 30,900 metric tons available for cocaine.⁹³

85. UNODC 2006, *supra* note 26, at 15 (“The Yungas of La Paz, situated at about 150 km from the city of La Paz, is a region of uneven relief with steep slopes, turbulent rivers and elevations ranging from 300 to 4,000 meters above sea level. Significant climatic variations are observed even over short distances. Coca bush is predominantly cultivated on narrow terraces built on high gradient hills.”).

86. *Id.* at 27 (“The Chapare region is situated in Cochabamba department, and the region is also referred to as the Cochabamba tropics, extending over the provinces of Chapare, Carrasco and Tiraque. In contrast to the Yungas of La Paz, Chapare region has moderate slopes and large rivers. Elevations vary from 300 to 2500 meters, with coca cultivated between 300 and 1000 meters. The highest mountains are located in the south and the country’s large tropical savannas begin in the northern part of Chapare. Temperatures are tropical and the area records the highest precipitation levels in Bolivia.”).

87. *See id.*

88. Boggan, *supra* note 5.

89. United Nations Office on Drugs and Crime, Bolivia, COCA CULTIVATION SURVEY, June 2005, at 5, available at http://www.unodc.org/pdf/andean/Part2_Bolivia.pdf [hereinafter UNODC 2005]; Boggan, *supra* note 5.

90. UNODC, *supra* note 89, at 34 (explaining why the numbers at this time are only estimates) (“In July 2004, UNODC started its first study of coca leaf yield in Bolivia. . . . However, farmers were often reluctant to cooperate with the study and the tense situation prevailing in the coca growing areas of Bolivia in 2004 did not permit to complete all the activities. . . . For the 2004 annual estimate of coca leaf and cocaine production, UNODC relied on information available from other sources.”).

91. *Id.*; Boggan, *supra* note 5 (providing coca cultivation statistics that differ slightly from the UNODC report in 2005) (“The UN says 36,300 tonnes of coca leaf was produced in 2004 - of which it estimated that 25,000 tonnes was available for cocaine production. It takes between 300 and 500kg of coca leaf to make 1kg of cocaine.”).

92. UNODC 2006, *supra* note 26, at 9.

Coca Cultivation in Bolivia 1995-2005 (ha)

	1997	1998	1999	2000	2001	2002	2003	2004	2005
Rounded Total	45,800	38,000	21,800	14,600	19,900	21,600	23,600	27,700	25,400

93. *Id.* at 35

C. *Coca versus Cocaine*

The coca plant is the most indispensable crop to Bolivia's culture and economy.⁹⁴ The "sacred leaf"⁹⁵ is intertwined in both the spiritual and temporal worlds of the people. Perhaps it is for this reason that Bolivians are up in arms that the governments of Bolivia and the United States have failed to make a distinction between coca and cocaine.⁹⁶ This type of flawed logic is analogous to equating barley to whiskey, or grapes to wine.⁹⁷ Defeating this mentality is the goal of many Bolivians⁹⁸ who wish to make "people see the true face of coca," instead of the "dangerous substance," as some laws have classified the leaf.⁹⁹ One coca supporter explains that "[a]t the time of the Inca, coca was on the highest altars Now, the drug traffickers take it and stomp it on the ground and destroy it with chemicals."¹⁰⁰

Coca and cocaine are mutually exclusive. Cocaine comes as the result of an extensive process and by the end the material is so completely different from its original state it is folly to believe they should be grouped similarly.¹⁰¹ Coca is transformed to cocaine in three stages.¹⁰² The first stage begins by mixing coca leaves with sulfuric acid.¹⁰³ The leaves are then stomped, mixed with kerosene, calcium oxide, diesel fuel, and sodium carbonate until there is a paste.¹⁰⁴ The second stage is performed to purify the final product, but is optional.¹⁰⁵ The paste is "washed in kerosene, dissolved in sulfuric acid, and mixed with potassium permanganate and ammonium hydroxide to form cocaine base."¹⁰⁶ The final stage dissolves the cocaine paste in acetone and water.¹⁰⁷ It is then heated, mixed with ether, then added to hydrochloric acid to form the cocaine crystals.¹⁰⁸ The conversion process leaves the final product of cocaine substantially different from the original coca leaf,¹⁰⁹ but this fact has failed to prevent the two from facing a similar fate.

94. Cook, *supra* note 30, at 57.

95. Kurtz-Phelan, *supra* note 15, at 13.

96. Logan, *supra* note 8.

97. Cook, *supra* note 30, at 59.

98. Kurtz-Phelan, *supra* note 16, at 13.

99. *Id.*

100. *Id.*

101. Cook, *supra* note 30, at 60.

102. *Id.* at 59.

103. *Id.*

104. *Id.*

105. *Id.*

106. *Id.*

107. Cook, *supra* note 30, at 59.

108. *Id.*

109. *Id.* at 60.

III. ATPA/ATPDEA

A. *Preceding Measures*

Initial attacks on the coca leaf came with the 1961 U.N. Convention on Narcotics,¹¹⁰ when the leaf was categorized as a drug along side cocaine.¹¹¹ The Convention also designated cultivation of coca as “trafficking,”¹¹² and harvesting of the plant was labeled “production.”¹¹³ In the 1980s, the use of cocaine in its various forms was out of control in the United States. Seeking to extinguish the flame at the source as part of the broader War on Drugs, the United States turned its attention to controlling the growth of the coca plant. The U.S. admits to heavily funding alternate development programs and policing efforts in Bolivia.¹¹⁴ The most significant law concerning eradication, the Coca and Controlled Substance Law, Ley 1008, was forged with influence from the United States Agency for International Development (“USAID”).¹¹⁵

Relatively speaking, Ley 1008 was a breakthrough in comparison to previous measures because it recognized the difference between cocaine and the coca leaf.¹¹⁶ Ley 1008 distinguished licit uses, such as chewing for medicinal purposes, from its role in the production of cocaine.¹¹⁷ The law stated that coca grown in the Chapare region was not necessary to meet the demand of the traditional uses, and called for its gradual eradication.¹¹⁸ To implement Ley 1008 and curtail the economic conditions that perpetuate excessive coca cultivation, assistance by foreign aid was inevitable.¹¹⁹ To accomplish the goal

110. Hallums, *supra* note 31, at 828.

111. *Id.*; Single Convention on Narcotic Drugs, Mar. 30, 1961, 18 U.S.T. 1407, 520 U.N.T.S. 151, Schedule 1, available at http://www.unodc.org/pdf/convention_1961_en.pdf [hereinafter Drug Convention].

112. Drug Convention, *supra* note 111, art. 1(1)(l) (“‘Illicit traffic’ means cultivation or trafficking in drugs contrary to the provisions of this Convention.”); Hallums, *supra* note 31, at 828.

113. Drug Convention, *supra* note 111, art. 1(1)(t) (“‘Production’ means the separation of opium, coca leaves, cannabis and cannabis resin from the plants from which they are obtained.”); Hallums, *supra* note 31, at 828.

114. Profile, *supra* note 13.

115. David E. Dubberly, *Commentary on the Ley del Regimen de la Coca y Sustancias Controlada*, 6 INTER-AM LEGAL MATERIALS 278, 280, available at <http://www.natlaw.com/interam/bo/cs/sp/spbocs1.htm>; Hallums, *supra* note 31, at 830.

116. Ley 1008, *supra* note 84, Artículo 3° (“Para efectos legales se establece una diferencia entre la coca en estado natural . . . y coca ‘Iter criminis’ . . .”).

117. *Id.* Artículo 4°.

118. *Id.* Artículo 10°; Profile, *supra* note 13.

119. Hallums, *supra* note 31, at 831 (“While the law aims at annual targets of eradication of coca hectares, it requires international development assistance to realize these goals. The law therefore

of eradicating all "excess" coca, the Bolivian government incorporated programs offering monetary compensation to farmers for voluntary destruction of their coca plants.¹²⁰ In some cases compensation reached \$2,000 to \$2,500 for each hectare destroyed.¹²¹ In addition to economic benefits, the government began promoting alternate crops to substitute for the illicit coca.¹²²

In 1998, President Hugo Banzer launched *Plan Dignidad* (Dignity Plan).¹²³ The ambitious plan called for the complete elimination of illicit Chapare coca by the year 2002.¹²⁴ Government officials then zealously declared that the "zero coca" goal would be met by 2001.¹²⁵ *Plan Dignidad*, which called for the physical uprooting of the coca plant, was significantly more successful than the previous measures.¹²⁶ The forced eradication resulted in an estimated 90% decline in the production of coca.¹²⁷

Considered highly controversial, the enforcement of the *Plan* was linked to several human rights violations.¹²⁸ Coca unions organized themselves in protests to block roads and harass police, occasionally incorporating lethal violence.¹²⁹ In retaliation, government officials returned the use of deadly force.¹³⁰ The Permanent Human Rights Assembly states that there have been 57 documented deaths of coca farmers at the hands of security forces since 1987.¹³¹ Only three of those have gone to court, and none of them have been resolved.¹³² Reports of excessive force and killing unarmed civilians during confrontations still remain uninvestigated.¹³³

While effective at reducing coca, *Plan Dignidad* failed to provide suitable alternative crops for farmers.¹³⁴ Many farmers admitted that they were unable to subsist on alternate crops, and either completely reverted back to planting coca,

recognizes the need for foreign aid not only to implement this law, but also to combat the economic conditions perpetuating the coca and cocaine trade in Bolivia.") (footnote omitted).

120. Profile, *supra* note 13.

121. Ledebur, *supra* note 14.

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.*

126. Profile, *supra* note 13.

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.*

131. Ledebur, *supra* note 14.

132. *Id.*

133. *Id.*

134. *Id.*

or at least used it to subsidize the failing alternate.¹³⁵ At one point, coca growers piled up rotting bananas, pineapples, and other alternative crops “on the side of the road to protest the lack of markets for their licit goods.”¹³⁶

*B. Introduction of the ATPA*¹³⁷

With the hope of finding a suitable alternative to coca that would still be economically competitive, the United States implemented the Andean Trade Preferences Act (“ATPA”) in 1991. Under designation of the President,¹³⁸ the ATPA allows Columbia, Ecuador, Peru, and Bolivia “duty-free access to the U.S. market for any product not specifically excluded.”¹³⁹ Despite its relation to the Andean Region, Venezuela is not a recipient of the benefits.¹⁴⁰ The Congressional report states that the objective of ATPA is “to promote broad-based economic development, diversify exports, consolidate democracy, and defeat the scourge of drug trafficking by providing sustainable economic alternatives to drug-crop production”¹⁴¹ In 2002, the ATPA was renewed and expanded under the name of the Andean Trade Preferences and Drug Eradication Act (“ATPDEA”),¹⁴² and President Bush declared all four countries eligible for benefits.¹⁴³ Legally, the President is under no obligation to extend duty-free benefits to these countries.¹⁴⁴ But under the ATPA, the President is given the authority to allow articles duty-free entry.¹⁴⁵ The ATPDEA was to originally run only through Dec. 31, 2006.¹⁴⁶ An extension recently agreed upon in the U.S. Congress extended the benefits to June 30, 2007.¹⁴⁷ As mentioned

135. *Id.*

136. *Id.*

137. For general purposes, the ATPA and ATPDEA are used somewhat interchangeably. When the specific need for distinction between the two is required, the former will be most likely be referred to as “the original ATPA” or something similar to distinguish it from the latter.

138. Pub. L. No. 102-182, 105 Stat. 1233, title II, sec. 202 (1991) (codified as amended at 19 U.S.C. § 3201 *et seq.*) [hereinafter ATPA].

139. SECOND REPORT, *supra* note 18, at 1.

140. Common Foreign Policy, *supra* note 23.

141. SECOND REPORT, *supra* note 18, at 1.

142. Pub. L. No. 107-210, 116 Stat. 933, div. C, title XXXI, § 3101 [hereinafter ATPDEA]; Common Foreign Policy, *supra* note 23.

143. To Implement the Andean Trade Promotion and Drug Eradication Act, Proclamation No. 7616, 67 Fed. Reg. 67,283 (Oct. 31, 2002); SECOND REPORT, *supra* note 18, at 3-4.

144. ATPA, *supra* note 138, at § 202.

145. *Id.*

146. Common Foreign Policy, *supra* note 23.

147. ATPA Extension, *supra* note 10, § 7002(a).

previously, the language of the bill allows for a possible six month extension if a trade agreement between the U.S. and the benefiting country is reached.¹⁴⁸

In addition to the ATPDEA, Bolivia receives benefits from the United States Generalized System of Preferences ("GSP").¹⁴⁹ The GSP, which as of 2002 was implemented by sixteen countries,¹⁵⁰ is based on the idea that preferential tariffs allow for an increase in exports and contribute to economic growth.¹⁵¹ The ATPA falls into a narrow category of regional programs within the United States' GSP because of its additional preferences.¹⁵²

The GSP is also known for its principles of conditionality and graduation.¹⁵³ All GSP schemes attach some form of either "positive" or "negative" conditionality on preferences.¹⁵⁴ Positive conditionality grants additional concessions to benefiting countries when they comply with the prescribed criteria of agreement.¹⁵⁵ For example, the European Communities' GSP awards additional tariff reductions to countries that enact legislation to protect fundamental labor rights.¹⁵⁶ In contrast, the more common approach of negative conditionality withdraws concessions when countries are unable to meet the set criteria.¹⁵⁷ The ATPA fits into the category of "negative" conditionality.¹⁵⁸

Graduation, the other aspect of the GSP, is governed by a country's status as "developing."¹⁵⁹ For purposes of the GSP, the status of "developing" is determined by the principle of self-election.¹⁶⁰ Under the United States' GSP, a country that reaches a certain level of development no longer receives benefits.¹⁶¹ This idea of "graduation" rests on the theory that a "developed"

148. *Id.* § 7002(b)(1)-(2).

149. SECOND REPORT, *supra* note 18, at 3.

150. Amy M. Mason, *The Degeneralization of the Generalized System of Preferences (GSP): Questioning the Legitimacy of the U.S. GSP*, 54 DUKE L.J. 513, 521 n.48 (2004) ("The sixteen countries are Australia, Belarus, Bulgaria, Canada, the Czech Republic, the EC, Hungary, Japan, New Zealand, Norway, Poland, the Russian Federation, the Slovak Republic, Switzerland, Turkey, and United States.").

151. *Id.* at 514.

152. *Id.* at 522-23.

153. *Id.* at 515.

154. *Id.* at 524.

155. *Id.*

156. Mason, *supra* note 150, at 524.

157. *Id.* at 524.

158. See SECOND REPORT, *supra* note 18, at 3 ("The President may withdraw or suspend ATPA/ATPDEA designation, or withdraw, suspend or limit benefits, if a country's performance under the eligibility criteria is no longer satisfactory.").

159. Mason, *supra* note 150, at 526.

160. *Id.*

161. *Id.*

country no longer needs the help of preferential treatment to compete on the world market.¹⁶²

Although Bolivia already receives benefits under the United States' Generalized System of Privileges, the ATPDEA is a broader program.¹⁶³ As well, under the ATPA/ATPDEA imports are "not subject to the GSP's competitive need limitations or its country graduation requirements."¹⁶⁴ The ATPA also has "symbolic importance in that it is a tangible reflection of the U.S. government's commitment to the Andean region."¹⁶⁵

Under the ATPDEA, each participating country must meet certain criteria to remain eligible for benefits.¹⁶⁶ Two types of conditions are present in the ATPDEA: mandatory and discretionary.¹⁶⁷ If mandatory criteria are not met, then the President may not designate the country as a beneficiary.¹⁶⁸ The only exception is if the President finds that it would be in the best "economic or security interest of the United States" to allow the designation.¹⁶⁹ The items on the list of mandatory criteria cover such areas as the communist nature of the country, whether the nationalization of companies has affected the United States or its citizens, and the rights of workers in the country.¹⁷⁰ Regarding discretionary criteria, the President must take it into account when designating beneficiary countries, but is not barred from doing so if the criteria are not met in full.¹⁷¹

Discretionary criteria deal with, among many items, the economic situation of the country and its adherence to world trade standards.¹⁷² Of particular interest is the mention of the country's need to meet the "counternarcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961"¹⁷³ The applicable language from section 490 is:

[T]he President shall consider the extent to which the country has—
(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production,

162. *Id.*

163. SECOND REPORT, *supra* note 18, at 3.

164. *Id.*

165. Guy C. Smith, *The Andean Trade Preference Act*, 21 DENV. J. INT'L L. & POL'Y 149 (1992).

166. SECOND REPORT, *supra* note 18, at 11.

167. *Id.*

168. *Id.*

169. *Id.*

170. *See id.* at 11-12.

171. *Id.* at 11.

172. *See* SECOND REPORT, *supra* note 18, at 13.

173. *Id.* at 14.

distribution, sale, transport and financing, and . . . (B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement”¹⁷⁴

The ATPA/ATPDEA initially garnered strong support.¹⁷⁵ The incentive to participate in legitimate agricultural activities was obvious,¹⁷⁶ but the United States stood to benefit from the promotion of international labor standards, the protection of intellectual property rights, the assistance in the War on Terror,¹⁷⁷ as well as the reduction of dependency on the coca leaf.

It is now reported that the effect of the ATPA/ATPDEA on the United States economy is “negligible,”¹⁷⁸ but some still believe it is far from insignificant.¹⁷⁹ While “negligible” perhaps to the United States, tens of thousands of Bolivian jobs and several hundred million dollars in revenue are at stake for Bolivia.¹⁸⁰

C. ATPA versus ATPDEA

1. Expansion

The alteration between the ATPA and the ATPDEA effected a strong change in the composition of United States’ trade with the ATPA countries.¹⁸¹ When the original ATPA was initiated in 1991, duty free treatment was provided to articles that:

[are] the growth, product, or manufacture of a beneficiary if – (A) that article is imported directly from a beneficiary country into the customs territory of the United States; and (B) the sum of (i) the cost or value of

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

175. See generally Hale Sheppard, *The Andean Trade Preference Act: Past Accomplishments and Present Circumstances Warrant Its Immediate Renewal and Expansion*, 34 GEO. WASH. INT’L L. REV. 743 (2003) (highlighting the importance of the ATPA and the proven and potential benefits that the United States would receive from its renewal and expansion before the initial expiration date in 2001).

176. Smith, *supra* note 165, at 157.

177. See Sheppard, *supra* note 175.

178. News Release, U.S. International Trade Commission, ITC Finds Impact of ATPA Imports Negligible, Despite Enhancements (Oct. 7, 2005), available at http://www.usitc.gov/ext_relations/news_release/2004/er1007bb1.htm.

179. Smith, *supra* note 165, at 158 (“Although perhaps narrow in scope, the ATPA is not necessarily insignificant.”).

180. Logan, *supra* note 8.

181. Joanne Guth, *Implementation of ATPDEA Changes Composition of Imports Under ATPA in 2003*, INT’L ECON. REV., 19 (Nov./Dec. 2003).

the materials produced in a beneficiary country or 2 or more beneficiary countries under this Act, or a beneficiary country under the Caribbean Basin Economic Recovery Act or 2 or more such countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries (under this Act or the Caribbean Basin Economic Recovery Act), is not less than 35 percent of the appraised value of such article at the time it is entered.¹⁸²

Following this criteria, some 5,600 articles were eligible to enter the United States under the original ATPA,¹⁸³ with the largest product groups being copper articles, flowers, and jewelry, which accounted for 59.5 percent of total ATPA exports in 2000.¹⁸⁴

With regard to Bolivia specifically, nearly 37 percent of its exports entered the United States under the ATPA in 2001, although this only accounted for a mere \$55 million.¹⁸⁵ The ATPA had a localized effect on Bolivia's economy.¹⁸⁶ In fact, one analysis shows Bolivia experienced a 49 percent drop in ATPA exports between 1996 and 2001.¹⁸⁷ Although Bolivia enjoys comparative advantages over other countries, it is also burdened with several obstacles in exploiting the ATPA.¹⁸⁸ Job training, knowledge of the U.S. market, and other difficulties hindered Bolivia from taking full advantage of the ATPA benefits.¹⁸⁹ During this period, exportation of wooden doors, sugar, and gold were the only articles to see an increase, while jewelry fell considerably.¹⁹⁰

With the advent of the ATPDEA in October 2002,¹⁹¹ an amended ATPA¹⁹² expanded the list of eligible articles to include items previously excluded from duty-free treatment.¹⁹³ Several articles which were previously barred by section

182. ATPA, *supra* note 138, § 204.

183. UNITED STATES INT'L TRADE COMM'N, THE IMPACT OF THE ANDEAN TRADE PREFERENCE ACT: ELEVENTH REPORT 2004, at 1-5 (Sept. 2005), *available at* <http://hotdocs.usitc.gov/docs/pubs/332/pub3803.pdf> [hereinafter ELEVENTH IMPACT REPORT].

184. *Id.* at 2-12.

185. OFFICE OF THE U.S. TRADE REP., FIRST REPORT TO THE CONGRESS ON THE OPERATION OF THE ANDEAN TRADE PREFERENCE ACT AS AMENDED 18 (Apr. 2003), *available at* http://www.ustr.gov/assets/Trade_Development/Preference_Programs/ATPA/asset_upload_file120_3782.pdf (hereinafter FIRST OPERATION REPORT).

186. *Id.*

187. *Id.*

188. *Id.*

189. *Id.*

190. *Id.*

191. SECOND REPORT, *supra* note 18, at 1.

192. Pub. L. 107-210, title XXXI, sec. 3103(a), Aug. 6, 2002.

193. 19 U.S.C. § 3203(b)(1); ELEVENTH IMPACT REPORT, *supra* note 183, at 1-5.

204(b) of the ATPA¹⁹⁴ quickly usurped the leading export positions¹⁹⁵ and nearly tripled the proportion of U.S. imports under the original ATPA.¹⁹⁶ Most notable were the additions of certain textiles and apparel,¹⁹⁷ tuna not packaged in cans, watches and watch parts, as well as petroleum and petroleum derivatives.¹⁹⁸ The additional articles of the ATPDEA, expanded by 700 items, brought the total to 6,300 products available for duty-free access to the United States.¹⁹⁹ Petroleum products quickly began to dominate the export list, comprising 60 percent of the value of U.S. imports under the ATPDEA.²⁰⁰ Newly admitted apparel items registered in 6 of the top 20 leading exports.²⁰¹

The new articles outlined by the ATPDEA had a significant effect on the trade between the beneficiary countries and the United States.²⁰² By 2005, 12 of the 20 leading imports were eligible under the new ATPDEA; the remaining 8 fell under the original ATPA.²⁰³ Overall, trade between the U.S. and the four countries grew at an accelerated rate.²⁰⁴ Two-way trade increased 13 percent in 2003, 27 percent in 2004,²⁰⁵ and another 25 percent in 2005.²⁰⁶ From 1991 to 2005, U.S. imports from the ATPDEA region quadrupled and U.S. exports to the four countries doubled.²⁰⁷ U.S. imports from ATPDEA countries rose 21 percent in 2003, and continued a steady growth from \$11.6 billion to \$15.5 billion in 2004,²⁰⁸ then almost another 30 percent to a record \$20.1 billion in 2005²⁰⁹—of which \$11.5 billion entered under the ATPDEA.²¹⁰ In comparison,

194. ATPA, *supra* note 138.

195. ELEVENTH IMPACT REPORT, *supra* note 183, at 2-12.

196. Guth, *supra* note 181, at 20.

197. 19 U.S.C. § 3203(b)(3)(B).

198. *Id.* § 3203(b)(1).

199. ELEVENTH IMPACT REPORT, *supra* note 183, at 1-5.

200. Guth, *supra* note 181, at 20.

201. *Id.*

202. *See id.*

203. UNITED STATES INT'L TRADE COMM'N, THE IMPACT OF THE ANDEAN TRADE PREFERENCE ACT: TWELFTH REPORT 2005, at 2-9 (Sept. 2006), available at <http://hotdocs.usitc.gov/docs/pubs/332/pub3888.pdf> [hereinafter TWELFTH IMPACT REPORT] (“The ATPDEA group includes five petroleum products, of which two (heavy crude oil and light crude oil) top the list, six apparel products . . . and certain tuna products in airtight containers.”).

204. ELEVENTH IMPACT REPORT, *supra* note 183, at 2-1.

205. *Id.*

206. TWELFTH IMPACT REPORT, *supra* note 203, at 2-1.

207. *Id.*

208. ELEVENTH IMPACT REPORT, *supra* note 183, at 2-1.

209. TWELFTH IMPACT REPORT, *supra* note 203, at 2-1.

210. *Id.* at 2-9.

prior to the ATPDEA expansion, the largest single year increase from the region was \$8.36 billion to \$9.83 billion in 1998-1999, an increase of 17 percent.²¹¹

The ATPDEA rejuvenated the success that was waning under the ATPA.²¹² With the help of the expanded list of eligible articles, the ATPDEA had a significant impact on trade throughout the region. The continued growth of industry under the ATPDEA provided an increase in the need for labor—workers that otherwise might have become involved in the illegal coca trade and drug trafficking.²¹³ The success of the ATPDEA directly contributed to controlling the drug trade in the region.²¹⁴ Conversely, without the jobs provided by the ATPDEA-fueled industry, there is a greater chance that workers will continue to grow illegal coca.

2. What has the ATPDEA done for Bolivia specifically?

For the entire region, the ATPDEA has had a significant impact, but a quick look at the breakdown of the four beneficiary countries under the ATPDEA reveals that Bolivia is far behind the others in its economic contribution.²¹⁵ In 2005, Columbia had a lead with 40 percent of total U.S. imports under the ATPA, while Bolivia significantly trailed in fourth with 1.4 percent of the total.²¹⁶ It may seem that the ATPDEA is as insignificant to Bolivia as Bolivia is to the ATPDEA, but a look at the numbers is evidence to the contrary.²¹⁷

In 2004, imports under the ATPDEA from Bolivia amounted to \$120 million.²¹⁸ This amount may seem negligible compared to other countries, such as Peru's \$1.6 billion,²¹⁹ until one realizes that the amount constitutes 46 percent of all U.S. imports from Bolivia.²²⁰ Peru's \$1.6 billion is only 43 percent of their total.²²¹ Percentage wise, the ATPDEA had a greater effect on Bolivia's ability to import to the United States in 2004. In 2005, Bolivia continued to increase ATPDEA exports to the U.S., reaching the mark of \$157.3 million.²²²

211. See SECOND REPORT, *supra* note 18, at 6.

212. *Id.* at 6-7.

213. TWELFTH IMPACT REPORT, *supra* note 203, at 4-3 (“[T]he opportunity for legal employment in such instances has drawn workers away from illegal drug-crop production, processing, and transportation, particularly laborers from impoverished regions.”).

214. *Id.*

215. TWELFTH IMPACT REPORT, *supra* note 203, at xiii (“Columbia accounted for 40.6 percent; Ecuador for 38.1 percent; Peru for 19.9 percent; and Bolivia for 1.4 percent of the total.”).

216. *Id.*

217. *See id.*

218. ELEVENTH IMPACT REPORT, *supra* note 183, at 2-30.

219. *Id.* at 2-29.

220. *Id.* at 2-30.

221. *Id.* at 2-29.

222. TWELFTH IMPACT REPORT, *supra* note 203, at 2-24.

The year 2004 ushered in Bolivia's best economic performance in five years with a 3.5 percent increase in their gross domestic product ("GDP").²²³ The growth was attributed primarily to an export boom, which also occurred in each of the ATPA countries.²²⁴ It is believed that the total value of export goods from Bolivia increased 24 percent.²²⁵ Bolivia's prime export under the ATPA is gold jewelry.²²⁶ In 2005, Bolivia provided 39 percent of the total jewelry imported under the ATPA, second only to Peru.²²⁷

The U.S. Embassy in Bolivia believes the ATPA is an important incentive to create jobs and increase exports.²²⁸ Several large companies have taken full advantage of the ATPA in the areas of textile, wood, leather, and gold manufacturing.²²⁹ The Embassy reports that exports in these areas alone increased 15.6 percent in 2004.²³⁰ Although Brazil receives the majority of Bolivia's total export revenue, the United States is the largest non-gas market.²³¹ The Embassy also states that the ATPA is of particular importance because of its impact on job creation.²³² An increase of job creation is of specific importance considering Bolivia's 12 percent unemployment rate.²³³

A significant number of jobs have been created because of the ATPA. From 2000-2003, 38 new exporting companies were created—each exporting under the ATPA.²³⁴ In 2004 alone, 39 companies were created.²³⁵ One gold

223. ELEVENTH IMPACT REPORT, *supra* note 183, at 2-39.

224. *Id.* at 2-39.

225. Jose Miguel Insulza, Sec'y Gen. of the Org. of Am. States (OAS), Remarks at the Conference of the Andean Dev. Corp., the Inter-Am. Dialogue and the OAS: Trade Investment in the Americas (Sept. 7, 2006), *available at* <http://www.oas.org/speeches/speech.asp?sCodigo=06-0161> ("Trade Figures are also promising. In 2005, the value of exports of goods from Latin America grew by 20.3 percent. In the case of Bolivia, the increase was 24 percent; for Columbia 26 percent; Ecuador 25 percent; Peru 37 percent; and in the case of Venezuela: 43 percent.").

226. TWELFTH IMPACT REPORT, *supra* note 203, at 2-18.

227. *Id.*

228. ELEVENTH IMPACT REPORT, *supra* note 183, at 3-20.

229. *Id.*

230. *Id.*

231. *Id.*

232. *Id.*

233. *Id.*

234. ELEVENTH IMPACT REPORT, *supra* note 183, at 3-20.

235. *Id.* ("The number of companies exporting in the textile and apparel sector increased from 26 companies in 2003 to 36 in 2004, in wooden doors and window, from 21 to 31; in furniture and other wood products, from 28 to 29; and in leather manufacturing, from 27 to 31.") (footnote omitted).

jewelry company in particular employs 750 workers and farms out 2,000 more jobs to residents of El Alto, an impoverished city on the outskirts of La Paz.²³⁶ For El Alto, a populous slum city,²³⁷ the fact that the job pays more than three times the minimum wage of Bolivia²³⁸ is a rare find. This particular company experienced a growth of nearly 50 percent in exports from 2004 to 2005.²³⁹ In addition to this company, El Alto is home to over 5,000 companies that benefit from the ATPA,²⁴⁰ housing an estimated 80,000 jobs.²⁴¹

Another example is the palm heart industry in the Chapare region, where exports to the United States are expected to triple in 2006.²⁴² The fact that the palm heart is an alternative crop to growing coca makes this an even more significant market.²⁴³ The palm heart industry employs some 3,000 families.²⁴⁴ In addition to those families, workers at processing plants can also attribute the creation of their jobs to the passage of the ATPA.²⁴⁵ But beyond job creation, this growth has allowed for improvement in quality and packaging, resulting in higher economic returns and a diversification of the market for non-traditional countries.²⁴⁶

Despite Bolivia's limited availability in the textile and apparel sector,²⁴⁷ imports to the United States more than doubled during 2002-2004.²⁴⁸ Sadly, the

236. Insulza, *supra* note 225.

237. Hal Weitzman, *Held to Ransom in the Sporadic Siege of the Bolivian State*, FIN. TIMES, Sept. 12, 2006, available at <http://search.ft.com/ftArticle?queryText=FELIZ&id=060912000942> ("El Alto . . . is a grimy, bustling commercial district of pot-holed roads, belching minibuses, street vendors and packs of stray dogs. The air . . . smells of poverty: a mixture of unwashed clothes, rotting vegetables and urine.").

238. Insulza, *supra* note 225.

239. *Id.*

240. ELEVENTH IMPACT REPORT, *supra* note 183, at 3-21.

241. Sergio Munoz, *A good bargain in the Andes*, LOS ANGELES TIMES, Oct. 1, 2006, 2, available at <http://www.latimes.com/news/opinion/sunday/commentary/la-op-munoz1oct01,0,15387.story?coll=la-sunday-commentary>.

242. Insulza, *supra* note 225.

243. *Id.*

244. *Id.*

245. *Id.*

246. *Id.* ("Improvements in quality and packaging have yielded higher prices and the diversification of markets to include not just traditional partners, such as Chile and Argentina, but also France, Spain, Uruguay, and Israel.").

247. ELEVENTH IMPACT REPORT, *supra* note 183, at 3-22 ("Bolivia's textile sector has access to indigenous supplies of llama and alpaca hair but limited supplies of cotton, wool, and raw materials needed to produce manmade fibers, thereby requiring Bolivia to import a substantial portion of its textile inputs.").

248. *Id.* at 2-22, 2-18 Table 2-8.

total of almost \$40 million still only measured to 2.8 percent of textile imports from ATPA countries for the United States.²⁴⁹ Nevertheless, during that time period, the textile industry was expected to create 40,000 jobs because of the benefits provided by the expanded ATPA.²⁵⁰ The ATPDEA has enticed investments in Bolivia's textile and apparel industry specifically to take full advantage of the ATPDEA benefits.²⁵¹ In 2005, Amatex, one of the largest textile manufacturers in Bolivia, increased its exports to Ralph Lauren and approved a new contract with Abercrombie and Fitch.²⁵² Yet Amatek still expresses concern about maintaining competitiveness if trade benefits under the ATPDEA do not continue.²⁵³

Understanding the position the ATPDEA plays in Bolivia's economy is only part of the equation. Despite the huge impact it has had on the economic development in Bolivia, the new president, Evo Morales, does not see the relationship with the United States as might be expected. The next section will examine Morales' history—shedding light on his perspective.

IV. EVO MORALES

A. From Peasant to President, the rise of Evo Morales

To understand why Bolivia might be opposed to a free trade agreement, it is proper to understand the history of its dynamic new leader. On December 18, 2005, Evo Morales made history in an impressive victory, becoming Bolivia's first indigenous president.²⁵⁴ After several years of political turmoil, the stage was set for Morales and the MAS party (*Movimiento al Socialismo*, or

U.S. textiles and apparel from ATPA countries, 2000-2004

Country	2000	2001	2002	2003	2004	Change,
						2003-2004
	-----1,000 dollars-----					Percent
Peru	405,650	383,783	395,314	516,134	691,554	34
Columbia	443,766	376,326	369,531	538,925	636,349	18
Bolivia	19,172	18,372	18,718	34,277	39,524	15
Ecuador	23,087	24,704	15,855	18,070	19,929	10
Total	891,675	803,185	799,418	1,107,406	1,387,356	25

249. *Id.* at 2-22.

250. Otto J. Reich, Assistant Sec'y of State, W. Hemisphere Affairs, Remarks to Fifth Annual Andean Dev. Conference: New Challenges and Opportunities in Latin America (Sept. 6, 2002), available at <http://www.state.gov/p/wha/rls/rm/13362.htm>.

251. TWELFTH IMPACT REPORT, *supra* note 203, at 3-21.

252. *Id.* at 3-22.

253. *Id.*

254. Brea, *supra* note 2.

Movement Toward Socialism) to take the polls by storm, winning the presidency with an impressive majority and strong voter turnout.²⁵⁵

In 1959, Juan Evo Morales Aima was born in a small adobe house with a straw roof, no more than three feet by four meters.²⁵⁶ A young Aymara Indian, he spent the days working the family farm.²⁵⁷ Early in his life he learned the importance of the coca leaf:

Every morning before going to work, my father did his adulation to the Pachamama, which is Mother Earth; my mother also offered to Mother Earth with alcohol and coca leaves so that things would go well for us all day. It was as if my parents were talking with the land, with nature.²⁵⁸

Of his seven siblings, only three survived the harsh environment of the small community, Orinoca.²⁵⁹ In addition to farm labor, Morales went to school and was active in athletics.²⁶⁰ In 1980, El Niño destroyed nearly 70 percent of the farm production along with more than 50 percent of the animals.²⁶¹ In the wake of the devastation, the Morales family moved to the area around Cochabamba.²⁶²

It was in that region where Morales witnessed the indignities thrust on the coca farmers.²⁶³ A particularly horrible event stood out in Morales' memory:

[A] coca farmer was savagely assassinated by the military of the Garcia Meza government when they were drunk and beating him savagely because he didn't want to declare himself guilty of drug trafficking; so, without a second thought, they doused his whole body with gasoline and, in front of several settlers, burned him alive.²⁶⁴

255. *Evo Morales Aima – Victory*, www.evomorales.net/paginasEng/perfil_Eng_poder.aspx (last visited Apr. 30, 2007) [hereinafter *Victory*].

256. *Childhood*, *supra* note 3.

257. *Id.*

258. *Id.*

259. *Id.*

260. *Evo Morales – Youth*, http://www.evomorales.net/paginasEng/perfil_Eng_juven.aspx (last visited Apr. 30, 2007) [hereinafter *Youth*].

261. *Id.*

262. *Id.*

263. *Evo Morales – Coca Farmer*, http://www.evomorales.net/paginasEng/perfil_Eng_cocal.aspx (last visited Apr. 30, 2007) [hereinafter *Coca Farmer*].

264. *Id.*

The trials suffered by the coca growers solidified in him the desire to “fight tirelessly for the respect of human rights, for peace, for peace on [their] land, [and] for the free cultivation of the coca leaf”²⁶⁵ It was also in Cochabamba where he first began his political career in the local coca growing union, San Francisco.²⁶⁶

From this position, Morales began his movement against the regulated coca eradication, organizing protests and marches on the capital.²⁶⁷ Consequently, he spent time in prison, suffered beatings and torture, and survived assassination attempts.²⁶⁸ His struggles served only to inspire him and his followers.²⁶⁹ Morales remembers, “On more than one occasion, especially when I was imprisoned, I heard through my means of communication a phrase that came from the heart of society: ‘In the Chapare, there are thousands of Evos.’”²⁷⁰ Morales not only gained the attention of his fellow union members, but also of other allies involved in a non-violent war on drugs.²⁷¹ For his efforts, Evo Morales was nominated by a coalition of politicians and academics for the Nobel Peace Prize in 1995 and 1996.²⁷²

In 2003, after violent outbursts in La Paz over proposed plans to export natural gas via pipeline, former President Sanchez de Lozada resigned, leaving the Presidency open for election.²⁷³ In December, Morales became the first Aymara president of Bolivia.²⁷⁴ Morales stormed into office supported mainly on the promises to regain control of the hydrocarbon industry and to end the eradication of the coca leaf.²⁷⁵ Five days into his presidency he cut his own salary by 57 percent, lowering it to \$1,875 a month. He then declared that no Cabinet member could collect a higher salary than his own. The salary cut occurred because of insufficient funding for the necessary number of public

265. *Id.*

266. *Evo Morales – Union Leader*, http://www.evomorales.net/paginasEng/perfil_Eng_sindi.aspx (last visited Apr. 30, 2007) [hereinafter *Union Leader*].

267. *Id.*

268. *Id.* (“In 1989, when Evo was paying homage to companions who had fallen in the defense of the coca leaf, UMOPAR forces beat him savagely and dumped him in the bushes, thinking he was dead.”).

269. *Id.*

270. *Id.*

271. *Id.*

272. *Union Leader*, *supra* note 266.

273. McCarthy, *supra* note 13 (“Troops using tear gas and bullets to break up the protest killed at least 50 people in what became known as the ‘war in defense of gas.’ Disgraced, Sanchez de Lozada resigned and fled to safety in the United States.”).

274. Pablo Bachelet, *Bolivia: Morales’ U.N. Address Gives His People a Voice*, MIAMI HERALD, Sept. 26, 2006, at A1, available at http://www.americas.org/item_29622.

275. *Victory*, *supra* note 255.

school teachers.²⁷⁶ Morales had the money from the reduced salaries channeled to fund the placement of the needed teachers.²⁷⁷

Despite an amicable start, Morales' relationship with the United States has been marred by various accusations against the U.S..²⁷⁸ Morales has denounced the idea of US-backed free trade and formed strong bonds with Cuba and Venezuela.²⁷⁹ Morales also announced the nationalization of Bolivia's natural gas and petroleum resources, claiming at his inaugural speech that he "would end centuries of 'foreign plunder' of Bolivia's mineral wealth."²⁸⁰ This was a fairly significant event considering Bolivia ranks second in natural gas reserves in South America.²⁸¹

Morales made his first appearance at the United Nations in September 2006.²⁸² During his address to the members, and while "raising his index finger as if to underscore a point, he said: 'I have arrived to repair the historic damage, the damage caused over 500 years.'"²⁸³ He then presented to the assembly, "as if it were a small trophy," a small coca leaf.²⁸⁴ After explaining what it was he then pointed out, "It is green. It is not white like cocaine."²⁸⁵

B. Controversy

1. Heated Rhetoric

Understanding Morales' road to the presidency, as well as his ties to the coca leaf may explain the harsh feelings he has towards the United States. Even from his days as a union leader in the Tropics of Cochabamba, Evo Morales has

276. Victor Caivano, *Bolivian President Slashes Salary for Public Schools*, USA TODAY, Jan. 28, 2006, available at http://www.usatoday.com/news/world/2006-01-28-morales-salary_x.htm.

277. *Id.* ("We need 6,000 new teachers and there is only money for 2,200.' . . . The yearly savings of more than \$31,340 on the president's income . . . is about enough in Bolivia to rent an upper-middle class apartment, buy one new Ford Focus or pay the annual salaries of 10 veteran teachers.").

278. Weitzman, *supra* note 11; Carlos Valdez, *Bolivia Leader Claims Assassination Attempt*, AP ONLINE, May 31, 2006, available at https://www.americas.org/item_27640 ("I've been informed recently how the U.S. had organized teams – groups to persecute Evo Morales, to kill Evo Morales. They haven't been able to and now we're organized, from unions to this political party and they can't stop us anymore," Morales said, without giving more details.").

279. See Frank Bajak & Fiona Smith, *Indian, Others Voice Doubts About Where Bolivia is Going/ As Morales Attempts to Remake His Nation, Chavez Casts Shadow*, HOUSTON CHRON., July 1, 2006, at A31; Snow, *supra* note 25.

280. McCarthy, *supra* note 13.

281. Profile, *supra* note 13.

282. Bachelet, *supra* note 274.

283. *Id.*

284. *Id.*

285. *Id.*

been fighting against the United States' drug policies²⁸⁶ and seems to thrive off contentious language aimed at the United States.²⁸⁷ While Bolivia was under pressure from the U.S. to eradicate the coca, Morales was firmly planted in its defense.²⁸⁸ Morales has said, "I believe that my only full time occupation, one hundred percent, my true passion . . . is, the defense of the coca leaf"²⁸⁹ Because of these stark differences in attitudes towards coca, Morales' passion put him at odds with the United States very early on, but made him a hero among the coca growing communities.²⁹⁰

Bolivians, disgruntled over U.S. drug policies, elected Morales to the presidency.²⁹¹ During his campaign, he relied heavily on anti-American rhetoric to win support, rejecting the neo-liberal policies of the former Bolivian presidents.²⁹² Showing his opposition to the American Imperialism, Morales promised to legalize coca cultivation throughout Bolivia.²⁹³ Since his entrance to the presidency, he has said that he will cease the acceptance of support for counter-narcotic activities that rely on U.S. funding.²⁹⁴

Morales has often criticized the United States, calling capitalism "the worst enemy of humanity."²⁹⁵ In reference to the Free Trade Area of the Americas, Morales believes it is "an agreement to legalize the colonialization of the Americas."²⁹⁶ Morales has even gone so far as to call George W. Bush a terrorist.²⁹⁷ In addition to the troubles Morales has with the United States, one reporter has noted that, "he seems to genuinely enjoy inciting conflict and ignoring international relations."²⁹⁸

The trouble began long before Morales was elected president, but it seemed that for a moment relations between the two countries might improve.²⁹⁹ That thought quickly disappeared when two of Morales' cabinet members were

286. *Union Leader*, *supra* note 266.

287. Weitzman, *supra* note 11.

288. *Id.*

289. *Union Leader*, *supra* note 266.

290. Brea, *supra* note 2.

291. Tierney, *supra* note 1.

292. *Id.*

293. Kurtz-Phelan, *supra* note 16, at 12.

294. *Id.* at 13.

295. Brea, *supra* note 2.

296. *Id.*

297. Guillermo I. Martinez, *Bridges Built and Burned*, S. FLA. SUN-SENTINEL, July 27, 2006, at 21A.

298. Armstrong Williams, *Bolivia*, N.Y. AMSTERDAM NEWS, May 11, 2006.

299. Weitzman, *supra* note 11.

denied U.S. visas.³⁰⁰ Morales claimed that the decision to reject the visas was an “open provocation.”³⁰¹ He furthered the criticism by saying that to obtain a U.S. visa “you have to be corrupt, a murderer,” in reference to former President Gonzalo Sanchez de Lozada who sought asylum in the United States after a violent uprising forced him to leave Bolivia in 2003.³⁰² Despite statements from the U.S. Embassy in La Paz that one visa was rejected because of a technical error, it opened the door for continued accusations from Morales.³⁰³

In May 2006, Morales claimed that the U.S. government was organizing groups to kill him.³⁰⁴ The U.S. Embassy responded by saying the charges were “baseless.”³⁰⁵ Morales also claimed that certain foreign energy companies were plotting against him, and that the U.S. was trying to overthrow him.³⁰⁶ These claims were also unsupported by any proof.³⁰⁷ In June 2006, he claimed that the United States was sending soldiers in to Bolivia disguised as students and tourists³⁰⁸ and accused the CIA of secretly training agents in Santa Cruz.³⁰⁹ The unfounded accusations were sharply denied by the U.S. Embassy.³¹⁰

In September 2006, Morales made his first presidential visit to the United States, although he did not spend any time Washington.³¹¹ The highlight of his trip was a speech at the United Nations where he continued his criticism of U.S. policies, saying that neoliberalism “continued to ‘pillage natural resources.’”³¹² Confronted with the idea that the ATPA and other U.S. aid might be suspended because of Bolivia’s lackluster effort in eradicating coca cultivation, Morales referred to the policies as “blackmail” and an attempt at “re-colonization.”³¹³

300. Pablo Bachelet, *Bolivia: Visa, Drug Disputes Could Undo U.S. Diplomacy*, MIAMI HERALD, Apr. 28, 2006, at 10A.

301. *Id.*

302. *Id.*

303. *Id.*

304. Valdez, *supra* note 278.

305. *Id.*

306. *Id.*

307. *Id.*

308. *Bolivia: U.S. Denies Sending Soldiers to Bolivia*, MIAMI HERALD, June 23, 2006, at A13 [hereinafter *U.S. denies*].

309. Weitzman, *supra* note 11.

310. *U.S. denies*, *supra* note 308.

311. *See* Bachelet, *supra* note 274 (“Morales’ first stop was Atlanta, where he chatted with former Pres. Jimmy Carter and harvested peanuts at his farm. His first event in New York on Tuesday was a meeting with five Native American nations and one from the Phillipines He discussed trade and development matters with former Pres. Bill Clinton and invited him to visit Bolivia.”).

312. *Id.*

313. *Id.*

When asked about a possible meeting with President Bush, Morales responded by saying "Though I have not requested a meeting (with Bush), I would do so with pleasure I would like to tell him some truths about human rights, about social problems, about economic problems, to tell him that sometimes aggression only creates rebellion."³¹⁴

Although Morales understands the United States' desire to reduce cocaine, he has made it a point to distinguish coca from the equation.³¹⁵ From his own personal experience he understands that the coca leaf is deeply rooted in the social fabric of his people.³¹⁶ Hoping to clarify the distinction, he has begun calling this new approach, "zero cocaine, but not zero coca."³¹⁷ Morales insists that "Coca is not cocaine The producer of coca leaf is not a drug trafficker and the consumer is not an addict, this must be clear."³¹⁸ Despite his efforts, the United States Congress is unlikely to support any serious drug plan if it does not contain some sort of coca eradication plan.³¹⁹ Morales' devotion to the coca leaf is fundamental to his presidency.³²⁰ Understanding his ties to coca and his contempt for the United States makes it difficult to reconcile his any efforts he made and is making to form any sort of trade agreement.³²¹

2. Attempts to Secure an Extension

Despite his adamant denunciation of the United States and all its evils, Morales made a very concerted effort to acquire an extension to the ATPDEA. In a letter sent to President George W. Bush, in conjunction with the other presidents of ATPDEA countries, Morales requested an extension of the Act.³²² The letter explained that the proposed extension would allow the countries to continue to advance national development and preserve the well being of workers and businesses that depend on the duty free exports.³²³ The letter reasoned that the extension of preferences would be necessary while other trade agreements to which Bolivia and others aspire are worked out.³²⁴ The countries

314. *Around the World*, HOUSTON CHRON., Sept. 12, 2006, at A9.

315. Kurtz-Phelan, *supra* note 16, at 13.

316. *See id.*

317. *Id.*

318. Ballvé, *supra* note 56.

319. Bachelet, *supra* note 300.

320. Logan, *supra* note 8.

321. *See* Martinez, *supra* note 297.

322. Letter from the Andean Community Presidents to the President of the United States, George Bush, regarding the ATPDEA tariff preferences (June 13, 2006), *available at* <http://www.comunidadandina.org/ingles/documentos/documents/cartabush2006.htm> (last visited May 1, 2007).

323. *Id.*

324. *Id.*

also reinforced their commitment to the fight against drug trafficking, recognizing that this was the initial reason for the trade agreement in the first place.³²⁵ Ultimately, the goal of the letter was a plea to not disrupt trade with the United States.³²⁶

On a recent visit to the United States, Morales' Vice President, Alvaro Garcia Lineras, was given a specific mission: downplay Morales' recent decriminalization of the cultivation of coca and the slew of negative comments made in regard to free trade agreements.³²⁷ More specifically, his task was to convince the United States to extend the ATPDEA.³²⁸ Garcia Lineras, although an intellectual product of Bolivia's elite, is nevertheless sympathetic to the indigenous struggle.³²⁹ In 1992, he aligned himself with mining and indigenous movements, eventually organizing a peasant revolt. For his efforts, Garcia Lineras was tortured and imprisoned, yet he managed to read 700 books during his five years in captivity.³³⁰ Garcia Lineras presents an interesting foil to Morales and was hoped to be the ideal candidate to bring the message of peace to the United States.³³¹ With his delegation to the United States, Garcia Lineras was to lobby Congress to renew the trade agreement with the message that the Bolivian government was fully committed to democracy and to the fight against drug trafficking, and that foreign investors should not fear, despite the recent nationalization of the country's oil and gas industry's.³³²

United States' officials complained that Bolivia was failing to comply with specific requirements under the ATPDEA,³³³ declaring that disturbing trends are apparent in the country's dealings with efforts to combat illegal drugs.³³⁴ White House press secretary Tony Snow explained that Bolivia has initiated policies that allowed coca cultivation to expand and have decreased eradication efforts.³³⁵

Garcia Lineras countered the accusations by stating that Bolivia is implementing measures to ensure continued eradication.³³⁶ In an effort to show

325. *Id.*

326. *See id.* This comment posits that it is difficult to reconcile Morales' overt disdain for the United States while he continues to request support.

327. Martinez, *supra* note 297.

328. *Id.*

329. Pablo Bachelet, *Bolivian VP visits U.S. in search of renewed ties*, MIAMI HERALD, July 24, 2006, at A10.

330. *Id.*

331. *Id.*

332. *Id.*

333. *Id.*

334. Jennifer Loven, *U.S. faults Bolivia Anti-Drug Efforts*, WASH. POST, Sept. 18, 2006.

335. *Id.*

336. Bachelet, *supra* note 329.

the United States that Bolivia is willing to comply with the set requirements of narcotics control, Garcia Lineras claimed that the government is boosting anti-drug efforts.³³⁷ The Vice President explained that the new strategy intensifies efforts regarding prohibition and increases measures to prevent acids and components used in the preparation of cocaine from entering at the border, while also increasing police raids.³³⁸ Garcia Lineras reminded the United States that Bolivia eradicates 25 to 27 hectares a day, an increase from 5 hectares a day in early 2006.³³⁹ He believes that Bolivia will eradicate 5,200 hectares by the end of the year,³⁴⁰ accomplishing the commitment to the United States of 5,000 hectares.³⁴¹ Although the number may seem small, the elimination is done by individual coca farmers.³⁴² "This represents a method of sustainable self-eradication that other countries in the Andean region have not achieved."³⁴³

In addition to eradication, 2,000 cocaine processing labs were uncovered in the first six months of 2006.³⁴⁴ Comparing this to the 2,575 uncovered in the entire year of 2005 might cause one to believe that there are more cocaine labs and that cocaine production is on the rise, but the understanding that interdiction efforts have increased because of the return of a stable Bolivian presidency.³⁴⁵ Assuming that the majority of the labs were in place before Morales' took office, the high numbers show a significant increase in the uncovering of cocaine labs as opposed to previous years.³⁴⁶ It should also be noted that Morales' administration has had relatively little time in proving the value of its eradication efforts compared to the previous years of failed policies of forced eradication by former presidents.³⁴⁷ Despite what the United States asserts, Garcia Lineras believes the statistics show that Bolivia is waging an effective battle in the war on cocaine.³⁴⁸

Vice President Garcia Lineras believed that Washington should at least extend the ATPDEA for one more year.³⁴⁹ Bolivia convened an assembly to rewrite its constitution in August 2006, with the intent to "refound" the nation on

337. Adrian Garcia, *Bolivia 'boosting' anti-drug efforts*, AUSTRALIAN, Sept. 13, 2006.

338. *Id.*

339. *Id.*

340. *Id.*

341. Logan, *supra* note 8.

342. *Id.*

343. *Id.*; *see also* Bachelet, *supra* note 300.

344. Logan, *supra* note 8.

345. *Id.*

346. *Id.*

347. *Id.*

348. Garcia, *supra* note 337.

349. Bachelet, *supra* note 329.

pro-indigenous terms.³⁵⁰ Garcia Lineras believes that a bridge of one or two years is necessary before negotiating a new trade agreement because the Constituent assembly may change the method regarding the negotiation and implementation of trade agreements.³⁵¹ After the assembly has finished its revision of the constitution, both countries could begin discussing long-term trade agreements.³⁵²

In addition to the rigorous campaign by his Vice President, Morales named Gustavo Guzman as the new Bolivian Ambassador to the United States.³⁵³ Bearing a strategy to form a historic relationship, the ambassador has a three-point mission: 1) renewal of the ATPDEA, 2) extradition of former president Gonzalo Sanchez de Lozada, and 3) eradication of the coca leaf.³⁵⁴ Guzman believes the United States has finally understood that President Morales is the only one capable of resolving the coca and narco-trafficking problem.³⁵⁵ Relying on Vice President Garcia Lineras' trip to the United States, Guzman believes the door has been opened to establishing a long term trade agreement.³⁵⁶

3. Burning Bridges?

The outward manifestations of the Bolivian administration may not be enough to acquire an extension of the ATPDEA when faced with the opposition of Evo Morales' inflammatory rhetoric.³⁵⁷ His barrage of ill-will may be the last straw.³⁵⁸ Regarding the U.S. policy of drug certification requirements, Morales tagged it as blackmail.³⁵⁹ He has maintained the stream of negative comments toward the United States³⁶⁰ and holds President Bush out as a terrorist.³⁶¹

350. See *Bolivia: President Evo Morales Wins Majority For Constitution Assembly, But Misses Two - Thirds Mark*, NORTISUR – S. AM. POL. & ECON. AFFAIRS, Aug. 4, 2006, available at http://www.accessmylibrary.com/coms2/summary_0286-17418217_ITM.

351. Juan Antonio Montecino, *Talk at the Center for Strategic and International Studies*, July 21, 2006, available at http://www.seen.org/PDFs/Garcia_Linares_CSIS.pdf.

352. Bachelet, *supra* note 329.

353. *Bolivia Appoints a new Ambassador to the United States, Quest for Peace*, <http://quest.quixote.org/node/366> (last visited Apr. 30, 2006).

354. *Id.*

355. *Id.*

356. *Id.* The author of this comment argues that the diplomatic efforts of the Bolivian leadership are evidence that Bolivia recognizes the need for the ATPDEA. The official letter requesting an extension, the special envoy of the Vice President, and the main goals of the Ambassador all suggest that Bolivia believes the ATPDEA to be a necessary element of the economy.

357. Martinez, *supra* note 297.

358. *Id.*

359. *Id.*

360. See, e.g., Bachelet, *supra* note 274.

361. Martinez, *supra* note 297.

One journalist believes that the efforts of Vice President Garcia Lineras in achieving an extension of the ATPDEA have been undermined by the actions and comments of President Evo Morales.³⁶² Whatever relationships that were established by the Vice President were quickly undone by Morales, leaving a poor impression on Washington officials.³⁶³ Garcia Lineras' trip may have been for not because "[i]t is difficult to improve relations with a government that sends an envoy to build bridges and then have them blown up by his president."³⁶⁴

B. Bolivia, Venezuela, and Cuba

1. Intertwining

In addition to his critical rhetoric regarding the U.S., Morales has forged strong alliances with two of the most prominent antagonists of the United States—Venezuela and Cuba.³⁶⁵ By maintaining relations with these countries, Morales distances himself from the United States.³⁶⁶ It may be possible that Morales is merely searching out alternative markets in case the ATPDEA is not extended,³⁶⁷ but since the alliances have been made, the U.S. presence in Bolivia has begun to shrink.³⁶⁸ Evidence of the deepening partnership can be seen in the various agreements signed between the countries³⁶⁹ and the continuing flow of aid directed toward Bolivia.³⁷⁰

The signing of the Tratado de Comercio de los Pueblos ("TCP") (People's Trade Treaty) reinforced the ties formed between Bolivia, Cuba, and Venezuela.³⁷¹ Signed in Havana on April 29, 2006, the treaty is a free trade agreement between the three countries allowing for Bolivian products to be sold

362. *Id.*

363. *Id.*

364. *Id.*

365. Juan Forrero, *U.S. Aid Can't Win Bolivia's Love as New Suitors Emerge*, N.Y. TIMES, May 14, 2006, at 14, available at <http://www.nytimes.com/2006/05/14/world/americas/14bolivia.html?ex=1305259200&en=e2fc1d7a22df532f&ei=5088&partner=rssnyt&emc=rss>.

366. *See id.*

367. Carlos Malamud, *Venezuela's Withdrawal from the CAN (Andean Community of Nations) and the Consequences for Regional Integration (Part III): The Nationalisation of Bolivian Hydrocarbons*, REAL INSTITUTO ELCANO, Aug. 29, 2006, at 2, available at http://www.realinstitutoelcano.org/analisis/1029/1029_Malamud_Venezuela_CAN.pdf.

368. *Bolivian Opposition Raises doubts over military accord with Venezuela*, INT'L HERALD TRIBUNE, Sept. 28, 2006 [hereinafter *Bolivian Opposition*].

369. Malamud, *supra* note 367, at 2.

370. Forrero, *supra* note 365.

371. Malamud, *supra* note 367, at 2.

with zero tariffs to the other two countries.³⁷² Additionally, cooperation clauses call for Venezuelan fuel to be sold at subsidized prices and for Cuban doctors and teachers to be sent to Bolivia.³⁷³

Bolivia also signed onto the Bolivarian Alternative for the Americas (“ALBA”) with Cuba and Venezuela.³⁷⁴ The ALBA pact promises a socialist version of commerce cooperation in the region while rejecting American-backed free trade, and criticizes the United States’ efforts to expand free trade in Latin America.³⁷⁵ The three presidents called the stalled Free Trade Area of the Americas (“FTAA”)³⁷⁶ an attempt to annex the rest of Latin America.³⁷⁷

In addition to the official trade agreements, Venezuela and Cuba have made their presence known in other ways. On a recent trip to Bolivia, Venezuelan president Hugo Chavez was met with a hero’s welcome after pledging \$1.5 billion in energy investments in Bolivia.³⁷⁸ The crowd shouted “Viva Venezuela!” as Chavez addressed them with an anti-U.S. message.³⁷⁹ Venezuela has promised to aid Bolivia in the nationalization of its energy industry; other countries have also provided aid, including Cuba which has provided funds for rural clinics and literacy classes.³⁸⁰ Venezuela also provides additional aid which funds for scholarships to train health workers, programs by which thousands of Bolivians obtain identification papers, and for the building of 109 rural radio stations.³⁸¹ More than 1,000 Cuban doctors have made their way to Bolivia to aid the rural population.³⁸² Chavez has also announced an investment of \$500,000 to finance a new coca leaf industrialization plant in Bolivia.³⁸³

372. *Id.*

373. *Id.*

374. Snow, *supra* note 25.

375. *Id.*

376. *Id.* (“The U.S.–backed Free Trade Area of the Americas hemispheric trade pact stalled last year, but Washington since has signed nine free trade agreements with Latin American countries.”).

377. *Id.*

378. *Chavez pledges \$1.5 billion to Bolivia*, HOUSTON CHRON., May 27, 2006, at A34 [hereinafter *Chavez Pledges*].

379. *Id.*

380. Forrero, *supra* note 365.

381. *Id.*

382. Bajak, *supra* note 279.

383. *Bolivia: Chavez finances coca leaves industrialization plant in Cochabamba*, EL CRONISTA, Oct. 9, 2006 [hereinafter *Chavez Finances*].

Venezuela's influence is also physically manifest in the presence of military and petroleum workers.³⁸⁴ The conspicuous technicians from Petroleos de Venezuela oil company ("PDVSA") move about openly in their red uniforms,³⁸⁵ and a significant—but unknown—number of Venezuelan military are already serving in Bolivia.³⁸⁶ The military alliance has also planned to set up 20 new military bases along the borders of Bolivia, raising concerns with Bolivia's neighbors.³⁸⁷

Despite receiving significant aid from the United States, the presence of Venezuela and Cuba is often more apparent and welcomed.³⁸⁸ The United States pours over \$100 million into Bolivia each year, building roads, clinics, and helping small businesses. Yet, despite their efforts, the people recognize the efforts of Venezuela and Cuba while rejecting that of the United States.³⁸⁹ The problem for the United States may be that many Bolivians associate aid from the U.S. almost exclusively with the coca eradication and anti-drug policies that have been the root of so many problems over the years.³⁹⁰ For all of the good that the United States does to develop infrastructure and encouraging international lenders to forgive Bolivian debt, many Bolivians are ignorant to the fact the aid comes from the United States.³⁹¹ Since 1985, the United States has provided nearly \$1 billion in aid to Bolivia, yet \$100 million of U.S. aid annually is unknown to the people or seen only as self-serving.³⁹² Whereas aid from Venezuela and Cuba is openly promoted as such and the public knows its origin.³⁹³ Cuban and Venezuelan aid is lauded while United States' aid is taken for granted.³⁹⁴

384. Malamud, *supra* note 367; *See* Bajak, *supra* note 279 ("Venezuelan Air Force helicopters ferry Morales around, and Venezuelan military planes have flown in a dozen times.").

385. Malamud, *supra* note 367, at 2.

386. *Bolivian opposition*, *supra* note 368.

387. *Chavez Finances*, *supra* note 383 ("Chilean politicians are concerned with the announced alliance of Venezuela and Bolivia to set up 20 military bases alongside the borders of Bolivia, a move considered the first step towards spreading the Bolivarian revolution in South America. Chileans believe President Chavez initiative is near interventionist and contrary to the friendly relationships cultivated by the countries around Bolivia.").

388. Forrero, *supra* note 365.

389. *Id.*

390. *Id.*

391. *Id.*

392. *Responding to Bolivian Democracy*, *supra* note 4, at 31.

393. *Id.*

394. Forrero, *supra* note 365 ("The Cubans and Venezuelans are putting a human face on what they're doing, so they can get a hell of a lot of mileage," said Myles Frechette, a former United States diplomat in Latin America. "We have been the donor of choice for a very, very long time, and the kind of things that we help with pay off in the long run. So they tend to be undramatic and people don't notice and seem to take them for granted.").

In the eyes of Morales, to change Bolivia a partnership with Cuba and Venezuela is essential.³⁹⁵ As opposed to the “socialist axis,”³⁹⁶ which it has been labeled, Morales believes the three countries form an “axis of good.”³⁹⁷ With Venezuela and Cuba, Morales believes Bolivia can find solidarity.³⁹⁸

Morales’ actions, which have brought him closer to Chavez and Castro, distance him diplomatically from the United States.³⁹⁹ Relations between Bolivia and the U.S. have been mired in suspicion and cooperation is diminishing.⁴⁰⁰ Instead of taking steps to create a productive relationship with the United States, Morales has embraced the anti-American attitude of Castro and Chavez.⁴⁰¹ Because Morales has aligned himself with the anti-American proponents and has openly criticized the United States, the United States may have little reason to extend trade benefits in his favor.

2. Bolivia is Cuba

Even though Morales has made many political moves contrary to the United States, it would be premature to label him as a threat, and doing so might undermine long-term democratic values that the United States desires to retain.⁴⁰² The present situation in Bolivia can be compared with a similar situation between the United States and Cuba in 1959.⁴⁰³ When dealing with Castro, the United States’ failure to react properly resulted in years of confrontation and a near nuclear catastrophe.⁴⁰⁴ Using a more pragmatic approach with Bolivia, the United States may avoid similar consequences.⁴⁰⁵

After the 1959 revolution in Cuba, the United States recognized Castro as a charismatic, influential leader and quickly responded to the new government.⁴⁰⁶ Tension arose when Castro tried to consolidate power for himself and began to

395. *Bolivia Strengthens ties to Cuba and Venezuela with trade deal*, INT’L HERALD TRIBUNE, Apr. 30, 2006 [hereinafter *Bolivia Strengthens*].

396. *US Congressman warns about “socialist axis” composed of Cuba-Venezuela-Bolivia*, LANS (Latin America), May 8, 2006.

397. Forrero, *supra* note 365.

398. *See Bolivia Strengthens*, *supra* note 395.

399. *See Bolivian Opposition*, *supra* note 368.

400. *Id.* (“Meanwhile, cooperation between Bolivia and the U.S. military has all but disappeared since Morales’ election. Previously, U.S. troops held joint exercise with Bolivian soldiers and once created, trained and equipped an elite Bolivian anti-terrorism unit.”).

401. Williams, *supra* note 298.

402. *Responding to Bolivian Democracy*, *supra* note 4, at 27.

403. *See id.*

404. *Id.* at 28.

405. *Id.* at 30.

406. *Id.* at 28.

defy the United States.⁴⁰⁷ The economic sanctions that followed only made Castro more obstinate toward the United States, leaving him susceptible to the Soviet Union's influence.⁴⁰⁸

United States policy makers failed to recognize Castro's actions targeted legitimate concerns regarding Cuba's economic and political sovereignty.⁴⁰⁹ Another important aspect overlooked was Cuba's complete dependency on aid from a third party sponsor to maintain stability and survival.⁴¹⁰ When the United States cut its sugar quota, a vital aspect of Cuban economy was lost—giving Castro a reason to break with the United States.⁴¹¹ Short-sighted and severe policies toward Cuba pushed Castro into the waiting arms of the Soviet Union as a means of mere survival.⁴¹² The United States failed to value Castro's nationalist and humanist goals, and instead implemented policies of isolation.⁴¹³ As a result, Castro's agenda hampered the growth of Cuban economy and democracy, and stalled American-Cuban relations.⁴¹⁴

The United States should consider the consequences of early Cuban relations while approaching the present situation in Bolivia.⁴¹⁵ "Bolivia is for Venezuela what Cuba was for the Soviet Union—a strategic place to showcase its influence and counter U.S. goals."⁴¹⁶ The lessons learned from Castro's Cuba are applicable to Morales' Bolivia.⁴¹⁷ First, Morales is at a time where influence is critical⁴¹⁸ because he is still defining his idealistic policies, just as Castro was in 1959. Second, Morales' position against the United States is unsustainable without third party assistance, as was Cuba without the Soviet Union.⁴¹⁹ This is why the relationship with Venezuela and Cuba is deserving of such attention.⁴²⁰ The Bolivian citizens living in abject poverty welcome the presence of Venezuelan and Cuban economic aid.⁴²¹

407. *Id.* at 29.

408. *Responding to Bolivian Democracy*, *supra* note 4, at 29.

409. *Id.* at 29.

410. *Id.* at 29.

411. *Id.*

412. *Id.* at 28.

413. *Id.* at 30.

414. *Responding to Bolivian Democracy*, *supra* note 4, at 30.

415. *Id.*

416. *Id.*

417. *Id.*

418. *Id.*

419. *Id.*

420. *Id.*

421. *Responding to Bolivian Democracy*, *supra* note 4, at 30.

3. Lessons Learned

Instead of pulling away and adopting inflexible economic policies against Bolivia—as was done with Cuba—the United States should not overreact to Morales' anti-American rhetoric and approach the situation with a measured and constructive response.⁴²² A pragmatic approach would be to increase economic assistance—as opposed to decreasing it—displacing Venezuela and assume the role of Bolivia's third party sponsor.⁴²³ For this to be effective, the aid must be severed from the strong conditionality of coca leaf eradication or other stipulations.⁴²⁴

Bolivia's battle for economic development can be hindered or helped by the United States' support, but various forms of aid and trade agreements cannot be contingent on strict U.S. policies.⁴²⁵ Certain aspects of Morales' socialistic approach must be appreciated.⁴²⁶ Many Bolivians opposed the neoliberal policies of the former Bolivian presidents who were aligned with the United States, fueling popular rebellion against these the governments of these former leaders.⁴²⁷ Morales was elected in what may have been the country's fairest elections because of his promise to steer the country away from neoliberalism.⁴²⁸ If Morales were to succumb to the strict policies of the United States it might hinder the democratic development and stability of the new government.⁴²⁹ The United States needs to remain flexible in its granting of aid instead of taking it away.⁴³⁰

The United States' emphasis on the eradication of the coca leaf has been extremely strict.⁴³¹ A continued obsession with the coca leaf may only increase the gap between Bolivia and the United States.⁴³² As was the case with economic sanctions against Cuba, drug policy in Bolivia is inflexible and has been the source of much social conflict.⁴³³ Instead of urging eradication, the United States should consider alternative uses of the coca leaf.⁴³⁴

At his visit to the United Nations, Evo Morales pleaded with the General assembly to see coca's future as the ingredient for a lucrative consumer-goods

422. *Id.*

423. *Id.*

424. *Id.*

425. *Id.*

426. *Id.*

427. *Responding to Bolivian Democracy*, *supra* note 4, at 31.

428. *Id.*

429. *Id.*

430. *See id.* at 31.

431. *Id.*

432. *Id.*

433. *See Ledebur*, *supra* note 14; *See Santos*, *supra* note 7.

434. *Responding to Bolivian Democracy*, *supra* note 3, at 31.

industry.⁴³⁵ Many products made from coca could perform well on the international market if given clearance to export.⁴³⁶ Companies are developing a range of products—from toothpaste to wine to bread and pastas—to introduce to the market.⁴³⁷ Morales has set aside \$1 million to further develop products for this purpose.⁴³⁸ The economics of a legal coca market are now sensible.⁴³⁹ The general manager of one of Bolivia's largest companies, who purchases 13 metric tons of coca annually, reports paying \$6 a kilo to coca growers, where as cocaine traffickers usually only pay \$5.⁴⁴⁰ This company produces coca tea, a product that stands to do considerably well on the world market.⁴⁴¹ Most importantly, bringing coca into the legal market would cause the price of licit Bolivian coca to increase, forcing drug traffickers elsewhere.⁴⁴²

The key is to constructively engage and compromise with Morales if socioeconomic change is to be encouraged.⁴⁴³ The United States' primary concern with coca is its link to drug trafficking, while Bolivian coca growers only seek economic stability.⁴⁴⁴ Therefore, a legal export of coca on the world market would provide a viable livelihood for farmers and promote economic growth while still addressing the drug trafficking problem.⁴⁴⁵

V. THE SITUATION AT HAND

A. *Without the ATPDEA*

The expiration of the ATPDEA will affect Bolivia on two levels: 1) economically, and 2) with regard to coca production and drug trafficking. Economic repercussions from an expired ATPDEA can be seen by examining the eight months after the original ATPA expired. In 2002, United States imports from ATPA countries changed significantly during December 4, 2001 until August 6, 2002, when the benefits were renewed.⁴⁴⁶ In the preceding years of 2000 and 2001, U.S. imports from the benefiting countries entering under the

435. Jimmy Langman, *The Real Thing: Coca*, NEWSWEEK INT'L, Oct. 2, 2006, available at <http://www.msnbc.msn.com/id/14973490/site/newsweek>.

436. *Id.*

437. *Id.*

438. *Id.*

439. *Id.*

440. *Id.*

441. Langman, *supra* note 435.

442. Kurtz-Phelan, *supra* note 16, at 14.

443. *Responding to Bolivian Democracy*, *supra* note 4, at 30.

444. *Id.* at 31.

445. *Id.*

446. FIRST OPERATION REPORT, *supra* note 185, at 9.

ATPA were at nearly 18 percent.⁴⁴⁷ With the expiration of the ATPA however, imports entering under the ATPA were cut nearly in half—falling to 10.4 percent. From Bolivia specifically, U.S. imports entering under the ATPA fell 31 percent, from \$54 million in 2001 to \$37 million in 2002.⁴⁴⁸ The leading Bolivian ATPA export, jewelry and parts, decreased from \$40 million in 2001 to \$27 million in 2002, a decline of 33 percent.⁴⁴⁹ The decline of U.S. imports was directly caused by the ATPA's expiration.⁴⁵⁰ Similar results can be expected with the expiration of the ATPDEA.

Although economic growth is a concern of the ATPDEA, its role in controlling narco-trafficking is also vital.⁴⁵¹ Indeed, it has been referred to “as the ‘cornerstone’ of U.S. efforts to cease the production of illegal drugs . . . in the Andean region.”⁴⁵² In 2001, it was stated that “renewal of a robust ATPA is perhaps the most important contribution that [the United States] can make to economic growth and prosperity in the Andes” because of the economic alternatives to drug trafficking it provides.⁴⁵³ The same holds true today. The ATPDEA has helped encourage the diversification of exports and as such, has provided a viable economic alternative to drug production and trafficking.⁴⁵⁴ Interruption of the ATPDEA at this point would cause serious repercussions extending beyond the economic sphere.⁴⁵⁵ Unemployment has been known to provide available manpower for illegal drug trafficking.⁴⁵⁶ The loss of jobs from an expired ATPDEA would leave a large labor force susceptible to the temptation of the coca fields.⁴⁵⁷

If the ATPDEA is not renewed, the effect on Bolivia could be devastating.⁴⁵⁸ The ATPA means more than just jobs for Bolivia; it is a way to

447. *Id.*

448. *Id.* at 12.

449. *Id.*

450. *Id.* at 11.

451. SECOND REPORT, *supra* note 18, at 1.

452. Sheppard, *supra* note 175, at 748 (“In its report on the House Bill, the Ways and Means Committee, Subcommittee on Trade”) (quoting H.R. REP. NO. 107-290, at 9 (2001)).

453. Alan Larson, U.S. Under Secretary for Economic, Business and Agricultural Affairs, Renewal of the Andean Trade Preference Act, Address Before the U.S. Senate Finance Committee (Aug. 3, 2001), available at <http://www.state.gov/e/rls/rm/2001/4421.htm>.

454. Insulza, *supra* note 225.

455. *Id.*

456. Larson, *supra* note 453.

457. Eric Farnsworth, *Extending trade agreement for Andean nations, U.S.*, Chicago Sun-Times, Aug. 26, 2006, available at http://www.findarticles.com/p/articles/mi_qn4155/is_20060826/ai_n16698892.

458. See Insulza, *supra* note 225.

prosperity.⁴⁵⁹ The ATPA has had an “appreciable impact” on the Bolivian economy;⁴⁶⁰ an increase in the number of jobs and exports are a testament to this.⁴⁶¹ To maintain economic growth, Bolivia depends on benefits granted by the ATPDEA. The volume of jobs created by the presence of the ATPDEA is a testament to its crucial role in the economy. The fact that those jobs are in jeopardy because of its expiration manifest the very necessity of the act’s extension. Recognizing its need to secure a viable alternative market, Morales has made deals with both Cuba and Venezuela. Although the countries are more than willing to accommodate Morales, the substitute market will not be able to support the Bolivian economy as well as the United States.⁴⁶² As much as Morales desires to distance Bolivia from the United States, doing so might send his country deeper into poverty. For now, Bolivia should continue its efforts to secure an extension to the ATPDEA by forging a sufficient trade agreement.

B. Preventing the Erosion of Democracy

Although the ATPDEA has had little impact on the United States’ economy and the eradication of coca, the United States would be wise to extend the tariff benefits to Bolivia. Drawing upon lessons learned from early American-Cuban policy, an extension of the trade agreement would aid Bolivia in maintaining democracy and encouraging economic development—if done correctly.⁴⁶³ The United States needs to loosen its hold on the coca leaf, for economic and cultural reasons.⁴⁶⁴ Bolivia needs the chance to explore economic systems without excessive interference from the United States. The coca leaf plays such a significant role in Bolivian culture that laws demanding its destruction cause a rift between the people and the government.⁴⁶⁵ If given the opportunity, the coca leaf could prove to be a valuable asset on the world market.⁴⁶⁶

Coca cultivation finally began to decrease while the economy continued to grow. To maintain this trend it is imperative that the international community continue to assist Bolivia to continue achieving sustainable, legal livelihoods.⁴⁶⁷ The ATPDEA is a proven means of encouraging economic development. If the United States can reduce its emphasis on coca eradication and allow it a place in

459. Reich, *supra* note 250.

460. Andean Trade Program, *supra* note 20.

461. See ELEVENTH IMPACT REPORT, *supra* note 183.

462. Snow, *supra* note 25 (“Bolivia shipped just \$5,291 in goods to Cuba last year, making Cuba the 88th-largest Bolivian export market . . . Venezuela is Bolivia’s fifth-largest market, accounting for \$167 million of Bolivia’s \$2.7 billion in exports.”); see Malamud, *supra* note 367, at 2.

463. See *Responding to Bolivian Democracy*, *supra* note 3.

464. *Id.* at 31.

465. See Cook, *supra* note 30, at 60.

466. See Langman, *supra* note 435.

467. UNODC 2006, *supra* note 26, at 1.

the market then Bolivia will treat the drug problem at its source while maintaining healthy relations with the United States.⁴⁶⁸ After all, “the goal is to starve the traffickers, not the farmers.”⁴⁶⁹

VI. CONCLUSION

With the expiration of the ATPDEA, Bolivia stands to suffer a substantial blow to their economy, and also possibly to democracy. Without the benefits from the ATPDEA, many unemployed laborers may turn to the coca fields and illegal drug trade. Despite critical rhetoric from President Evo Morales and strong alliances with Venezuela and Cuba, the United States should forge a trade agreement extending the benefits of the ATPDEA, while reducing its emphasis on coca eradication. Doing so will continue economic development in Bolivia, aid in stabilizing democracy, and provide an alternative to entering the drug trade.

468. *Responding to Bolivian Democracy*, *supra* note 4, at 31.

469. UNODC 2006, *supra* note 26, at 1.

