



Conference report

National and international dimensions of criminal violence in Latin America

International seminar organized by the Norwegian Peacebuilding Centre (NOREF)
in collaboration with NorLARNet
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Executive summary

Criminal violence has taken on epidemic proportions in several Latin American countries. While the violence has complex causes and expressions, a major reason behind the current surge in levels is the strengthening of transnational criminal organisations (TCOs), most of which are based on illicit drug trafficking. TCOs have fuelled a deepening of multi-faceted state crises, which in some cases may be characterised as the “criminalisation of the state”. The seminar on which this report is based focused on the causes of this wave of violence and policy responses at different levels.

The main conclusion from the seminar was that, while US policy includes an array of measures, it is still heavily focused on military assistance and a “supply-side” approach to curbing the flow of drugs and other illicit goods into the US. National responses have in many cases mirrored this approach, focusing on strengthening police controls and in some cases deploying military forces. Regional responses have so far proven weak, yet there are important initiatives in the pipeline. The idea of an alternative agenda is also gaining support both nationally and regionally. This includes measures to decriminalise the production and possession of soft drugs, bolster police and judicial reform, and focus on treatment and finding alternative livelihoods for growers.

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Introduction

Criminal violence has reached epidemic levels in Latin America. Half of the ten countries with the highest homicide rate in the world are found in the region and, according to polls, crime and violence is the number one concern for Latin Americans. One expression of this wave of violence is the increased strength of gangs and transnational organised crime, which, according to analysts at the seminar, can no longer be viewed as isolated groups but instead reflect the emergence of a new social, criminal class.

In some countries, criminal groups have penetrated the state and taken control of its institutions.

An important aspect in the growth of such groups is the increased strength of transnational criminal organisations (TCOs). These are non-ideological, hierarchical and violent organisations operating an illegal enterprise system that also penetrates legal businesses. Their main source of income is drug trafficking from Latin America to the United States, but they are also involved in other illicit activities. TCOs have contributed to increasing local drug consumption and growing levels of violence. As such, countries in the region identify TCOs as the most important of the “new security threats” facing Latin America today. Yet, they are also a reflection of multi-dimensional state crises in the region. One of the main themes at the seminar was therefore the relationship between state crisis and violence, which will be discussed in the first part of this report. Current policy responses and the emergence of a new approach in Latin America are then outlined.

Criminal violence and the state

The role of the state in citizens’ security in Latin America has changed significantly over the past half century. Between the 1960s and 1980s, when many Latin American countries were governed by military dictatorships, civilians often viewed the very presence of the state as a security threat. Today it is the absence of a strong state that leaves people feeling vulnerable. Experts speak of a series of interrelated “state crises” which contribute to this sense of vulnerability and the emergence of different kinds of violence. The state is undergoing:

- a crisis as a provider of institutional mechanisms for political participation
- a crisis of the redistributive role of the state
- a crisis of territorial control and exclusion
- a crisis of control of violence
- a crisis of control over state institutions.

The most severe crisis occurs when the state loses control over its own institutions and is penetrated by criminal groups, as we see for example in Guatemala. This is considered the “criminalisation of the state”, which some would refer to as a failed state. However, others argue that this concept is too simplistic and one-dimensional to capture the current state crises in Latin America.

In the discussion of state crisis and violence, particular attention was focused on the case of Mexico. As opposed to Colombia, where drug trafficking organisations (DTOs) emerged separately from the state, DTOs in Mexico were allowed to expand under the protection of the authoritarian state run by the Institutional Revolutionary Party (PRI). Thus, a dominant thesis is that the reason for the current upsurge of drug-related violence is the relative weakening of the PRI with the introduction of electoral democracy and administrative decentralisation. However, as this seminar showed, the rise of Mexican DTOs cannot be understood without taking into account US drugs policy.

The initial rise of the illicit drug economy in Mexico was closely related to the US prohibition law of 1920. In turn, its consolidation was related to a compromise reached between the PRI and the drug traffickers, who were facing increased pressure from the US. The transformation of Mexico into a transit country, the increased transnationalisation of DTOs and the surge in drug trafficking-related violence, were all related to US regional policies and militarised strategies. Therefore, while this paper does not absolve the Mexican state of responsibility for the corruption and lack of transparency in the country, it does urge a broader focus if we are to understand the causes of the current explosion of violence in the region.

International and regional policy responses

US responses

For the past 15 years the US response to drug trafficking and drug-related violence has been heavily focused on military and police aid to Latin America. Ironically, however, there has been relatively little interest in the region in the White House, Congress and the State Department, resulting in a lack of coherent policy. Yet it has also led to an increased focus on military and police support. This is largely due to the latitude given to the Southern Command and Pentagon, which has also increasingly resulted in drug policy being used as a pretext for other priorities in Latin America.

In the 1990s, drug policy was seen as a way for the US to maintain military ties with Latin America, as well as to fight the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia, or FARC). Now it is seen as a way to retain a foothold in the region and to deter the influence of Russia and China, not to mention keeping leftwing governments at bay. US secretary of state Hillary Clinton's recent remarks that Mexico's DTOs represent an insurgency may be viewed as an attempt, in the context of low domestic interest, to put these issues higher on the agenda, as well as to increasingly legitimise the use of military means. There is thus a major concern of further militarisation of relations between the US and Latin America.

US drug policy has been used as a pretext for other priorities in Latin America.

There have, however, been some significant changes during the past 15 years. First, there has been an increase in the share of US assistance going to social and economic programmes, as opposed to police and military assistance. While police and military assistance made up approximately half the total aid up to the early 2000s, it had decreased to approximately one-third by 2010. This is partly explained by a change in approach in Plan Colombia from a counter-insurgency strategy towards a more holistic "statebuilding" strategy, which is a positive sign in spite of major problems. The second reason is that aid to the region has increasingly focused on

Colombia and Mexico. Lately, Mexico has increased its share relative to Colombia due to the Merida Initiative (2008).

Despite the fact that US policy has clearly not stopped flows of illicit drugs or curbed the associated violence, there are meagre prospects for policy change. This can be explained by the low priority Latin American policy receives in the US, the strength of the country's gun lobby – which prevents strengthened controls of the flow of guns across the border to Mexico, and the number of institutions that depend on these policies for their budget and job generation.

Regional responses

The seminar's conclusions point to two dominant regional approaches to criminal violence. One largely follows US policy and aims at strengthening the security forces and enforcing rule of law in the region; this militarisation focuses on the supply side of the drug trade and considers TCOs as a general security threat. Examples of this approach include the creation of policy forums under the auspices of the OAS. Among these are the Inter-American Drug Abuse Control Commission (CICAD) and Inter-American Observatory on Drugs (OID), as well as the Working Group in Charge for Preparing a Regional Strategy to Promote Inter-American Cooperation in Dealing with Criminal Gangs.

The second approach focuses on policies to prevent violence and crime. This approach considers criminal violence a social problem that must be met with broad public policy change – including a focus on the demand side of the drug trade. These initiatives come under the auspices of the Union of South American Nations (Unasur) and other sub-regional organisations, and the tri-border area conferences of Mercosur are now a forum for debate on these issues. In October 2009, Unasur agreed to the creation of an American council of drug trafficking, but this is still at the proposal stage.

Despite the relative weakness of these initiatives, there is reason for cautious optimism, not only for a stronger regional role in drug and security policies, but also for the development of an alternative agenda involving:

- regionalisation of security issues, with some authors saying that Latin America has emerged as a security community in this period
- expansion of the concept of security in general, enabling the region to deal with drug issues at an international and transnational level
- revitalisation of the region's multilateral institutions, including the creation of Unasur and the discussion of the security roles of Mercosur and the Andean Community
- a tendency to treat South America as a reference for drug policy, with the left-leaning governments in several countries stressing the need for closer regional integration and cooperation, including in the security sphere
- a tendency to react negatively to the supply paradigm and the criminalisation of drugs (as embodied by the US approach), which countries are increasingly rejecting – among other means by refusing to collaborate with US decertification processes.

United Nations responses

Among the other international actors discussed at the seminar, the UN Office on Drugs and Crime (UNODC) was given particular focus. The UN has gone from a simple and issue-specific approach to a complex community development one, focussing on anti-money laundering and drug seizure. While this is a vast improvement, the programmes have many weaknesses, including: not addressing the “balloon effect” (ie, making a particular community stop growing coca, but not being able to prevent the displacement of production elsewhere); being vulnerable to funding cuts; having little control over what happens to seized goods; and in the case of the anti-money laundering programme, failing to take into account the high level of informality in Latin American economies. In sum, it was pointed out that the UN mostly focuses on harm-reduction and supply-side policies, and that a change towards a more demand-side-oriented approach is very unlikely in the short term.

The emergence of an alternative drug policy

Although a change in US drug policy seems unlikely and regional institutions remain weak, the general consensus at the seminar was that, for the first time, there is a real debate on alternative

drug policies in the region. This is the result of a growing perception, both internationally and among a number of Latin American states, that the current approach is not working – and indicators of this failure are numerous.

In addition to the high number of drug seizures and troubling levels of drug-related violence, local drug consumption is increasing, causing severe social disruption. Moreover, the large numbers of people being

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imprisoned for minor drug offences is putting huge pressure on the penitentiary system. In reality, the so-called war on drug cartels is a war on small-scale dealers and “mules”. This has resulted in the feminisation of drug offenders, which has far-reaching social consequences (ie, children are being left without care while their mothers serve prison sentences). It is also becoming increasingly clear that the US is less able to impose its drug policies in the region, resulting in deep frustration in countries like Argentina, Bolivia, Ecuador and Uruguay, and even in pro-US countries such as Colombia and Peru.

In this context, a discernible drug reform movement has evolved in Latin America over the last two or three years. This is focused around the following policy changes:

- decriminalising the production and consumption of cannabis
- addressing the issue of coca production (eg, by focusing on alternative livelihood approaches)
- reforming the security and justice sectors
- redirecting policing and control efforts towards organised crime
- seeking proportionality in sentencing and finding alternatives to incarceration for low-level offenders.

Policy recommendations

Latin American responses

- Reframe the policy debate away from security and move towards governance and public health issues, calling for good general public policies which are not limited to drug policies.
- Free policy from the US discourse, which is heavily biased to serve US security needs.
- Acknowledge the increasing permeability of borders and the regional nature of criminal violence.
- Emphasise the need for creating more effective measures of success than drug seizures and (reductions in) homicide rates.

Recommendations for Norway and other international actors

- Address the deep human rights implications of the current wave of violent crime in Latin America.
- Promote an alternative agenda to the current supply-side drug policies – which emphasise military and police aid.
- Call on European partners, with or without the US, to discuss alternatives to the current drug regime.

Workshop programme

International Seminar

National and international dimensions of criminal violence in Latin America

Oslo, 5 October 2010

09.00 – 09.30 **Presentation**

Mariano Aguirre, Director Norwegian Peacebuilding Centre (Noref)

Benedicte Bull, Project Leader for the Norwegian Latin-America Research Network (NorLARNet)

Hege Araldsen, Director, Latin America Department, Ministry of Foreign Affairs, Norway.

09.30 – 10.00 **Introduction**

“Violence and Instability in Latin America”

Augusto Varas, President, Equitas Foundation (Chile)

Panel One

10.00 – 11.00 **National and international dimensions**

“Organized crime, criminalized state”

Francisco Rojas, Secretary General, Latin American Faculty of Social Sciences (FLACSO)

“Security crisis in Mexico, organized crime and policy responses”

Mónica Serrano, Executive Director, Global Centre for the Responsibility to Protect (CUNY)

“US policy towards arms trade and drug traffic”

Adam Isaacson, Senior Associate for Regional Security (WOLA)

11.00- 11.30
Break

11.30 – 12.30
Discussion

16.00 – 17.00 **Conclusions and Recommendations**

Juan Gabriel Tokatlián, Director of Political Science and International Relations, Universidad de San Andrés (Argentina)

Benedicte Bull, Project Leader for the Norwegian Latin-America Research Network (NorLARNet)

Coletta Youngers, Senior WOLA Fellow and Associate with the International Drug Policy Consortium

Panel Two

13.30 – 14.30 **Responses to drug trafficking**

“Production and consumption: the crisis of public policies”
Coletta Youngers, WOLA Senior Fellow and Associate with the International Drug Policy Consortium

“Regional security and multilateral approaches to crisis control”

Monica Herz, Instituto de Relações Internacionais da Pontifícia Universidade Católica do Rio de Janeiro (IRI-PUC/RJ)

“United Nations and anti-drug programs in Latin America”
Francisco E. Thoumi, Colombian Academy of Economic Sciences

14.30 – 15.30
Discussion

15.30 – 16.00
Break

Final Panel