



NEW APPROACHES TO DRUG LAW ENFORCEMENT AND RESPONSES TO ORGANIZED CRIME

Report on the Side Event to the 56th Regular Session of CICAD¹

Main Ideas and Recommendations²

With a view to analyzing new approaches to enforcement of drug laws and responses to organized crime, Guatemala's Ministry of the Interior and Ministry of Foreign Affairs, in cooperation with the Instituto de Enseñanza para el Desarrollo Sostenible (Training Institute for Sustainable Development, IEPADES) and the Woodrow Wilson Center, convened a dialogue among government representatives and members of civil society. This forum also received significant support from the Inter-American Drug Abuse Control Commission (CICAD).

Representatives of 11 countries in the Americas participated in the meeting, as did members of 10 governmental organizations and a distinguished group of experts. The discussions focused on two central themes: a) new approaches in drug law enforcement and responses to organized crime; and b) promising responses to organized crime and drug trafficking. (See meeting agenda, Annex A.) Capping off the event, participants broke out into brainstorming groups and came up with a series of recommendations, which are laid out at the end of this report.

¹ Report prepared by Juan Carlos Garzón, Global Fellow at the Wilson Center, with support from Maribel Carrera of IEPADES and Eric Olson of the Wilson Center.

² The contents of this document do not necessarily represent the positions and policies of the institutions and organizations that sponsored and participated in organizing this event. This document follows the Chatham House Rule; thus, it does not make specific reference to participants' remarks or commit to official positions.

Introduction

One of the major concerns raised by the drug problem in the Americas is its link to violence and crime. According to the United Nations Office on Drugs and Crime (UNODC), the Americas—along with Africa—have the highest percentage of homicides related to organized crime. According to UNODC, violent deaths linked to organized crime and gangs account for 30 percent of total homicides in the Americas, compared to less than 1 percent in Asia, Europe, and Oceania.³ This situation is more acute in some Latin American and Caribbean countries that head the list of those with the highest homicide rates in the world.

Despite efforts made by the states, the illegal drug market continues to be one of the leading sources of revenue for organized crime, whose presence and activities produce multiple negative consequences for the countries of the hemisphere. While state interventions to address this situation have constricted the market in some countries, they have led to its intensification in others. In certain contexts, taking on organized criminal groups has triggered high levels of violence and spurred fragmentation, with direct repercussions at the local level. This dynamic has brought with it an increase in the prison population and a concentration of law enforcement actions at the weakest links in the drug chain.

Taking this reality into account, the Declaration of Antigua “For a Comprehensive Policy against the World Drug Problem in the Americas”—adopted by the countries of the region during the OAS General Assembly held in Guatemala in June 2013—referred to “the need to reduce crime and violence associated with the activities of criminal organizations involved in illicit drug trafficking and related crimes, strengthening the role of the State as a guarantor of peace.”⁴

In a number of countries and cities around the hemisphere, there is an open debate about how institutions have responded to these challenges. This has pointed the way to new approaches focused on deterrence and prevention, with the protection of citizens defined as a priority. It was in this context that the Side Event to the 56th Regular Session of CICAD sought to approach the discussion, identifying the main challenges as well as the main components of interventions that have proved promising in the area of security.

Main Challenges in Drug Law Enforcement and Responses to Organized Crime

States face multiple challenges when it comes to responding to the drug problem and its connection with organized crime. While it is recognized that the illegal drug market continues to be one of the main sources of revenue for criminal organizations in the hemisphere, at the regional and local level these organizations have diversified, and predatory crimes—particularly extortion—have been on the rise. This dynamic has developed with varying degrees of intensity in the countries of the Americas, in connection with illegal drug trafficking. In some territories, the presence and expansion of organized crime has given new impetus to violence and crime.

A significant number of states in the hemisphere continue to be limited in their ability to ensure the protection of their citizens and access to justice. In this context, the use of criminal law to enforce drug laws has had a modest impact in shrinking illegal drug markets, and in more than a few cases the effects have been counterproductive. Moreover, a greater emphasis on a punitive approach has relegated interventions related to health and development to a second tier. In most cases, territories affected by organized crime, and specifically by the illegal drug economy, have a weak institutional presence.

³ United Nations Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013*. Vienna: UNODC, p. 15.

⁴ Organization of American States (2003), Declaration of Antigua “For a Comprehensive Policy against the World Drug Problem in the Americas.” Forty-third regular session of the OAS General Assembly. OEA/Ser.PAG/DEC.73 (XLIII-O/13), La Antigua, Guatemala, June 6, 2013.

Here are some of the challenges states face in responding effectively and humanely to the drug problem and its connection with organized crime:

- ***The lack of systematic, reliable information for decision-making.*** One of the main obstacles is the lack of information on the problems that the states face in affected territories, as well as on the results of the interventions they undertake. Institutions do not have systematic records that allow them to track illegal drug markets, levels of supply and use (price and quality), and negative impacts. Meanwhile, the low level of citizen reporting, in an environment in which people distrust the justice system, makes it difficult to carry out investigations and creates a context of impunity. Further, the information states have is out of date and inaccessible to the public, which makes it difficult to have accountability and goes against transparency in institutions.
- ***The false dilemma between prevention and enforcement—the lack of a comprehensive approach.*** Although prevention has gained ground in recent years, it continues to be disconnected from law enforcement measures. Police institutions and the justice system employ a predominantly punitive approach, with impacts on the weakest links in the chain. Institutions tend to be reactive, with limited capacity to influence the conditions that are conducive to crime. Moreover, security-related interventions tend not to be done in coordination with measures related to health, education, and social integration.
- ***The complex relationship between violence and drug markets.*** There is no single relationship between illegal drug markets and violence. In certain situations, criminal organizations may operate with low homicide rates. This may occur because the state manages to deter violent behavior by organized crime or because the criminals come to consolidate territorial control and ensure that their actions will go unpunished. From this perspective, it is important to take into account that there are multiple causes and dynamics that explain high levels of violence.
- ***The loss of legitimacy of institutions and the tense relationship with communities in regions where organized crime has an influence.*** In regions where drug trafficking organizations have a major influence, the state has a low level of legitimacy, explained to a large extent by a weak presence of institutions and limited availability of public goods and services. People living in these territories develop a dependent relationship with illegal economies, in an environment in which everyday life is governed by criminal organizations; at the same time, the communities have low levels of trust in institutions. In this context, indiscriminate state interventions that are predominantly punitive in approach can end up being counterproductive if they do not manage to reestablish connections with the local population.
- ***The lopsided emphasis on law enforcement, with measures that generally affect the weakest links in the chain.*** Enforcement of drug laws has focused disproportionately on the weakest links in the chain, that is, drug users, those carrying small quantities, and local drug dealers, who as a general rule are in a vulnerable situation and can easily be replaced. Meanwhile, actions taken against the strongest links in the chain—those more capable of unleashing violence and employing corruption—continue to be the exception. States have a limited capacity to combat money laundering and to have an impact on the economic structure of criminal organizations.
- ***The lack of adequate indicators to measure progress in drug law enforcement.*** Indicators to evaluate progress in enforcing drug laws have focused more on processes (arrests and seizures) than on results (positive impacts on security and public health). In this context, state actions taken against illegal drug markets and organized crime have been disconnected from the protection of citizens and the reestablishment of trust between institutions and communities. Moreover, one of the main difficulties is the lack of evaluation and monitoring of the measures that are implemented.

Promising Responses to Organized Crime and Drug Trafficking

The OAS member states, with varying degrees of intensity, are facing the common challenge of organized crime, with its strong connection to drug trafficking, especially in producing and transit countries. Recognizing that the factors that influence violence and crime are many, the presentations and debate during the Side Event to the 56th Regular Session of CICAD enabled participants to identify the main components of promising responses, which have focused on reducing the adverse effects of the illegal drug market.

The side event provided information on the experiences of Chile, Guatemala, Jamaica, Brazil, and Mexico. Participants also had the opportunity to hear about lessons learned and promising steps taken to address money laundering, restore the social fabric, recover the state's legitimacy and its presence in the territories, and reduce violence and crime associated with the drug market.

Based on the presentations and debate, the following are the main elements of promising responses:

- ***The state's presence in territories and the restoration of the relationship of trust between communities and institutions.*** A main component of successful interventions is the state's capacity to establish an effective presence in the territory, not only incursion by police but the arrival and permanent presence of the various institutions, based on a comprehensive approach. A key aspect in this regard is the restoration of relationships of trust, with the opening of opportunities for the communities and the guarantee of their rights.
- ***The strengthening of the social fabric and the opening of opportunities.*** Communities play a key role in responding to organized crime and drug trafficking at the local level. Recognizing communities' capacities and restoring local leadership and collective action are key elements in building a sustainable environment of security. This requires social inclusion, more education, and the creation of opportunities.
- ***The state's capacity to enforce the law and provide justice.*** Promising interventions have sought to strengthen the capacity of the police and the justice system, focusing on the most dangerous criminal groups and the most serious crimes. In the most critical regions, the number-one task has been to recover territory, with deterrent actions that seek to lay the groundwork for the state's presence to be reestablished.
- ***Anti-money laundering measures that weaken criminal organizations and protect the legal economy.*** While states have made progress in developing legal frameworks and have entered into multilateral commitments, they continue to have a limited capacity to tackle money laundering. On average, for every 3,000 people in the region in jail for drug crimes, only one is being held for money laundering. Measures that have been implemented have proved effective in protecting sectors of the legal economy.
- ***Measures to reduce and penalize corruption.*** Among the cases analyzed, one of the main challenges was to reduce the high levels of corruption in police forces and the justice system, which hamper effective anti-crime efforts and increase citizen distrust. This task requires active leadership by police authorities and a commitment by institutions.
- ***The implementation of different strategies that take into account local circumstances.*** Responses to the illegal drug market and to organized crime are more effective when they are tailored to the various links in the chain. An offensive against the first and second tiers of organized crime leadership needs to be complemented with a presence on the ground and measures to ensure that citizens are protected. This must be done taking into account the specific characteristics of each situation.

- *Availability of quality information and evaluation of the measures implemented.* One condition for responses to be promising is the availability of up-to-date, high-quality information. This provides the basis for targeting resources and determining priorities. Moreover, these types of interventions have had monitoring and evaluation mechanisms in place that make it possible to spot changes in trends and identify risks.
- *The transition from a “war” mindset to a citizen-centered security mindset.* It is widely recognized that interventions based on a “war” mindset, in terms of occupation of territory and the defeat of the enemy, have had negative effects. Promising interventions are those that place a priority on citizen security and enable the state to recover its legitimacy.

Recommendations from the Working Groups

Following the two panel discussions, those in attendance broke out into working groups to debate the key elements that should characterize state interventions to address organized crime. The groups also discussed aspects of drug policy that could be improved to respond to the needs of victims of violence and crime and to have a more effective response to organized crime.

Below are the proposals made by the different working groups. These points do not purport to reflect a consensus but to lay out the various viewpoints and perspectives.

Strengthening of state institutions

- Implementation of mechanisms to control corruption.
- Accountability by institutions.
- Restoration of trust and legitimacy.
- Sustainable presence on the ground.

Economic and social development

- Improvement of living conditions for the affected populations.
- Integration of marginalized communities.
- Opening of opportunities and social inclusion.

Information improvement

- More and higher-quality information on the illegal drug market. Collection of evidence.
- Coordination among the various institutions that handle information.
- Capacity for analysis.
- Policies based on evidence.

Response that takes context into account

- Recognition of local needs and vulnerabilities in each territory.
- Adaptation of policies to the specifics of each situation.

Recognition of communities’ capacities and active participation by citizens

- Make communities part of the planning, implementation, and evaluation process.
- Focus efforts on rebuilding the social fabric.
- Strengthen civil society.
- Resilience and the ability to retake social control in violent areas.

Annex A

New Approaches to Drug Law Enforcement and Responses to Organized Crime

Side Event to the 56th Regular Session of CICAD

November 18, 2014, Guatemala

Agenda

2:00 – 3:00 p.m. Welcome
New Approaches to Drug Law Enforcement and Responses to Organized Crime
Ambassador Paul Simons, Executive Secretary, CICAD
Minister of the Interior, **Mauricio López Bonilla**
Minister of Foreign Affairs, **Carlos Raúl Morales**

2:30 – 2:45 p.m. Introduction to the Debate and Brief Explanation of the Meeting Rules
Maribel Carrera, IEPADES

2:45 – 4:00 p.m. Session I:
New Approaches to Drug Law Enforcement and Responses to Organized Crime

Moderator: Elena Diez Pinto, Expert in Public Policy Planning

Introductory Presentations: 2:45 – 3:25 p.m.

- **Marie Nougier** (General Framework and a Glance at the Region – International Drug Policy Consortium’s “Modernising Drug Law Enforcement” Project)
- **Mayda de León** (Guatemala – IEPADES)
- **Catalina Mertz** (Chile – Paz Ciudadana)
- **Alejandro Hope** (Mexico – Independent Consultant)

3:25 – 4:00 p.m. Questions and Answers

4:00 – 4:15 p.m. Coffee Break

4:15 – 5:30 p.m. Session II:
Promising Responses to Organized Crime and Drug Trafficking

Moderator: Coletta Youngers (WOLA)

Introductory Presentations: 4:15 – 4:55 p.m.

- Interventions at the Territorial Level (**Robson Rodrigues** – Igarapé Institute, Brazil)
- Building Resilient Communities – Civic Responses to Violence and Crime (**Eric Olson** – Woodrow Wilson Center)
- Anti- Money Laundering Strategies and the Extinction of Domain as a Strategy against Organized Crime Finances (**Daniel Rico** – Colombia)
- Police Oversight and Reform in Caribbean Societies (Professor **Anthony Harriott**, The University of the West Indies, Jamaica)

4:55 – 5:30 p.m. Questions and Answers

5:30 – 6:45 p.m. Debate in Breakout Groups

Moderator: **Juan Carlos Garzón** (Woodrow Wilson Center)

6:45 – 7:00 p.m. Final Remarks

Adam Blackwell, OAS Secretary for Multidimensional Security

7:00 – 8:00 p.m. Closing Cocktail

