

97. Indeed, the entire UHV has been photographed for mapping. A cadastre exists for all areas except the most dangerous regions where *Sendero Luminoso* has been present since 1985. The classification of soils and lands is well under way. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).

98. Ministerio de Agricultura, "Regularización de la tenencia de la tierra rústica en el ambito del alto Huallaga" (24 June 1991).

99. This was done pursuant to Ley 1220.

100. Texto Único Concordado de la Ley de Reforma Agraria, Decreto 17716, Decreto Supremo No. 265-70-AG, Arts. 1, 3(e).

101. Ibid., Art. 7(a).

102. Ibid., Art. 8.

103. Ibid.; Art. 1, Decreto Ley 18296.

104. Texto Único Concordado de la Ley de Reforma Agraria, Decreto 17716, Decreto Supremo No. 265-70-AG, Art. 8.

105. Ibid., Art. 15.

106. Comment by William Binns in a meeting with Albert Forsyth and Mariano Cornejo B. of the Instituto Libertad y Democracia, and William Binns, Special Projects Officer, Agency for International Development, Lima (27 June 1991).

107. Texto Único Concordado de la Ley de Reforma Agraria, Decreto 17716, Decreto Supremo No. 265-70-AG, Art. 86(a).

108. Ibid., Art. 86(b).

109. Ibid., Art. 86(c).

110. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991); sample document of title, Art. 6, found in Ministerio de Agricultura, "Regularización de la tenencia de la tierra rústica en el ambito del alto Huallaga" (24 June 1991).

111. Texto Único Concordado de la Ley de Reforma Agraria, Decreto 17716, Decreto Supremo No. 265-70-AG, Art. 127.

112. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).

113. Meeting with William A. Binns, Special Projects Officer, Agency for International Development, Lima (26 June 1991).

114. This falls under Art. 32 of Decreto Ley 22175 (in general terms) and Art. 53 of Decreto Supremo 003-79-AA (procedural law). Cited in Ministerio de Agricultura, "Regularización de la tenencia de la tierra rústica en el ambito del alto Huallaga" (24 June 1991) at 3.

115. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991), at which was discussed Ministerio de Agricultura, "Regularización de la tenencia de la tierra rústica en el ambito del alto Huallaga" (24 June 1991) at 3.

116. Ibid., at 4. Art. 32 of Decreto-Ley 22175; Art. 53 of Decreto Supremo 003-79-AA, as modified by Decreto-Supremo No. 004-83-AG.

117. Ibid. Art. 53 and Art. 54 of Decreto-Supremo 003-79-AA.

118. Ibid., at 5. Art. 59 of the Decreto-Ley 22175, modified by Art. 2 of Decreto-Ley No. 2 and Art. 112 of Decreto Supremo 147-81-DG, which in turn was modified by Decreto-Supremo No. 040-83 AG.

119. Ibid., at 6-7. Art. 45 of Decreto-Ley 22175 and Arts. 74 and 75 of Decreto-Supremo 003-79-AA establish the legal basis. Art. 73 of Decreto-Supremo 003-79-AA sets the procedure.

120. Ibid., at 7. The legal basis is found in Art. 43 of Decreto-Ley 22175, as modified by Art. 64 of Decreto-Ley No. 2 and Art. 2(2) of Decreto-Ley 22936.

121. Indeed, it will be unrepresentative to the extent that the Ministry of Agriculture paid all legal fees involved. *Campesinos* normally would have to pay their own bills and this might introduce additional delays.

122. Telefax dated 5 July 1991 from Esau Hidalgo, Special Projects Division of AID addressed to Steven E. Hendrix, Land Tenure Center.

123. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).

124. Ibid.

125. Ibid.

126. Interview with José Corbera, former director of the agrarian reform from 1978 to 1981 (26 June 1991).

127. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).

128. Ibid.
129. Interview with José Corbera, former director of the agrarian reform from 1978 to 1981 (26 June 1991).
130. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991). The process involves writing a *minuto* (minute) of the transaction with the public notary, creating a "public" document which evidences the change in ownership.
131. An exception to this is found where a landholder wishes to sell only a portion of his land. The notary will not approve the deal unless the resulting lots are each greater than 10 ha, the minimum legal requirement to prevent *minifundios*. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).
132. Meeting with Carlos E. Aramburú, Consejo Nacional de Población, Lima (27 June 1991).
133. Interview with José Corbera, former director of the agrarian reform from 1978 to 1981 (26 June 1991).
134. Ibid.
135. Arts. 5, 6, 7(a), 8, and 9 of Decreto Legislativo No. 653 (1 Aug. 1991).
136. Art. 16 of Decreto Legislativo No. 653.
137. Arts. 7, 12-15 of Decreto Legislativo No. 653.
138. José Manuel Mejía, "Propiedad de la tierra y ley agraria," presented at the seminar, "Legislación agraria y desarrollo económico" (20 June 1991, Lima, Peru) at 5.
139. Art. 10 of Decreto Supremo No. 011-91-AG.
140. Art. 23 of Decreto Legislativo No. 653.
141. Art. 9 of Decreto Legislativo No. 653.
142. Reglamento de la Ley de Promoción de las Inversiones en el Sector Agrario: Decreto Supremo 0048-91-AG/OGA-OAD.UT (11 Nov. 1991).
143. Candy Gourlay, "Development: 'Invisible Women' Bear Brunt of Poverty," *Inter-Press Service* (23 Nov. 1992).
144. Legislative Decree No. 613.
145. Second "Final Disposition" of Decreto Legislativo No. 653.

146. Meeting with Carlos E. Aramburú, "Consejo Nacional de Población," Lima, 27 June 1991.
147. The most notable is the magazine *The Economist*. Other proponents of legalization have included Milton Friedman and Mike Royko.
148. See The Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, Section 2005, 100 Stat. 3207, 61-63 (1986).
149. For an analogous situation, see "The Extraterritorial War on Cocaine: Perspectives from Bolivia and Colombia," 12 *Suffolk Transnat. L.J.* 39 (1988) at 54, where the author states that in Bolivia, traffickers knew US armed forces were entering the country and had time to remove all cocaine from the processing plants prior to the soldiers' arrival.
150. "US Narcotics Control Programs Overseas: An Assessment," Committee on Foreign Affairs, US House of Representatives, 99th Congress, 1st Session (22 Feb. 1985) at 14.
151. *Ibid.*, at 20.
152. *Ibid.*
153. José E. Gonzales Manrique, "Perú: Sendero Luminoso en el Valle de la Coca," in *Coca, Cocaína y Narcotráfico*, ed. Diego García-Sayán (1989) at 207, 210.
154. Eduardo Bedoya Garland, *Las Causas de la Deforestación en la Amazonía Peruana: Un Problema Estructural* (1991) at 112-13.
155. José E. Gonzales Manrique, "Perú: Sendero Luminoso en el Valle de la Coca," in *Coca, Cocaína y Narcotráfico*, ed. Diego García-Sayán (1989) at 210.
156. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).
157. I listened to such broadcasts while in Lima the week of 26 June 1991.
158. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).
159. *Ibid.*
160. 18 USC Section 1385 (1982). The law does not, however, completely forbid all military assistance to civilian law enforcement agencies. The Act gives Congress and the Constitution the power to willfully authorize the use of military for such purposes. Otherwise, a fine or imprisonment is imposed. Given the policies embodied in the law, one can understand the reluctance by the military to become involved.

161. Americas Watch, *Abdicating Democratic Authority: Human Rights in Peru* (New York: Oct. 1984), as cited in Angela Cornell and Kenneth Roberts, "Democracy, Counterinsurgency, and Human Rights: The Case of Peru," *12 Human Rights Q.* 529 (1990) at 530.

162. Diego García-Sayán, "Peru: estados de excepción y régimen jurídico," in *Estados de Emergencia en la Región Andina*, ed. Diego García-Sayán (Lima: Comisión Andina de Juristas, 1987), at 117, as cited in Angela Cornell and Kenneth Roberts, "Democracy, Counterinsurgency, and Human Rights: The Case of Peru," *12 Human Rights Q.* 529 (1990) at 530.

163. See, for example, Americas Watch, *Abdicating Democratic Authority: Human Rights in Peru* (New York: Oct. 1984), as sighted in Angela Cornell and Kenneth Roberts, "Democracy, Counterinsurgency, and Human Rights: The Case of Peru," *12 Human Rights Q.* 529 (1990) at 552; Gustavo Goritti, "Insurgencia y democracia," *Debate* 12, 59 (March-April 1990); Report of the Comisión Especial del Senado sobre las Causas de la Violencia y Alternativas de Pacificación en el Perú, *Violencia y Pacificación* (Lima: Desco and the Comisión de Juristas, 1989), at 309-12.

164. Comments by Marc Chernick of Columbia University in *The Battle For Colombia: A Report by Colombian Journalists* (New York University, Nov. 1989) at 28.

165. Meeting with Carlos E. Aramburú, Consejo Nacional de Población, Lima, 27 June 1991. See also Eduardo Bedoya Garland, *Las Causas de la Deforestación en la Amazonía Peruana: Un Problema Estructural* (1991) at 110.

166. This group is lead by Dr. Justo Silva, an UHV advisor to the ILD.

167. Meeting with William A. Binns, Special Projects Officer, Agency for International Development, Lima (26 June 1991).

168. "US Narcotics Control Programs Overseas: An Assessment," Committee on Foreign Affairs, US House of Representatives, 99th Congress, 1st Session (22 Feb. 1985) at 20.

169. Ley 22095. This was not always the case. Coca production of less than 2 ha was legal. See "US Narcotics Control Programs Overseas: An Assessment," Committee on Foreign Affairs, US House of Representatives, 99th Congress, 1st Session (22 Feb. 1985) at 20.

170. *Ibid.*, at 21.

171. José E. Gonzales Manrique, "Perú: Sendero Luminoso en el Valle de la Coca," in *Coca, Cocaína y Narcotráfico*, ed. Diego García-Sayán (1989) at 216.

172. *Ibid.*, at 211.

173. Eduardo Bedoya Garland, *Las Causas de la Deforestación en la Amazonía Peruana: Un Problema Estructural* (1991) at 111-12. New coca lands of the 1990s will be the Ríó Callarfa, the highlands part of the Ríó Ucayali, and the Ríó Pachitea.

174. Meeting with William A. Binns, Special Projects Officer, Agency for International Development, Lima (26 June 1991).

175. Meeting with Dennis del Castillo, Office of Economic Recovery, and Esau Hidalgo Murrieta, Special Projects Advisor, Agency for International Development, Lima (25 June 1991).
176. Instituto Libertad y Democracia, *Update* (April 1990) at 6.
177. *Ibid.*; see also *Update* (July 1990).
178. Comments by Hernando de Soto; in Instituto Libertad y Democracia, *Toward a Peaceful Revolution: Report on the First Annual Program Review Conference* (28 Jan. 1991) at 1.
179. See, for example, David Asman, "A Break in the Dark Clouds that Hover over Peru," *Wall St. J.* (15 Feb. 1991) at A13.
180. Hernando de Soto, "Peru's Ex-Czar on Cocaine: The Supply Side," *Wall Str. J.* (14 Feb. 1992) at A11 (editorial).
181. Comments by Hernando de Soto, in Instituto Libertad y Democracia, *Toward a Peaceful Revolution: Report on the First Annual Program Review Conference* (28 Jan. 1991). See also Roberto MacLean (Ambassador of Peru, Washington, DC), "Peru: A Better Future," *Newsweek* (2 March 1992), at 19 (editorial), for an affirmation of the distinction between growers and refiners of coca.
182. Comments by Hernando de Soto, in Instituto Libertad y Democracia, *Toward a Peaceful Revolution: Report on the First Annual Program Review Conference* (28 Jan. 1991) at 5.
183. *Ibid.*, at 5-6. Bernard Aronson, Assistant Secretary for Inter-American Affairs, US Department of State, commenting on the official State Department view of the ILD approach to counternarcotics, stated, "If you can make \$10,000 per hectare growing coca leaf in the Upper Huallaga Valley of Peru, you are not going to grow macadamia nuts or cut flowers. However, if you make it economic to go into an alternative crop, but bureaucratic obstacles prevent you from competing, it is a Pyrrhic victory. I think Mr. de Soto's approach is very positive. We're working very closely with him and with the Fujimori government. The kind of comprehensive approach he envisions is exactly what we believe in." *Ibid.*, at 8-9.
184. Instituto Libertad y Democracia, *ILD-IN Brief* (Nov. 1990) at 1. President Fujimori has adopted these ideas.
185. Comment by Mariano Cornejo in a meeting with Albert Forsyth and Mariano Cornejo B. of the Instituto Libertad y Democracia, and William Binns, Special Projects Officer, Agency for International Development, Lima (27 June 1991), Lima, Peru, referring to the ILD project in Huacán.
186. *Ibid.*
187. Meeting with William A. Binns, Special Projects Officer, Agency for International Development, Lima (26 June 1991).
188. Comment by Mariano Cornejo in a meeting with Albert Forsyth and Mariano Cornejo B. of the Instituto Libertad y Democracia, and William Binns, Special Projects Officer, Agency for International Development, Lima (27 June 1991).

189. Ibid.
190. Comment by Albert Forsyth in a meeting with Albert Forsyth and Mariano Cornejo B. of the Instituto Libertad y Democracia, and William Binns, Special Projects Officer, Agency for International Development, Lima (27 June 1991).
191. Comment by Mariano Cornejo in a meeting with Albert Forsyth and Mariano Cornejo B. of the Instituto Libertad y Democracia, and William Binns, Special Projects Officer, Agency for International Development, Lima (27 June 1991).
192. Ibid.
193. Ibid.
194. Eric B. Shearer, Susana Lastarria-Cornhiel, and Dina Mesbah, "The Reform of Rural Land Markets in Latin America and the Caribbean: Research, Theory, and Policy Implications" (1991) at vii.
195. Comment by Mariano Cornejo in a meeting with Albert Forsyth and Mariano Cornejo B. of the Instituto Libertad y Democracia, and William Binns, Special Projects Officer, Agency for International Development, Lima (27 June 1991).
196. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991).
197. This polemic was suggested during a meeting with William A. Binns, Special Projects Officer, Agency for International Development, Lima (26 June 1991).
198. Comments by Hernando de Soto, in *Toward a Peaceful Revolution: Report on the First Annual Program Review Conference*, comp. Instituto Libertad y Democracia (28 Jan. 1991) at 12.
199. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June 1991). The term *senderistas* refers to the followers of *Sendero Luminoso*.
200. Meeting with William A. Binns, Special Projects Officer, Agency for International Development, Lima (26 June 1991).
201. Comments by Hernando de Soto, *Toward a Peaceful Revolution: Report on the First Annual Program Review Conference*, comp. Instituto Libertad y Democracia (28 Jan. 1991) at 12.
202. Meeting with Ing. Manuel Cristobal Nuñez, Program Director for Cadastres and Titling, Department of Agriculture, Office of Titling, UHV, and Ing. Carlos Mendoza Mejía, also of the Peruvian Department of Agriculture, Office of Titling, UHV (28 June, 1991).
203. Ibid.

204. Juan Gómez Martínez, Mayor of Medellín, Colombia, states, "When a kilo of cocaine comes into the United States worth 12 million dollars, and is then distributed, it is sold for 200 million dollars. That is where the war must be waged. Not only in our country, where we receive military equipment and we're supposed to run after some of these gentlemen on the streets of Medellín and chase them with aircraft." See comments by Marc Chernick, of Columbia University, in *The Battle for Colombia: A Report by Colombian Journalists* (New York University, Nov. 1989) at 23. Nancy Reagan, appearing before the United Nations, declared that the coca cartel does not begin in Medellín. It begins in the streets of New York, Miami, Los Angeles and in each city of the US where crack is bought. See Diego García-Sayán, *Coca, Cocaina y Narcotráfico* (1989) at 18.

