MODULE 7

Best practice in tackling drugs, security and organised crime

Aim of Module 7

To discuss and explore how drug markets impact upon public security and organised crime, and what the best responses to this problem are.

Learning objectives

Participants will gain an understanding of:

- the evidence and experience of the nexus between drugs, security and organised crime

- an understanding of the context and underlying causes of this nexus

- an understanding of the existing responses, and some ways in which these could be improved or enhanced in order to reduce harms

Introduction

Much has been said in recent years about the links between drug trafficking and other forms of organised crime – such as human trafficking, arms smuggling and terrorism. However, these links can be overplayed for political gains in some cases, and the relationship between these activities is a complex one at best. This Module will seek to address some of these issues, and explore the options that may be available for the governments and other actors.

SESSION 7.1:
Presentation: Setting the scene

SESSION 7.2:
Activity: Motivations for criminality

SESSION 7.3:
Activity: Corruption case studies

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Presentation: Improving governance and political processes

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SESSION 7.6:
Presentation: Organised crime and terror

SESSION 7.7:
Presentation: Modernising drug law enforcement

Session 7.1
Presentation: Setting the scene

⏱ **20 min**

⊚ **Aim** – **To provide an introduction to the related issues of drug markets, public security and organised crime**

1. Introduce the aim of the session.

2. Present the accompanying slides and the information below.

3. Encourage questions and discussions from the participants.

✓ Information to cover in this presentation:

The international drug policy landscape has evolved significantly in the past few years. The surge in drug-related killings in Mexico from 2007 onwards has shed light on the pervasive nature of drug trafficking and organised crime, and their destabilising human, economic, social and institutional effects, including through corruption and violence. New routes, substances and challenges have emerged. Increasingly, experts and officials are pointing to the ineffectiveness and potentially damaging impacts of current drug policies.

This has led some commentators to point out that the drug policy debate "has evolved more in the past three years than in the previous three decades".[1] In 2013, the Organization of American States (OAS) became the first multilateral organisation to openly challenge the status quo and explore alternative policy options.[2] In parallel, actual reform has taken place, with decriminalisation policies in Portugal and several other countries[3], and legally regulated cannabis markets operating in Uruguay and in several US states.

As the graphics below from the United Nations Office on Drugs and Crime (UNODC) demonstrate, the international drug trafficking market is a complex one, which involves every region of the worl.[4]

Barriers in understanding the nature of drug trafficking
Understanding the nature of drug trafficking is difficult as important information about key participants and their support networks in governments are largely unavailable. Drug trafficking takes place in an atmosphere of secrecy, rarely leaving any paper trail. Where available, the information tends to be inconclusive because it is open to denial and possibly legal challenge. The problem is compounded by the frequent overlap between licit and illicit spheres in economic and political systems, which often operate through informal networks. This makes it extraordinarily difficult to acquire accurate information about both drug

Main global trafficking flows of opiates
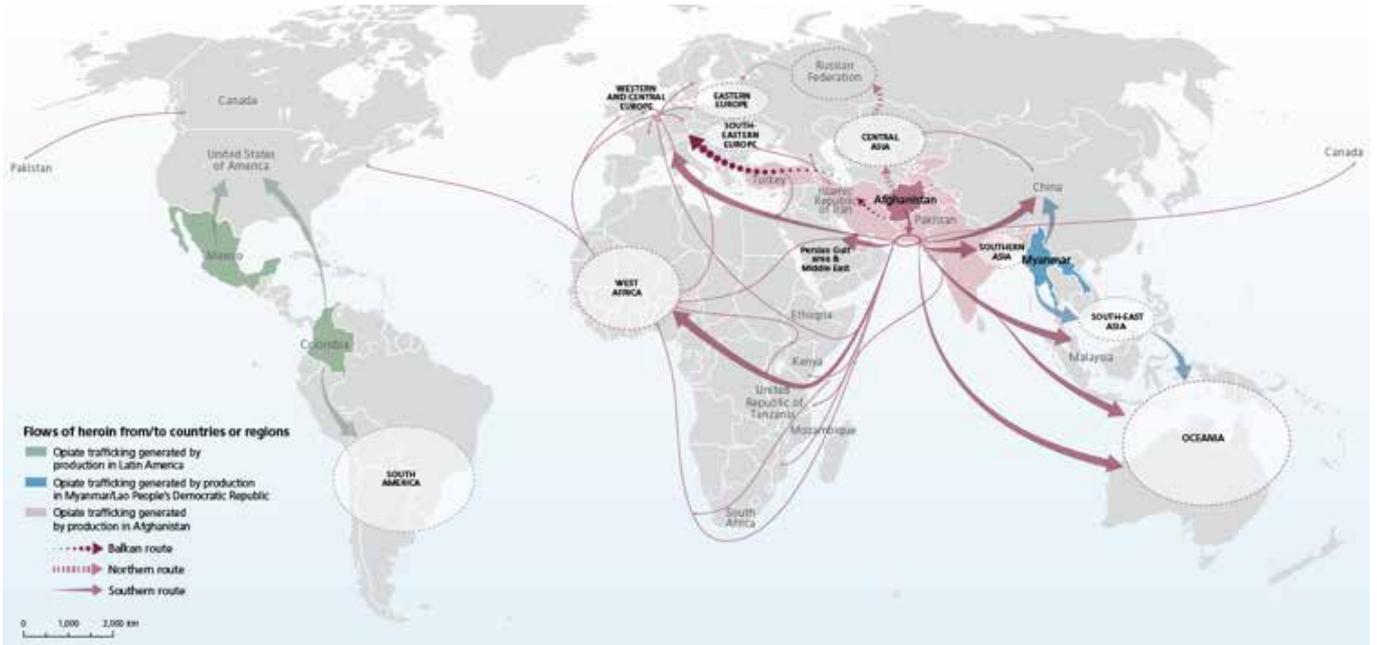
Main global trafficking flows of cocaine

Methamphetamine flows as perceived by recipient countries, 2011-2013

trafficking and drug consumption. However, while it is hard to acquire data on the drug trade that can be regarded as utterly reliable, it is nonetheless possible to amass information – through a range of different official sources as well as expert intelligence – that can help to produce a fairly accurate picture.

Examples of "Narco-cultura" in Mexico[5-6] and gang culture in the USA and Central America show how the entrenchment of the drug trade may have long-term effects on society, creating a culture of criminality appealing to the youth with few alternative role models and lifestyles to aspire to. More recently, this has been seen in West Africa as well, with young individuals aspiring to the "Cocainebougou" way of life – marked by luxurious houses, cars and jewellery. Endemic levels of corruption and/or government incompetence may push individuals away from mainstream activities and towards more adventurous, appealing and seemingly rewarding groups.

Policy burden and economic impact

Drug trafficking weakens the state through budgetary and institutional pressures on structures that may already be suffering from a lack of resources. It also creates tensions between the need to respond to crises as soon as they occur, and sustainable approaches to address the root causes of the problem. Foreign development aid makes a much-needed and positive contribution for many low and middle income countries, but is rarely a sustainable solution.

Drug trafficking and organised crime have four main destabilising economic impacts:

1. They drain scarce resources: while organised criminal groups make billions of dollars from drug markets each year, more than 70% of the world's population lives on less than US$10 per day.[7] At the same time, money and effort spent by individuals involved in the drug trade and related organised crime activities (e.g. money laundering) in the region are not spent on legal activities or contributing to public funds through taxation. In some contexts, organised criminal groups can sometimes provide much-needed services to the local population – filling a governance vacuum with jobs, social services, healthcare, infrastructure, protection, etc. However, these pale quantitatively and qualitatively in comparison to what the functioning states would be able to offer without such a large-scale diversion of resources.[8]

2. Distorting economic indicators and prospects through money laundering, which can contribute to disproportionately inflating the financial, real estate and construction sectors in particular – with negative impacts for the local population, and investments and consumptions that are not conducive to long-term development.[9]

3. Discouraging foreign companies from investing in highly-affected countries, as drugs and organised crime tend to reflect broader social instability and therefore likely higher costs of doing business. Corruption is often listed as the number one obstacle to development in these regions, and tourism is particularly affected by realities or perceptions of crime and instability. In West Africa, for example, recent research conducted by USAID suggests that "inflows of illicit profits may inflate the currency, rendering legitimate exports less competitive."[10]

4. Widespread drug trafficking can also have a significant negative impact on social and human capital, especially in violent drug markets – forcing workers to move abroad, hampering education, employment and personal economic success, affecting citizens' health, and creating a climate of fear across society that obstructs economic growth and human development.

Finally, drug trafficking is by nature a cross-border issue, which breaks up traditional and legal conceptions of frontiers. It requires highly challenging and complex transnational and regional policy cooperation. Countries in the region

face challenges that easily migrate from a country to another, highlighting the need for stronger regional cooperation – for instance, via bilateral agreements and broader multilateral programmes.

1. Gomis, B. (2014), *Illicit drugs and international security: Towards UNGASS 2016* (Chatham House), http://www.chathamhouse.org/publications/papers/view/197070

2. Organization of American States (2013), *Scenarios for the drug problem in the Americas 2013-2025*, http://www.oas.org/documents/eng/press/Scenarios_Report.PDF

3. African Union Plan of Action on Drug Control (2013-2017), http://sa.au.int/en/sites/default/files/AUPA%20on%20DC%20%282013-2017%29%20-%20English.pdf

4. UNODC World Drug Report 2015

5. Schwarz, S. (2013), Narco Cultura (film), https://www.youtube.com/watch?v=rAz9ShUNU9E

6. Mohar, J., Volkow, K. & Gomis, B. (January 2014), 'Bragging rights: Mexican criminals turn to social media', *IHS Jane's Intelligence Review*

7. http://www.pewglobal.org/interactives/global-population-by-income/

8. Gutierrez, E. (2015), Drugs and illicit practices: Assessing their impact on development and governance (Christian Aid), http://www.christianaid.org.uk/Images/Drugs-and-illicitpractices-Eric-Gutierrez-Oct-2015.pdf

9. United States Agency for International Development (2013), The development response to drug trafficking in Africa: A programming guide, http://www.usaid.gov/sites/default/files/documents/1860/Development_Response_to_Drug_Trafficking_in_Africa_Programming_Guide.pdf

10. West Africa Commission on Drugs (2013), *Not just in transit: Drugs, the State and Society in West Africa*, http://www.wacommissionondrugs.org/wp-content/uploads/2013/04/WACD_report_June_2014_english.pdf

Session 7.2
Activity: Motivations for criminality

⏱ **30 min**

> 📄 **Facilitators' note**
>
> It may be helpful to keep the accompanying slide for this activity projected onto the wall/board throughout – to remind participants of the three scenarios.

◎ **Aim** – **The flow of drugs, other illegal commodities and the associated illicit gains has corrupted many government, military and police officials around the world. This session will explore the reasons why people may become engaged in drug trafficking, in order to better understand the appeal and existence of this problem**

1. Introduce the aim of the session.

2. Participants will work individually on the first part of the activity – but assign each person to one of the three scenarios below. This can most easily be done by either dividing the room into three parts (assigning one scenario to everyone sat in one part), or going around the room calling out "1, 2, 3, 1, 2, 3…" to give each person a number.

   Scenario 1: You are an entry-level customs official. You have been working there for a few years, but are frustrated at the lack of respect you receive from your managers, who you know are also receiving side payments from some of the major transporters, and the fact that you have not had a pay rise since you started.

   Scenario 2: You are a newly-elected member of parliament. Your election campaign was expensive, and has left you with debts. You have strong political ambitions to climb the ladder within your government, but do not get the attention that you feel you deserve as you are young and new to the system.

   Scenario 3: You are a police officer, and have been working for the police for several years. You have been promoted up to the level of sergeant, and are now responsible for the work of around 30 officers in your local, coastal town.

3. Ask the participants to "put themselves into the shoes" of the character that they have been assigned, and think about what might lead that person to begin engaging with the drug trade.

4. After a few minutes, ask participants to share their ideas with the group – writing the response on a flipchart.

5. Ask the participants to add any other factors that they can think of, and then ask them what the implications of these factors would be for an effective policy response. Summarise by emphasising the range of different reasons for engaging in the drug trade – and that it is not always necessarily down to the greed of the individual, but can also be because of threats, fear and coercion. Such factors need to be taken into account in any policy and legal response to these crimes.

👥 Example of what participants may come up with

- Favours owed to those who have helped you in the past

- Loyalty to family and relatives approaching you for favours

- Corrupt superior orders you to participate

- Money or other material benefits (with the rewards on offer from the illicit economy dwarfing the average annual salaries in most countries)

- Political power

- Fear of, or threats of, violence if the person refuses

- Protection

- The offer of promotions and other benefits

- Blackmail or coercion by organised crime groups using violent tactics and threats

- Naivety or ignorance about what is happening

Session 7.3
Activity: Corruption case studies

⏱ **20 min**

📄 **Facilitators' note**

If time is limited, you could distribute the handout and discuss the case studies in one large group.

◎ **Aim – To discuss real cases of drug-related corruption**

1. Introduce the aim of the session.

2. Split the participants into between five and seven groups, assigning each group to one of the case studies in the handout "Corruption case studies".

3. Ask each group to read and discuss the case studies, answering the following questions:

   • What does this case reveal about the levels of corruption in the country?

   • What was the outcome? Was it deserved?

   • What factors do you think influenced these individuals to do what they did?

   • What factors do you think influenced the outcomes of the case?

   • What impact do you think this case had on the broader drug market?

4. If there is time, ask each group to briefly present their thoughts to the rest of the participants. If not, encourage participants to read the whole handout after the workshop, and to consider the same questions for the other case studies.

5. Present the accompanying slides and the information below.

✓ **Information to cover in this presentation:**

These types of cases create an overwhelming impression that corruption is all-pervasive, regardless of the often more nuanced reality, as discussed in Session 7.2. Nonetheless, the current situation presents a number of policy implications:

1. Foreign governments and agencies (especially the USA) are likely to remain involved in the capture, extradition and prosecution of key drug traffickers in most countries. The US criminal code, for example, "authorizes US agencies to pursue and prosecute drug offences outside the US if a link to terrorism is established", and gives their Drug Enforcement Administration (DEA) "extraterritorial jurisdiction over drug offenses with some link to the US, even if there is no actual entry into US borders by the drugs at issue".[1] Policy cooperation with the USA – as well as other Western countries with security interests in the region, including the UK and France – may be potentially highly effective, in particular to tackle the issue of corruption. However, such cooperation inherently depends on the political priorities of the donor government rather than the recipient country, so cannot be relied upon as a comprehensive and durable response to the challenges related to drug trafficking.

2. Given the transnational nature of the problem, policing strategies to tackle the current challenges must include mechanisms for cross-border and cross-region collaborations. This may involve bilateral agreements among neighbouring countries, efforts to build the capacity and legitimacy of existing regional bodies, and enhanced cooperation with relevant international organisations (such as Interpol and UNODC).

3. A number of measures may help mitigate corruption, as the World Bank have highlighted through the example of Georgia: "exercising strong political will; establishing credibility early; launching a frontal assault; attracting new staff; limiting the state's role; adopting unconventional methods; coordinating closely; tailoring international experience to local conditions; harnessing technology; and using communications strategically".[2] As has also been pointed out with regard to Sierra Leone, potentially effective efforts also include the creation of institutions specifically dedicated to tackling corruption, and the development of oversight processes led by civil society, parliamentary committees or the judiciary. In order to be most effective, these may focus on education, accountability and transparency, especially regarding asset disclosure and political party financing – and should engage the private sector.[3]

4. It is also important to remember that drugs are just one category of commodities being trafficked. Tackling corruption only related to drugs may simply lead to officials shifting to focus on other commodities.[4]

1. Csete, J. & Sánchez, C. (2013), *Telling the story of drugs in West Africa: The newest front in a losing war?* http://www.swansea.ac.uk/media/GDPO%20West%20Africa%20digital.pdf%20FINAL.pdf

2. World Bank (2012), *Fighting corruption in public services*, http://elibrary.worldbank.org/doi/book/10.1596/978-0-8213-9475-5

3. Walker Guevara, M. (2008), *The world's most widely smuggled legal substance*, http://www.icij.org/project/tobacco-underground/worlds-most-widely-smuggled-legal-substance

Session 7.4
Presentation: Improving governance and political processes

20 min

Facilitators' note

Civil society has an important role to play in ensuring greater transparency from governments – but this is beyond the scope of this document. Instead, you may wish to look at, or direct participants to, the Transparency International "Corruption Fighters' Toolkit" for more information (http://www.transparency.org/whatwedo/tools/corruption_fighters_toolkits_introduction/2/).

Aim – To provide an introduction to the related issues of drug markets, public security and organised crime

1. Introduce the aim of the session.
2. Present the accompanying slides and the information below.
3. Encourage questions and discussions from the participants.

Information to cover in this presentation:

It is clear, from evidence around the world, that weak state institutions create environments that facilitate the illicit drug trade. As discussed elsewhere in this Module, the spoils and strengths of the drug market are often used to corrupt political figures, but they can also infiltrate and undermine political processes themselves – such as elections and judicial safeguards. Weak governance therefore needs to be considered as one of the most urgent priorities.

In addition, in order to be effective, the work of drug traffickers is facilitated by a wide range of people outside of the informal sector – business executives, politicians, the military, police and customs, and members of the judiciary. Connecting with people who have legitimate influence means that the drug market can establish complex networks and avoid detection – but it can also reshape relationships between and among political and security actors, the general public, the religious community and the business community.[1] This places obvious strain on political systems in the region, which are already vulnerable in many countries – dramatically increasing the risks of polarisation and violence around electoral contests.

One key source of weakness in many countries can be where elections or political campaigns are not publicly funded, placing the onus on candidates and politicians to fundraise and finance their own activities. In the absence of robust asset disclosures and other controls, this can make electoral processes particularly vulnerable to corruption by drug money.[2]

Following extensive research and analysis, the West Africa Commission on Drugs, made a series of recommendations to counter such corruption, which may also apply to other regions of the world as well:

• Actively confront the political and governance challenges that incite corruption within governments, the security services and the judiciary, which traffickers exploit.

• Support the establishment of inter- and intra-party platforms to discuss the impact of drug trafficking and illicit party funding on political systems in with the aim of establishing mechanisms to buffer these systems from illicit funding.

- Strengthen the oversight role of parliaments with regard to the drafting and implementation of drug legislation.

- Support the conduct of national, regional, or inter-regional (South-South) meetings of independent electoral bodies or electoral tribunals to discuss avenues to protect electoral processes from drug trafficking, and share lessons on building resilience against drug trafficking (and other forms of organised crime) into the electoral system. Existing networks of electoral management bodies should be encouraged to take on this issue.

- Support efforts aimed at developing the capacity of civil society, media and academia to monitor and assess the links between drug trafficking and party and campaign financing, while also providing them with the relevant safeguards.

- Actively explore options for the establishment of a panel or a special regional court to investigate or try high-target offenders, including state and security officials suspected of being complicit in, or facilitating, drug trafficking. Such efforts should not replace the need to ensure that national justice systems have the independence, specialised expertise and the resources to prosecute these kinds of cases.[3]

1. West Africa Commission on Drugs (2013), Not just in transit: Drugs, the State and Society in West Africa, http://www.wacommissionondrugs.org/wp-content/uploads/2013/04/WACD_report_June_2014_english.pdf

2. ibid

3. Ibid

Session 7.5
Activity: Drug market-related insecurity and violence

⏱ **30 min**

📄 Facilitators' note

The correct answers for the handout are:

Annual prevalence of cannabis use:
- West & Central Africa = 12.4% of population
- North America = 11.2%
- Europe = 5.7%
- Caribbean = 2.5%

Cocaine seizures (% of the global total):
- Latin America = 71.10%
- Europe = 10.26%
- Africa = 0.47%
- Asia = 0.21%

Homicide rates (per 100,000 population):
- Southern Africa = 30
- Latin America = 22
- West Africa = 14
- Eastern Europe = 6

Prisoners (per 100,000 population):
- Caribbean = 376
- Southern Africa = 205
- Western Europe = 98
- West Africa = 46

Corruption Perceptions Index (lower score indicates greater corruption):
- Sub-Saharan Africa = 33 out of 100
- Middle East & North Africa = 38
- Asia = 43
- Europe = 66

◎ Aim – To explore some of the available data on levels of drug-related insecurity and violence in different regions, and to put them into a global context

1. Introduce the aims of the session.

2. Split the participants into groups of 3 or 4 people, and distribute the handout "Drug related data".

3. Ask participants to match the drug-related violence data to the region.

4. Walk around the room, passing from group to group to see how they are doing. Discuss with them the correct answers, how their answers differ (if at all), and why this might be the case. Perhaps the situation in some regions has been over- or under-reported? Why might this be the case?

5. Bring the participants back together to brainstorm on the activity, and discuss the factors that might increase or reduce drug-related violence in a region or country, as well as the policy implications of these. Note these factors on a flipchart.

6. Present the accompanying slides and the information below, highlighting where issues have already been written on the flipchart(s).

✓ Information to cover in this presentation:

The levels of violence associated with the drug trade depend on a number of factors:

1. **The presence of weapons:** Many analysts have shown that a greater availability of weapons in a geographical area is likely to lead to more violent deaths. According to UNODC, two thirds of homicides were carried out with firearms in the Americas.[1] The case of Mexico is also telling in this regard – with over 250,000 guns smuggled from the USA to Mexico annually.[2]

2. **Law enforcement measures and strategies:** An aggressive crackdown on drug trafficking organisations can result in overcrowded prisons and more violence as the organisations may fight back aggressively and other groups may violently compete for newly available market shares. This can cause significant collateral damage for the civilian population. Furthermore, the capabilities of some drug cartels can simply outweigh those of a country's law enforcement forces, rendering it powerless to stop the violence associated with the trade.

3. **Corruption:** Corruption can influence the levels of violence, but it can play out in different ways. In Japan, the Yakuza are a very successful organised crime group, with an estimated 79,000 members divided among 22 groups and involved in a number of activities including legal businesses (e.g. construction) and illegal ones (such as extortion, money laundering, financial fraud, blackmail and racketeering).[3] However, the country holds one of the lowest homicide rates in the world (less than 0.5 per 100,000, according to the UNODC). One of the reasons for this apparent contradiction is the level of enabling and collusion from politicians and police officers, which reduces the need for the Yakuza to resort to violent measures.[4]

4. **The type of drug market:** The illegal production and trafficking of a drug is not inherently associated with significant violence and insecurity. It is commonly the case that the longer the "supply chain" for a drug (i.e. from cultivation and/or production, through to sales and consumption) and the higher the profits and income to be made – the higher the risk that the trade will create some level of violence, through the involvement of a wider range of actors.

5. **Balance of power:** The balance of powers within a drug market is a key factor that can lead to more or less drug-related violence. For example, a clear hierarchy and division of labour between drug trafficking organisations, or a market that is strongly led by an organisation keen to avoid the use of force, may lead to more "peaceful" situations, at least in the short-term.

6. **How drugs are sold:** It is being increasingly hypothesised that online sales – which are emerging as an important market development, especially in North America and Europe – may create less violence than street dealing, as they limit face-to-face interactions: "with Silk Road [one of the most infamous online drug marketplaces, which is currently in its third version after having been shut down twice by law enforcement authorities] functioning to considerable degree at the wholesale/broker market level, its virtual location should reduce violence, intimidation and territorialism".[5] However, while online markets may reduce violence in the country of sale, the true impact on producing and transit countries remains unknown.

7. **Local contexts:** Other factors that may contribute to the levels of drug-related violence include demographic factors such as the age of criminal bosses, the geographic concentration of minority groups, and levels of poverty.[6] Another crucial determinant is the strength of a country's institutions. In order to control and mitigate levels of violence within a country, the state must be present and in charge of all of its territory. This can then translate into economic opportunities, social services, a solid education system, law enforcement forces maintaining order while respecting the rule of law, and an effective judiciary – all of which are crucial drivers for peace and security. "Most crises take place in areas with weak regional organizations that have limited capacities to prevent and manage conflict".[7]

1. United Nations Office on Drugs and Crime (2014), *Global study on homicide 2013*, http://www.unodc.org/gsh/

2. McDougal, T., Shirk, D.A. et al (2013), *The way of the gun: Estimating firearms traffic across the US-Mexico border,* http://catcher.sandiego.edu/items/peacestudies/way_of_the_gun.pdf

3. Adelstein, J. (2012), *The Yakuza lobby*, http://foreignpolicy.com/2012/12/13/the-yakuza-lobby/

4. United Nations Office on Drugs and Crime (2014), *Global study on homicide 2013*, http://www.unodc.org/gsh/

5. Aldridge, J. & Décary-Hétu, D. (2014), *Not an 'Ebay for drugs': The cryptomarket 'Silk Road' as a paradigm shifting criminal innovation*, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2436643

6. Felbab-Brown, V. (2012), *Organized criminals won't fade away* (London: Chatham House)

7. Feuer, A. & Ighani, H. (2014), Guest post: Conflict prevention challenges in 2014, http://blogs.cfr.org/zenko/2014/03/06/guest-post-conflict-prevention-challenges-in-2014/

Session 7.6
Presentation: Organised crime and terrorism

30 min

◎ **Aim** – To critically explore the narrative linking drugs and terrorism

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⊘ **Information to cover in this presentation:**

Drug trafficking is one source of funding for, and therefore helps to empower, organised crime groups in many parts of the world. But these groups are rarely focused solely on drugs – their portfolio of criminal activities may also include human trafficking, robberies, smuggling of other substances and items, racketeering, extortion, "milking" (oil theft), mining, logging, online or credit card fraud, and money laundering. This creates complex and opportunistic overlaps between the illegal and legal economies.

Given the wide range of illegal and legal activities most organised crime groups are involved in, it is clear that policy reform must go beyond tackling only the illicit drug trade – otherwise criminals may simply diversify and shift towards other sources of revenue. A comprehensive approach focusing on violence reduction and addressing the conditions that allow organised crime to flourish in the first place (in particular poor economic and social prospects, and weak institutional support) would help create lasting conditions for peace and development.

Links between the drug trade and terrorism / extremism

According to UNODC, "The nexus between organized crime and terrorism – in which illicit drug trafficking appears to play a role – poses a serious threat". However, there is a lot of misinformation, over-simplification and exaggeration on the connections between drug traffickers and terrorists, insurgents, extremists and rebels – often further blurred with simplistic terms such as "narco-terrorism" and the "drug-terror nexus". This stems from a widespread obsession over terrorism, which often sparks irrational fears and disproportionate levels of attention and policy responses. Drug traffickers and terrorists often have very different goals and modus operandi: organised criminals aim to remain discreet and focus on financial gains, while terrorists seek publicity to share their political or religious messages.

It has been suggested that there are three main reasons why narratives emphasising strong links between drug trafficking and terrorism have become so widespread: the media's search for sensationalist stories; government (and civil society) perceptions that drawing a link between the two threats is likely to attract awareness and funding for their work; and diverting attention from the most important issue – corruption.[1]

In many contexts around the world, actors in the illicit drug trade and terrorist activities are largely connected through loose, local and evolving relationships, rather than robust regional networks. Moreover, drug trafficking only constitutes one – often minor – source of revenue among many others for smugglers and extremists, alongside kidnapping, cigarette smuggling, human trafficking and extortion.

Counter-narcotics and counter-terrorism
Both drugs and terrorism have been tackled through heavy-handed law enforcement approaches as part of publically announced abstract "wars". The "war on terror" and the "war on drugs" have become mutually reinforcing narratives in recent years, focusing on a blanket and reactive approach against all suspected offenders. Little emphasis has been placed on the motivations and grievances of actors, or on addressing the structural issues that underlie the problems of terrorism and drug trafficking in the first place.

Drug trafficking and terrorism are two distinct types of threats that largely only interplay on a rare and opportunistic, ad-hoc basis. Policies to counter these two sets of challenges should therefore not be identical. However, both traffickers and terrorists often capitalise on state weakness and on poor economic and social prospects to recruit members to pursue their causes. Current talks of reform in the fields of counter-terrorism and counter-narcotics should therefore build on this refined understanding of the institutional and political roots of the problems. Effective policies must act upon these enabling factors (such as the lack of economic prospects, the absence of reliable social services, education, healthcare and welfare, the presence of inequalities and opaque political systems, widespread corruption, and disproportionate law enforcement actions) – rather than only addressing the symptoms.

Recent Countering Violent Extremism (CVE) initiatives have proved to be an initial step in the right direction, moving away from the "us versus them" mentality and focusing on prevention, community engagement and empowerment, the rule of law, human rights, and training and capacity building.[2]
 Programmes such as the Kenya Transition Initiative, for example, are important case studies to draw lessons from in this regard. Between 2011 and 2014, a system of small grants was operated in Kenya for activities such as livelihood training, cultural events and community debates, and this work "achieved a positive impact in dissuading certain individuals from following the [violent extremism] path".[3]

1. Csete, J. & Sanchez, C. (2013), *Telling the story of drugs in West Africa: The newest front in a losing war?* www.swansea.ac.uk/media/GDPO%20West%20Africa%20digital.pdf%20FINAL.pdf

2. http://www.globalcenter.org/topics/countering-violent-extremism/

3. See, for example: https://www.thegctf.org/web/guest/countering-violent-extremism

4. Khalil, J. & Zeuthen, M. (2014), *A case study of Counter Violent Extremism (CVE) programming: Lessons from OTI's Kenya Transition Initiative*, http://www.stabilityjournal.org/article/download/sta.ee/237

Presentation: Modernising drug law enforcement

🕐 **30 min**

◎ **Aim** – **To describe some of the negative impacts of traditional law enforcement responses to drugs, and how new thinking could yield better outcomes**

1. Introduce the aim of the session.

2. Present the accompanying slides and the information below.

⊘ Information to cover in this presentation:

The "war on drugs" – comprising "tough on drugs" rhetoric, zero-tolerance policing and high incarceration rates – has failed to curb drug use and markets around the world despite costing an estimated $100 billion a year.[1] The zero-tolerance approach – with harsh punishments imposed on any activity related to drugs – has often led to widespread human rights violations, abusive policing practices, prison overcrowding, criminal justice overload, social stigmatisation, discrimination and marginalisation, and the channelling of resources towards the symptoms rather than the root causes of violence and crime. UNODC itself has acknowledged that the international drug control system has created a number of negative impacts – which they termed "unintended consequences" (see Module 1).[2]

A true cultural shift is needed to adjust the drug response to fit the modern world and manage drug markets in a way that minimises the harm to communities. In many settings, discussions are now focusing on how law enforcement powers can be used to beneficially shape, rather than seek to entirely eradicate, drug markets.[3]

Selective law enforcement strategies

One promising option is "focused deterrence", which is a more selective law enforcement approach that concentrates on:

- The most harmful groups (i.e. the most violent or corrupt drug trafficking gangs, or those smuggling the most dangerous drugs)
- The most harmful behaviours (i.e. executions, kidnappings, or terrorist activities)
- The geographical areas with the highest rates of violence.

The objective is to target the most harmful behaviours of certain criminal groups in order to deter other groups from resorting to similar actions. At its core, the strategy acknowledges that some level of drug trafficking will continue to exist, but that its most negative aspects will be mitigated.[4] This is often based on a gradual approach – tackling one target at a time rather than a blanket policy of trying to tackle everything at once. One of the first applications of this concept was Operation Ceasefire in Boston in the 1990s.[5] The operational

focus on the most violent gangs helped to reduce youth homicide by two thirds.[6] To involve local community wleaders, a coalition of religious groups hosted forums for gang members, police officers, church ministers and social service staff to discuss issues, and to give an opportunity for gang offenders to receive education and training in exchange for leaving the gangs. Similar initiatives in the USA and El Salvador have also proven to be effective.[7,8]

Selective targeting is not a magical solution to all drug problems, however. For example, in areas where violence is widespread, it may be difficult to identify which group(s) to prioritise – so focusing on the most violent areas may be the best way forward. If corruption is pervasive, the implementation of the strategy may also be flawed and less effective. Success also depends on the strength of the institutions, the number of law enforcement units and actors involved, the size of the territory, and of course the existence of economic and social prospects to steer individuals away from crime.[9]

Alternatives to incarceration
More often than not, a zero-tolerance approach results in dramatic increases in the prison population – which is problematic for several reasons. Large prison populations are costly and do not have a convincing deterrent effect. In the USA, where federal and state prisons hold more than two million people, almost half of those released from prison are re-incarcerated within three years, either for a new crime or for a violation of conditions of their release.[10] Prisons are usually overcrowded with non-violent drug offenders whose influence on drug markets is minimal – and these individuals then suffer long-term damage to their economic and social prospects as a result of their imprisonment. Ironically, this can make their participation in the drug market even more likely following their release, especially when rehabilitation and reintegration programmes are scarce or non-existent, and a criminal record is a major barrier to finding legal employment. Mass incarceration is also highly problematic from a public health perspective – placing individuals at elevated risk of HIV, viral hepatitis and tuberculosis – to name a few.

As the UNODC Executive Director Yury Fedotov stated: "a public health response to the drug problem should consider alternatives to criminalisation and incarceration of people with drug-use disorders."[11] Alternatives to incarceration have been widely implemented around the world, and a recent report from the Inter-American Drug Abuse Control Commission (CICAD) found that these approaches can contribute to achieving the following core objectives:

1. More effectively addressing public health problems associated with illicit drug use

2. Providing a more humane and effective response to drug-related crimes

3. Reducing the negative impacts of incarceration

4. Helping to reduce prison overcrowding and the human rights violations stemming from it

5. Maintaining the principles of proportionality (see below)

6. Ensuring public safety and citizen security by prioritizing use of public resources in the fight against organised crime

7. Ensuring the minimum expense necessary to maximise the desired results.[12]

Such programmes may include administrative sanctions (such as fines) instead of criminal ones for minor, non-violent drug offences. Other possibilities include the voluntary diversion of people who use drugs into treatment and support programmes as an alternative to prison sentences.[13]

Potential benefits include lower costs for police and the criminal justice system, reduced stigmatisation of people who use drugs, increased uptake of drug treatment, and reduced rates of re-offending (especially among youth and first-time offenders),[14] but also a better ability for law enforcement and criminal justice systems to focus resources on the most harmful aspects of illicit markets and organised crime.

Nonetheless, challenges exist to this approach – not least in countries that lack a healthcare and drug treatment system capable of handling large numbers of referrals from the criminal justice system. There is also a risk of "net-widening" whereby lower threshold punishments encourage the police to engage with greater numbers of people who use drugs (especially where performance indicators and financial incentives encourage police officers to arrest as many people as possible).[15] Additionally, referrals to treatment are an inappropriate use of resources for individuals who are not experiencing problems or dependence because of their drug use (see Module 6).

Proportionate sentencing

In the majority of countries around the world, drug offences attract the greatest criminal sanctions – with widespread incarceration, mandatory minimum drug sentences, and even the use of the death penalty (contrary to international law). One basic principle of a just and sustainable criminal justice response is that the sanctions imposed should be proportionate to the crime committed. Yet drug sentencing frameworks are often outdated and based on moral justifications that drugs are "bad" or "evil".

Sentences for drug offences should be comparable to those for other offences of similar motivation and impact. A number of both aggravating and mitigating factors should be considered when deciding sentences – the scale of the illicit activity, as well as the motivations and the socio-economic background of the offender.[16] Mitigating factors (such as a person's motivation for involvement in the drug trade) must be given more prominence in sentencing decisions – particularly when involvement in the illicit drug market is driven by coercion, incapacity, vulnerability or basic subsistence needs, whether the person has children and is their sole care provider, whether it is a first-time offence, etc.[17]

Ultimately, the overarching objective of these modernised strategies should be the reduction of the levels of violence and harms associated with the drug trade, not the amount of drugs seized or the number of people arrested.

The dangers of vigilantism and militarisation

In some parts of the world, the ineffectiveness or unwillingness of the police to tackle drug trafficking may also lead to the emergence of self-defence groups and paramilitary groups taking the matter into their own hands. In Mexico, vigilante members of unofficial self-defence groups have emerged[18,19] – following on from the *Sombra Negra* (Black Shadow) death squads in El Salvador, Peru's *Rondas Campesinas* (peasant patrols in the 1990s), paramilitary groups in Colombia, and the *justicieros* in Brazil who publicise their punishments of petty criminals on social media.

A major risk in a "war on drugs" approach is the use of the military to tackle drug trafficking organisations. Evidence shows that this approach can contribute to more violence in the short-term, the emergence of more drug trafficking organisations competing for market shares and territory, and violations of basic human rights on all sides. In Mexico, the military crackdown carried out under former President Felipe Calderon has contributed to almost tripling the country's homicide rate. Between 2006 and 2012, more than 60,000 people died in drug-related killings and more than 26,000 more people disappeared. Between 2007 and 2010, kidnapping increased by 188%, extortion by 100%, and aggravated robbery by 42%.[20]

> While changes in the balance of powers between the six main drug cartels and other trafficking organisations in Mexico constituted another key factor in the increased violence in the country, the military response undoubtedly aggravated the situation on the ground. Military gains against one drug cartel only led to the emergence of a range of new, disorganised and highly violent groups competing for territory and power.[21]

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10. The Pew Center on the States (2011), *State of recidivism: The revolving door of America's prisons*, https://www.michigan.gov/documents/corrections/Pew_Report_State_of_Recidivism_350337_7.pdf

11. United Nations Office on Drugs and Crime (2013), *Contribution of the Executive Director of the United Nations Office on Drugs and Crime*, https://www.unodc.org/documents/hlr/V1388514e.pdf

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15. Ibid

16. Lai, G. (2012), *Drugs, crime and punishment: Proportionality of sentencing for drug offences* (London: International Drug Policy Consortium), http://www.druglawreform.info/en/publications/legislative-reform-series-/item/3542-drugs-crime-and-punishment

17. This may be particularly relevant for women. See: Washington Office on Latin America, International Drug Policy Consortium, DeJusticia, Inter-American Commission on Women (2016), Women, drug policy and incarceration: A policymaker's guide for adopting, reviewing and implementing reforms related to women incarcerated for drug offenses,

18. Mohar, J. & Gomis, B. (2014), *Black swan or time-bomb? Mexico's frustrated citizens are increasingly taking up arms*, http://www.governanceanddevelopment.com/2014/03/black-swan-or-time-bomb-mexicos.html

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Handout: Corruption case studies

Below are just some examples of the involvement of people in power in cases of drug trafficking and drug-related crime in recent years.

Ilinois, USA: In 2000, two veteran Chicago police officers from an elite drug-fighting unit were arrested for robbery, corruption, lying to obtain search warrants, planting evidence, torturing suspects, enabling drug traffickers to evade arrest, and running a drug trafficking network between Chicago and Miami. In one case, an officer had drugs placed in the home of a woman who had complained about their conduct. The officers also gave other drug traffickers important information about police informants, undercover officers and undercover police vehicles.

Source: https://www.drugpolicy.org/docUploads/police_corruption_report.pdf

Mexico: In September 2014, a group of 43 students in the state of Gerrero were abducted, and were reportedly turned over by the police to a drug cartel called Guerreros Unidos. They have not been seen ever since. This case brought much attention, both nationally and internationally, on the links between drug cartels and the police in Mexico, and the many other abductions, murders and cases of corruptions that have become commonplace in the country. The Latin American Herald Tribune reported that drug-trafficking gangs paid around 1.27 billion pesos (some USD 100 million) a month in bribes to municipal police across the country. According to a high-ranking official, this was "the portion of the salary the government does not pay the officers so they can live with dignity".

Source: http://laht.com/article.asp?CategoryId=14091&ArticleId=362206 & http://www.abc.net.au/radionational/programs/rearvision/drugs,-murder-and-corruption-in-mexico/5955084

Puerto Rico: In 2001-2002, more than 60 police officers across Puerto Rico were arrested for offering protection services to drug traffickers, returning seized drugs to the sellers, lying to sabotage cases, selling stolen guns and drugs, and helping drug traffickers to evade arrest. Many officers were jailed in August 2001 in what was the largest police anti-corruption sting in the history of the US Federal Bureau of Investigation (FBI). In January 2002, 23 more officers were arrested – and the scandal has even implicated a number of prosecutors and judges.

Source: https://www.drugpolicy.org/docUploads/police_corruption_report.pdf

Sierra Leone: Mohamed Bashil Sesay (cousin of the former Minister of Transport and Aviation, Kemoh Sesay), was sent to two years in prison (although he eventually served his sentence in a hospital due to "health complications") for his involvement in a cocaine trafficking scheme uncovered when a small aircraft carrying over 600 kilograms of cocaine landed without authorization at Sierra Leone's international airport of Lungi. Others arrested included serving members of the national police force and airport authority. In 2011, Mohamed Bashil Besay was released – three years before the end of his sentence – in exchange for a fine of approximately $70,000. The judge in the case accused the government of obstruction of justice for preventing the investigation of Kemoh Sesay's alleged involvement.

Source: http://www.wacommissionondrugs.org/wp-content/uploads/2013/04/WACD_report_June_2014_english.pdf

Ghana: In 2007, Eric Amoateng, the Member of Parliament for Nkuranza South, was convicted in a New York court on charges of conspiracy to distribute heroin in the USA. The case prompted an investigation by Ghanaian law enforcement officials into a former Minister of Energy on the grounds of his possible complicity via a charity foundation in the MP's heroin trafficking venture. In June 2013, the head of airport security, Solomon Adelaquaye, was charged for conspiring to smuggle Afghan heroin into the USA – following a covert operation by Ghana's Narcotics Control Board and the US Drug Enforcement Agency.

Source: http://www.wacommissionondrugs.org/wp-content/uploads/2013/04/WACD_report_June_2014_english.pdf

Handout:
Putting drug-related data in context

For each of these sets of data below, try and match the statistics on the left to the regions on the right. The facilitator will then let you know the right answers – did you get them right? If not, why do you think this is: is the situation over- or under-reported compared to other regions of the world?

Example: Total Population (2013):

1,779 million people		West Africa
606.2 million people		Latin America and the Caribbean
505.8 million people		South Asia
330.7 million people		European Union
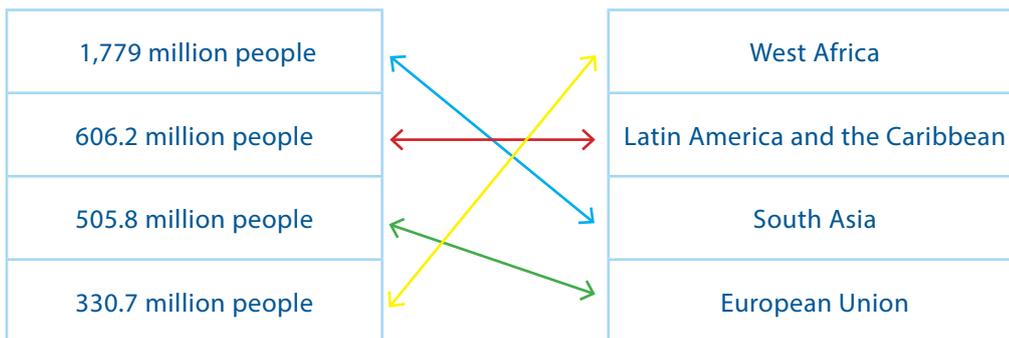
Source: Population Reference Bureau (2013) World Population Data Sheet

Annual prevalence of cannabis use (UNODC "best estimates"):

12.4% of the population		Western and Central Europe
11.2% of the population		Caribbean
5.7% of the population		West and Central Africa
2.5% of the population		North America
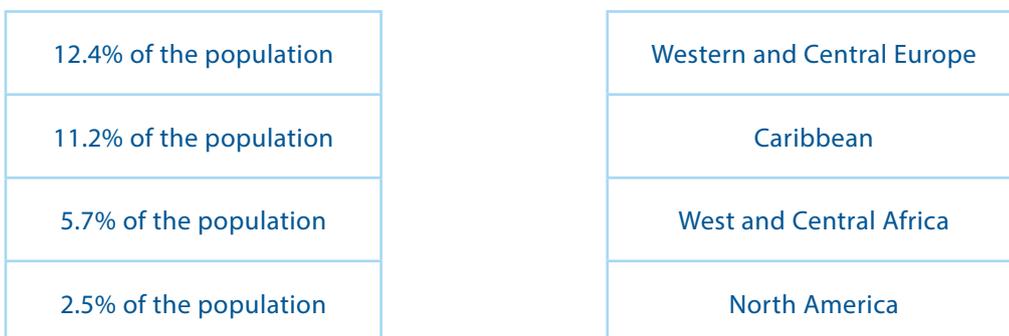
Source: UNODC (2014) World Drug Report 2014.

Cocaine seizures (2011-2012):

71.10% of the global seizures of cocaine	Western and Central Europe
10.26% of the global seizures of cocaine	Africa
0.47% of the global seizures of cocaine	Latin America and the Caribbean
0.21% of the global seizures of cocaine	Asia

Source: UNODC (2014) World Drug Report 2014

Homicide rate (2012 or latest year):

30 homicides per 100,000 population	Southern Africa
22 homicides per 100,000 population	West Africa
14 homicides per 100,000 population	Caribbean
6 homicides per 100,000 population	Western Europe

Source: UNODC (2014) Global Study on Homicide 2013.

Number of prisoners (2013 or latest year):

376 prisoners per 100,000 population	Southern Africa
205 homicides per 100,000 population	West Africa
98 homicides per 100,000 population	Caribbean
46 homicides per 100,000 population	Western Europe

Source: International Centre for Prison Studies (2013) World Prison Population List (tenth edition)

Corruption Perceptions Index – average scores per region (2014):

Note: Scores are out of 100 – lower scores indicate greater the levels of corruption (the global average is 43 out of 100).

33 out of 100	Asia Pacific
38 out of 100	Middle East & North Africa
43 out of 100	Sub-Saharan Africa
66 out of 100	Western Europe

Source: Transparency International (2014) Regional Result Infographics, available from:
http://www.transparency.org/cpi2014/infographic

Handout: Key resources/ Further reading

- Gomis, B. (2014), *Illicit drugs and international security: Towards UNGASS 2016* (Chatham House),
http://www.chathamhouse.org/publications/papers/view/197070

- International Drug Policy Consortium (2016), *Drug Policy Guide* (3nd Edition),
http://idpc.net/publications/2016/03/idpc-drug-policy-guide-3rd-edition

- International Drug Policy Consortium (2014), *Modernising Drug Law Enforcement*,
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- Walker, S. & Burchert, E. (2013), *Getting smart and scaling up: The impact of organized crime on governance in developing countries: A desk study of Sierra Leone*,
http://r4d.dfid.gov.uk/Output/193543/

- West Africa Commission on Drugs (2013), *Not just in transit: Drugs, the State and Society in West Africa*,
http://www.wacommissionondrugs.org/wp-content/uploads/2013/04/WACD_report_June_2014_english.pdf

- World Bank (2012), *Fighting corruption in public services*,
http://elibrary.worldbank.org/doi/book/10.1596/978-0-8213-9475-5