

# PEACE IN PROGRESS

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Drug violence in  
Latin America

ICIP

## SUMARI

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## INTRODUCTION

## Beyond clichés, a multifaceted and painful reality

**Sabina Puig**

"Violence in non-war contexts" coordinator programme, ICIP

Having become popular through films and television series, violence related with drug trafficking and antidrug policies has generated some curiosity, when not fascination. However, its cruelty is anything but science fiction and its real impact on millions of people deserves an in-depth analysis and efficient strategies to face it, from a perspective based on human rights, the protection of public health and good governance.

We are talking about multi-violence, responding to very different dynamics between one case and another and affecting, to a minor or larger extent, territories on all continents. However, in this issue of the *Peace in Progress* magazine, we wanted to put the focus on some of the Latin American countries that are affected the most by cases of intense violence, either related to crime or to repressive anti-crime policies. We are remaining aware of the fact that, if the magazine had been thicker, analyses on other Latin American realities could have been added as well. Each of these countries has been studied from a different perspective, which is not necessarily the only one to be taken into account, or the most determining one. Analysing different factors explaining drug violence and their consequences gives us an idea of the complexity of the situation.

The monograph opens with a comprehensive introduction by Angélica Durán-Martínez, author of the book *The Politics of Drug Violence. Criminals, Cops, and Politicians in Colombia and Mexico* (Oxford University Press, 2018). The article offers an interesting view on the multiple dimensions of cases of drug-related violence and how these have a direct relationship both with the structure of criminal organisations and their involvement in

different types of lawful or unlawful business as well as the policies to fight them, the levels of corruption, etc.

**“ Analysing different factors explaining drug violence and their consequences gives us an idea of the complexity of the situation ”**

In second place, Olga Guzmán, Advocacy director at the Mexican Commission for the Defence and Promotion of Human Rights (CMDPDH in Spanish), gives a synthesis of the serious human rights violations that are being committed in the framework of a militarised “war on drugs” policy in Mexico, at present possibly the country which best illustrates the power of drug trafficking. A power which significantly feeds on the corruption of public authorities and on the involvement of the police and military forces. This is the case, among others, for Venezuela which, as explained by senior CIDOB researcher Anna Ayuso, finds itself between the biggest production centre and the roads to the two main markets, becoming therefore a black spot of illicit drugs and weapons trafficking. This situation is added to the factors that already define the country’s high levels of insecurity.

Drug trafficking is not the only explanation for the intense violence that can be seen in the region, and especially in Central America. In the case of El Salvador, the activities of the *maras* have mistakenly been associated with those of the big illegal drug trade groups. However, as has been demonstrated in recent and in-depth studies, this association is overestimated. The role of criminal gangs like the Mara Salvatrucha or Barrio 18 in the illicit drug distribution is valued in kilograms, not in tonnes. This is how Roberto Valencia, reporter for El Faro newspaper relates it in the fourth article.

**“ This monograph focuses on the realities of Mexico, Venezuela, El Salvador and Colombia, with a comprehensive introduction on the multiple dimensions of violence ”**

It is obvious that drug production and distribution have a real impact on security in many places. In Colombia, another country illustrating the weight of the drug illicit trade, this impact is even more considerable. So much so that the Peace Agreements between the Government and the FARC, signed in Havana, include this matter as a capital element for peacebuilding, linking it with another point of the Agreements: the agricultural reform. Araceli Manjón-Cabeza, director of the extraordinary chair “*Drogas Siglo XXI*” of the Complutense University of Madrid, offers a reflection on this in the light of the country’s present political situation.

Finally, we also wanted to address the impact of drugs in Brazil, a country where its criminalisation has contributed to the aggravation of a serious human rights crisis in its penitentiary system, mainly affecting the most impoverished sector of the population. We are being offered a well-documented perspective by Orlando Zaccone, police commissioner in Rio de Janeiro, in the Interview section. This monograph has been prepared in parallel with the international seminar on “Drugs, policies and violence: From a global consensus to new approaches”, organised by ICIP and Casa Amèrica Catalunya on 23rd and 24th October 2018 in Barcelona. It falls under the framework of “Violence in non-war contexts”, one of ICIP’s four cross-cutting action programs.

Photography : Operation of the army in the favela of Rocinha, Rio de Janeiro / Agência Brasil Fotografias.

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# The multiple dimensions of drug related violence

**Angélica Durán-Martínez**

Assistant Professor of Political Science, University of Massachusetts-Lowell

Violence associated with organized crime, and more specifically with the drug trade, is not new, yet it has grown to be more prevalent and noticeable in Latin America, affecting countries that have been traditional locations of drug trafficking organizations such as Colombia and Mexico, but also areas within countries where the presence of criminal groups is less prevalent or more recent, as Argentina or Ecuador. Interest in analyzing this violence has grown among policymakers and scholars, largely motivated by public security crises like that of Mexico since 2007. While scholarship has grown, defining exactly what drug violence is, and capturing its multiple manifestations remains difficult.

To understand drug violence -defined here as violence that emerges in the operation of drug markets- we need to consider the various actors involved as perpetrators and victims, the multiple methods used to carry it out, and the geographic variation that exists. Precisely delimiting drug violence is very difficult. Using narrow definitions that only classify drug violence as that perpetrated by members of drug trafficking organizations against each other or against the state, can minimize the ways in which it affects civilians, is shaped by government actions, and can mitigate or exacerbate other forms of violence. At the same time, using broad definitions can overstate the causal impact of the drug trade.

## **Actors and methods**

One key challenge in examining drug violence is the prevalent assumption that violence is inherent to the drug trade, and the overwhelming attention given to extreme situations of violence. Certain locations and events tend to grab most media, scholarly,

and public attention. A shootout in the middle of a commercial area or a mutilated body exposed with a note over a bridge, are more likely to generate public uproar, than the killing of street dealers in marginalized urban areas. This bias has often led to ignoring situations where the operation of drug trafficking is relatively non-violent, or where violence is hidden by the perpetrators.

There is enormous variation both across and within countries in terms of how frequent violence is -how many victims it generates- but also in terms of the methods used and how visible it is. I define visibility as a strategy, determined by whether criminals expose or claim responsibility for their attacks. Paying attention to visibility and frequency reveals that places with the most victims of violence are not necessarily those that generate more concern.

**“ To understand drug violence we need to consider the various actors involved as perpetrators and victims, the multiple methods used to carry it out, and the geographic variation that exists ”**

Better assessments of drug violence also require considering public perceptions. For instance, Ciudad Juárez has recently seen a sharp increase in homicides, after about five years of de-escalation since a public security crisis exploded in 2008. Yet some state officials seem to dismiss this escalation as one affecting mostly criminal groups, and the media has given less coverage to it as well. This exemplifies how the attention received by acts of organized violence is often determined by how “innocent” the victims are perceived to be, or by issues such as economic status and ethnicity. Since our public attention is generally directed to lethal violence we also tend to overlook or dismiss non-lethal violence, which often accompanies situations where trafficking groups operate but do not kill frequently. This violence includes forms of oppression aimed at social control, such as the regulation of individual behaviors, or the

elimination of people perceived as “undesirables” by armed actors and communities (e.g. drug users, petty thieves, or prostitutes).

Another key dimension to understand drug violence is that multiple actors beyond criminals engage in it, and that their internal power dynamics matter. For instance, levels of violence may vary depending on how organized, centralized, and competitive are the illicit groups involved in it. Dynamics of violence in Peru or Bolivia, where drug traffickers have a relatively low profile and are mostly local and decentralized, are more contained than in Mexico or Colombia where drug trafficking organizations are more organized, powerful, and have clear transnational dimensions.

The state and its actions also shape levels of violence. State complicity with illicit actors can sometimes reduce violence, as occurs when networks of protection are centralized and effective in reducing criminal incentives to expose violence. State policies regarding crime and drugs are also critical. As recent research shows, indiscriminate crackdowns on crime or leadership decapitation policies can lead to increases in criminal violence, as occurred in Mexico. By contrast, targeted policies that attack the most violent aspects of drug trafficking while addressing the socio-economic factors that lead people in the lower ranks to engage in the drug trafficking chain, have proven more effective in reducing the violence.

**“ Understanding the complexity of actors also requires transcending the idea that drug violence mostly affects criminals, and occasionally law enforcement agents or state officials. Violence generated by the drug trade can affect civilians directly and indirectly ”**

Besides states and criminal groups, other actors, such as gangs, militias or insurgents, can also enter the equation of violence. Vigilante groups that emerge to confront drug



traffickers often worsen the security panorama unleashing cycles of revenge and targeting innocent or marginalized people, as has occurred in Michoacán, Mexico. Drug production and trade can also complicate and lengthen the violence perpetrated by political armed actors, as has occurred with insurgents and paramilitaries in Colombia. Sometimes large criminal organizations use gangs to carry out violence, making it more prevalent, as occurred in Ciudad Juarez when a conflict broke out between the Sinaloa and Juarez drug trafficking groups in 2008. These groups deployed street gangs and violence escalated to unprecedented levels. In other cases the association between gangs and drug trade is not as strong. In Central America many observers assume a connection between the gangs (Maras) and the drug trade, yet the evidence suggests that the connection is not the same across countries. In El Salvador, Maras extract most of their profits from extortion, and their engagement in the drug trade seems to have increased but it is still limited. By contrast, Honduran gangs seem to have clearer connections to the drug trade, and to be overpowered by international trafficking groups.

Understanding the complexity of actors also requires transcending the idea that drug violence mostly affects criminals, and occasionally law enforcement agents or state officials. Violence generated by the drug trade can affect civilians directly and indirectly. To protect their turf, criminals may target civilians whom they suspect to be members of rival gangs or informants for the state or rivals. Likewise, state authorities may target civilians whom they suspect to be criminals or they may victimize civilians simply to show operational results. Civilians can also end up being caught in the cross-fire when criminals and states use force more indiscriminately (for example engaging in street shootouts). Most importantly, low level soldiers of criminal groups who represent the majority of victims and perpetrators of criminal violence are often young people in marginalized communities. Their deaths, while seemingly justified, can tear apart the social fabric of their neighbourhoods.

**“ We probably miss an important dynamic if we do not consider how the drug trade affects other**

## **illegal markets and other forms of violence ”**

### **Geographic dimensions**

Certain locations are more attractive for the production, transit and distribution of drugs, and are more likely to suffer violence. Yet, precisely because drug markets and flows are not always violent, a geographic analytical lens requires not only focusing on the physical conditions that make certain locations attractive for the drug trade, but also socio-economic and political conditions. These factors determine variation across and within countries, and can explain why violence tends to concentrate in a handful of locations. By 2017, for example, the four most violent countries in the world were located in Latin America and experienced a clear presence of the drug trade: El Salvador with 60.1 homicides per 100,000 inhabitants; Jamaica (56); Venezuela (51), and Honduras (43). Yet some countries which experience drug flows display low homicides rates as occurs in Argentina (6.3) or Ecuador (5). This variation also applies within countries. In Nicaragua, where homicide rates are the lowest of the Northern Triangle (6.8) the autonomous southern region in the Atlantic coast experiences a homicide rate of 33.

### **Is it just the drug trade?**

Criminal groups engage in multiple illicit, licit, and semi-licit markets. Many prominent non-state violent actors who profit from drug trafficking also engage in human trafficking, extortion, kidnapping, oil theft, and the regulation of agricultural markets among many other activities. Los Zetas and La Familia Michoacana in Mexico are prominent examples of this market diversification, which blurs the boundaries of drug violence. For example, can we classify as drug-related the killing of an individual who refused to pay a protection quota by a gang that also operates as the armed force of a large trafficking organization? Or the killing of 72 migrants by Los Zetas? The answer is no, but we probably miss an important dynamic if we do not consider how the drug trade affects other illegal markets and other forms of violence.

Our understanding of drug violence has expanded, but it is still limited. Scholarly and policy efforts to dissect this phenomenon have to acknowledge that the simultaneous presence of the drug trade and violence does not inevitably signal that drug violence is

the driving force of insecurity. Research also requires paying attention to instances where the drug trade is not violent. The label drug related can be misleading if one thinks of drug violence simply as criminals killing each other. But ignoring how the drug trade affects other realms of public security can also lead to omitting key interconnections between different types of violence, different groups, and different markets. Ultimately, the challenge is to combine data sources, research methods, and locations of analysis to move beyond assuming, to understanding violence.

Photography : Militarization of Herrera / Andrés Gómez Tarazona

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# The harmful effects of drug security policies in Mexico

**Olga Guzmán Vergara**

Advocacy Director of the Mexican Commission for the Defense and Promotion of Human Rights

The security strategy implemented by Mexico to combat the cultivation, trafficking and possession of drugs based on the United Nations international drug control regime has had a harmful effect on the enjoyment and exercise of human rights in the country. National and international evidence shows that these policies have been disproportionate and have had no effect on the eradication of production, trade or the problematic use of drugs. On the contrary, the consequences of prohibitionist policies have been extremely harmful.

According to the National Addiction Survey of 2011 and the Survey on Drug, Alcohol and Tobacco Consumption of 2016 and 2017, published by the Mexican Government, no significant increase has been observed in the proportion of people who report drug use. On the contrary, there has been an exponential and increasingly dramatic rise in the number of deaths and intentional homicides related to the security policy of combating drug trafficking.

Not only do we have more and more civil society human rights organizations that document the incidents of torture, forced disappearances, executions and arbitrary detentions, and the restriction of fundamental freedoms within the framework of a security policy to combat drugs, but various international organizations have also reported the impact this policy has on human rights.

## The drug policy failure

In Mexico, the results of the international drug control regime have been devastating. Since 2006, when former president Felipe Calderón declared all-out war against organized crime with the aim of “saving our children and youth from the scourge of drugs and addictions,” the rates of violence, insecurity and corruption have increased alarmingly.

According to the report by the Inter-American Commission on Human Rights (IACHR) *Situation of Human Rights in Mexico*, published on 2 March 2016, “Mexico has been going through a serious crisis of violence and security for several years.”<sup>1</sup> This report highlights that during the Calderón Administration and the so-called war on drug trafficking, “serious situations of violence increased to alarming levels, including the consequent loss of more than one hundred thousand people, thousands of disappearances and a context that has led to the displacement of thousands of people around the country.”<sup>2</sup>

### **“ Corruption and impunity in combat strategies against organized crime have been a constant in Mexico ”**

The security policy adopted in the country as part of the war against drug trafficking consisted in the deployment of armed forces to perform public security tasks without any type of civilian control. This situation, as documented by the Inter-American Commission, “has unleashed even greater violence, as well as serious human rights violations, with a lack of accountability in accordance with international standards.”<sup>3</sup>

Like the IACHR, various international human rights agencies have stated that the violence generated by the strong presence of military forces in the regions of the country with the greatest presence of organized crime has caused serious human rights violations. In his first visit to Mexico in 2013, the United Nations Special Rapporteur on Extrajudicial Executions documented that the army’s massive deployment to confront the drug cartels had resulted in numerous extrajudicial

executions at the hands of both the security forces and the cartels “often without any kind of accountability.”<sup>4</sup> The Special Rapporteur noted with concern that extremely violent incidents continue to occur in the country at an intolerable level, particularly attacks against the right to life.

According to the information provided to the Special Rapporteur by the Mexican authorities, during the previous federal administration, from December 2006 to November 2012, 102,696 intentional homicides were committed. The Government acknowledged that no fewer than 70,000 of those deaths (nearly 70%) were related to drug trafficking.<sup>5</sup>

In addition, after his visit to Mexico in 2014, the Special Rapporteur on Torture confirmed that since the deployment of military personnel in 2006 as part of the war against drug trafficking, the National Human Rights Commission had registered an increase in complaints of torture and other ill-treatment beginning in 2007. It reported a maximum of 2,020 complaints in 2011 compared to an average of 320 in the six years prior to 2007.<sup>6</sup>

**“ The violence generated by the strong presence of military forces in the regions of the country with the highest presence of organized crime has caused serious human rights violations, such as torture and forced disappearances ”**

Another of the serious human rights violations that have been generated by the various forms of violence that have been occurring in Mexico in recent years has to do with forced internal displacement. The violence generated by the fragmentation and fight for territories by organized crime has led to the forced internal displacement in Mexico of thousands of people over the last few years.

Corruption and impunity in combat struggles against organized crime have been a constant in Mexico. According to the United Nations High Commissioner for Human Rights<sup>7</sup>, the huge amounts of money that the organized crime groups deal with “are coopting and corrupting key institutions”<sup>8</sup> in the country. Additionally, although the strategy has focused on the arrest of members of organized crime groups, no real efforts have been made to dismantle the corruption network that involves organized crime and State agents.

### **False indicators of success**

The anti-drug policy has also favored the development of laws and figures that counter with due process and judicial guarantees, the presumption of innocence, the right to an adequate defense, and the right to a punishment that is proportionate with the seriousness of the crime. Worryingly, as indicators of the success of their policy, Mexican authorities have used the hectares of poppy and marijuana eradicated, the number of cocaine laboratories destroyed, the number of people arrested, or the quantity of drugs seized. While these types of indicators give an impression of effectiveness, there is no indication of whether or not the tactics used result in real progress towards the achievement of the main goal, which is a decrease in drug use in the country.

So security strategies are implemented to reduce the supply and demand of drugs without indicators of the impact on consumption. But, in addition, these strategies do not take into consideration the fact that actions aimed at combating drug trafficking are unsustainable in the long run since they ignore national borders and the operational capacity and diversification of organized crime. In other words, the eradication of a poppy crop does not prevent the planting of another crop in a different part of the country; the arrest of an organized crime leader does not limit the operation of a cartel, nor does the fragmentation of a cartel prevent the emergence of another one; and the seizure of drugs and the identification of distribution routes do not limit the emergence of new routes and forms of transport.

### **Regulation, not war**

In order to launch a serious debate on the design of new public policies that regulate the use of drugs, we must begin by recognizing the failure of the prohibitionist policy and the security policies aimed at combating the production, distribution and use of drugs that the country has adopted. We need new indicators to evaluate the success of strategies aimed at reducing drug consumption. The tons of drugs seized, the number of people detained or the hectares of crops eradicated do not indicate whether or not drug use in the country is being reduced if there are no methodologically viable records to accurately calculate the prevalence of consumption.

**“ There is an urgent need for the Mexican State to focus on long-term institutional reforms and not on palliative measures of punitive populism ”**

A comprehensive reform in the area of drug policy is necessary, beginning with the regulation of the cultivation and the market of cannabis and poppy, which includes the establishment of a model of governmental control of the market of both plants. The regulation of marijuana, as a first step to weaken harmful anti-drug policies, would lead to the generation of information regarding the prevalence of consumption of this drug, and its decriminalization would have an impact on the reduction of mass incarceration.

In order to dismantle the network of corruption and impunity of organized crime that has generated so much violence in this country, it is imperative to strengthen the civil institutions that fight against drug trafficking. The use of military forces instead of police forces weakens and distorts the functions of both. Therefore, the reform and strengthening of justice must go hand in hand with the strengthening of police forces since, in order to fight drug trafficking, you need a police force and a judicial system that work.

The reality of hundreds and thousands of victims of the country's war on drugs cannot remain invisible. Therefore, there is an urgent need for the Mexican State to focus on long-term institutional reforms, and not palliative measures based on punitive



populism.

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2. IACHR. Situation of Human Rights in Mexico, p.31.
3. IACHR. Situation of Human Rights in Mexico, p.11.
4. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns. A/HRC/26/36/Add.1, 28 April 2014, p. 5.
5. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, p.5.
6. Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez, A/HRC/28/68/Add.3, 29 December 2014, p.6.
7. Statement by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on the occasion of his visit to Mexico, 7 October 2015, p.3.
8. Statement by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, p.3.

Photography : Kidnappers arrested during a confrontation with the Mexican federal army and police / Jesús Villaseca Pérez.

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# Violence, corruption and organized crime in Venezuela

**Anna Ayuso**

Senior Researcher at CIDOB

In addition to the political and economic crisis that Venezuela is experiencing, there is also a public safety emergency. Violence against civilians is increasing throughout Latin America, but in Venezuela it is a scourge comparable only to the northern triangle of Central America. According to the Venezuelan Observatory of Violence (OVV), in 2017 the country was ranked second regionally and globally (behind El Salvador) in terms of homicide rates: 89 per 100,000 inhabitants (132 in Caracas). This entailed a total of 26,616 deaths in the entire country, although the official figure is lower: 21,752 homicides (70.1 per 100,000). According to the OVV, official statistics minimize the number of violent deaths since the category of homicides is used only for cases where criminal proceedings have been initiated; the thousands of violent deaths caused by a gunshot without a known cause are not included. That is why the seven Venezuelan universities that are currently grouped together in the OVV keep their own statistics, based on a network of regional observatories and press observatories, which they contrast with the official figures.

According to the OVV, since 2000, some 250,000 homicides have been committed, most of them with firearms. During this period, domestic violence has also increased, exacerbated by the deprivation of basic commodities such as food. In addition, state violence increased in 2017, both in the disproportionate use of force for the punishment and control of crime, and in the illegitimate use of force to suppress social protest. The OVV claims that 106 people died every week in 2017 at the hands of police or military officials, but most do not show up in official statistics. The lack of transparency in government figures correlates with an impunity rate of crime in general that reaches 90%. This goes beyond homicide: according to Amnesty International, 98% of the cases

involving human rights violations and 92% of common crimes also go unpunished in Venezuela. The OVV also reports an increase in contract killings, with an average of at least 6.4 a week. It also estimates that at least one police officer is killed every day. Both victims and victimizers are mostly young men between 12 and 29 years of age (60%), recruited from among the most vulnerable sectors of the population affected by economic hardship and food shortages.

**“ Senior members of the Venezuelan military leadership have been accused of forming part of the organized crime structure and benefiting from drug and arms trafficking, and the smuggling of gasoline, and even food” ”**

The police forces are not able to respond to this emergency situation since many professionals have switched to the private sector, which offers better salaries, and others have emigrated. Many of the new recruits are characterized more by patronage than by adequate training. Given their low salary, they are very vulnerable to being coopted by criminals and many end up involved in the commission of crimes, which has facilitated the progressive penetration of organized crime. The involvement of members of the police forces in drug trafficking is nothing new; it has been happening for decades. What has changed is the intensity of this involvement.

The permeability of the border between Venezuela and Colombia, with large, sparsely populated areas devoid of border controls, together with the permissiveness toward the presence of armed FARC and ELN guerrilla groups on the part of Hugo Chávez, provided fertile ground for drug trafficking to flourish. These armed groups developed a two-way network, trafficking with cocaine to the north and with cheap Venezuelan gasoline to the south (the latter, a business as lucrative, or even more so, than drug trafficking in Venezuela).

With the increase in violence, it was decided to make the matter an issue of national security, which entailed the involvement of the Armed Forces in the fight against transnational crime. Initially, the National Guard was in charge of the surveillance of organized crime, but it was coopted by corruption in exchange for permissiveness. Later, when the presence of drug trafficking became more evident and Venezuela was pressured internationally, Chávez incorporated the rest of the armed forces (Army, Navy and Air Force). Their presence gradually increased but, before long, so did their links with criminal networks. Venezuela's Bolivarian Armed Forces established relations with the networks set up by the FARC and the ELN to the point that senior members of the Venezuelan military leadership have been accused of forming part of the organized crime structure and benefiting from drug and arms trafficking, and the smuggling of gasoline, and even food. Investigations conducted in the United States suggest that, according to the confessions of extradited traffickers, there is a clear link to illicit trafficking on the part of members of the military leadership, who were called the Sun Cartel because of the insignia of their uniforms. Also based on the confessions of extradited drug traffickers, the US State Department asserts that the two most prominent figures of the regime linked to the drug trade are Diosdado Cabello, currently President of the National Constituent Assembly, and Tareck el Aissami, Economic Vice President; both deny the accusations. Nevertheless, both have been sanctioned by the United States, along with other high-ranking officials, with the freezing of their assets in the country along with an entry ban.

**“ The location of Venezuela, along with the State's inability to exert control and the high level of corruption, have turned the country into a black spot for the illicit trafficking of drugs and arms ”**

Sources from the InSight Crime Foundation note that initially Colombian drug traffickers paid members of the Armed Forces to smuggle drugs, but over time they

began playing a bigger role. They ended up controlling the traffic in part of the territory, even in competition with other organized transnational networks. In 2005, the Drug Enforcement Administration (DEA) was expelled and that resulted in a surge in drug traffic in Venezuelan territory. The arrest of Colombian drug traffickers and their extradition helped “nationalize” the business, which allegedly went on to be controlled by the generals themselves, albeit haphazardly. The location of Venezuela between the main production area and the routes to the two major markets (the United States, through Central America; and Europe, through the Caribbean), together with the inability to control the monopoly of the use of violence by the State and the high rate of corruption protected by impunity has turned Venezuela into a black spot in the illicit trafficking of drugs and arms.

Besides the oversized Venezuelan armed forces (2,000 generals versus 900 in the United States) and the weakened police forces operating in Venezuela, there are other groups with access to arms. Hugo Chávez and his successor Nicolás Maduro promoted the mobilization of civilian reservists called the Bolivarian Militia, which receives military training. The militia has 400,000 members, but Maduro wants to increase this number to one million. Many of them belong to the *colectivos*, groups whose purpose is to defend the revolution at all costs and who respond, in principle, to government directives. However, according to InSight Crime, part of these groups have become criminal associations dedicated to extortion and drug trafficking. According to the Venezuelan Observatory of Organized Crime, some of them (not the majority) maintain ties with the so-called megagangs, which are real criminal organizations that control parts of the territory *de facto*, and with Colombian paramilitary gangs called Bacrim. These groups have almost absolute impunity from the police forces. Most of them engage in extortion, robbery and kidnapping, but they also have links to the illicit trafficking of drugs, arms and other related crimes such as contract killings.

**“ The economic crisis, the weakness of institutions, corruption and the proliferation of**

## **criminal networks have led Venezuela to a situation that some compare to a mafia state ”**

In addition to the lack of security in the streets, the politicized judiciary is characterized by its inefficiency and a lack of professionalism. According to InSight Crime, 75% of the judges hold temporary positions and do not have the conditions needed to act with diligence, even if they were willing to do so. The same is true of the precarious prison system which, according to the Venezuelan Prison Observatory (OVP) has a level of overcrowding that exceeds 190%. Many of the prisons are controlled by the ringleaders of criminal gangs called *pranes*, who extort other inmates while the authorities look the other way. Venezuela has the most dangerous prisons in Latin America.

The economic crisis, the lack of opportunities, the weakness of institutions, the proliferation of various types of criminal networks and rampant corruption have led Venezuela to a situation that some compare to a mafia state because of the structure of complicity between government leaders and the illicit economy. Hence the migration crisis that is affecting neighboring countries and which, according to the International Organization for Migration (IOM), amounted to over a million and a half Venezuelans between 2004 and 2017. The Peace Process in Colombia, which led to the disarmament of the FARC, has not resulted in an improvement of the situation in Venezuela, where some of the dissidents have joined the criminal groups. The growing regional isolation of Venezuela and the worsening economic situation do not bode well for a forthcoming imp.

Photography : SOS Venezuela / by Lorena

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# The overstated role of maras in international drug trafficking

**Roberto Valencia**

Journalist

The first tweet about Mara Salvatrucha in Donald Trump's official account was written on 20 April 2017, exactly three months after his swearing in as president of the most powerful country in the world. "The weak illegal immigration policies of the Obama Administration allowed bad MS 13 gangs to form in cities across US. We are removing them fast!" With these words, Trump began something that later became constant: the use of the *mara* phenomenon (and one in particular, Mara Salvatrucha or MS-13) to justify his discourse and his anti-immigrant policies.

But what are the *maras*? Trying to summarize such a complex phenomenon in one paragraph is audacious, and perhaps even ill-advised, but here goes: The *maras* are very violent youth groups that originated in Los Angeles area, California. Beginning in the early nineties, they began to gain adherents in the Central American region through the mass deportation of active members of the two Latino gangs most inclined to accepting Central American migrants in their ranks: MS-13 and Barrio 18. The first deported members of these gangs did not take long to make their respective gangs grow in a social environment characterized by poverty, inequality and violence, coupled with extreme institutional weakness and a state presence that is either non-existent or insignificant. In less than a quarter of a century, these groups made up of youngsters and adolescents went from being a problem of public safety to a problem of national security, especially in El Salvador, where they developed the most. These gangs are fragmented, very territorial and ultraviolent, and they have demonstrated a great capacity for adapting to the public policies with which different governments have tried to combat them, almost all of which are strictly repressive. Today, after thirty years of evolution based on the conditions in Central American societies, the MS-13 operating in

San Salvador or in Tegucigalpa has little to do with its homonym in Los Angeles. Referring to Mara Salvatrucha or the Barrio 18 gang as a whole, as a kind of multinational crime syndicate, is one of the most recurring errors among academics, journalists and even authorities in charge of neutralizing the threat they pose.

**“ Referring to Mara Salvatrucha or the Barrio 18 gang as a whole, as a kind of multinational crime syndicate, is one of the most recurring errors ”**

From the outset, I have been a member of “Sala Negra,” an investigative team set up in 2010 by the Salvadoran digital newspaper *El Faro* to try to dissect and understand the various expressions of violence in the Northern Triangle (El Salvador, Guatemala and Honduras), the region the United Nations considers to be the most violent on the planet. Because of their aggressive presence in the daily lives of millions of Central Americans, the *maras* have been the habitual target of our investigations, which have been characterized by very intense reporting in the communities most affected by this phenomenon, and a direct and sustained dialogue with victims and victimizers.

The central theme of this issue of the *Peace in Progress* e-magazine came up from our first approaches: violence related to drug trafficking. Were – or are – *maras* key actors in the transportation of cocaine between the Andean region and the nostrils of gringos? Are they a real threat to the world’s most powerful country, as inferred from the increased importance attached to MS-13 in Donald Trump’s speeches?

Since the beginning of the century, apparently serious reports and investigations – funded mostly by US institutions, or directly with federal funds – link Barrio 18 and especially Mara Salvatrucha with international drug trafficking, but these assertions do not fit with our inquiries on the ground. Our investigations find that most gang members and their families have much more mundane concerns, such as ensuring they get three meals a day. Washington wound up stirring up a hornet’s nest when, at the end of 2012, the Treasury Department included MS-13 on its blacklist of



transnational criminal groups, along with organizations such as the Zetas, the Yakuza or the Camorra. The Mara Salvatrucha of Guatemala, of Honduras, of El Salvador and the one that operates in Mexican territory – mostly in the south – are not all the same after these three decades of parallel evolution. Even in El Salvador, the case that we know the best, assigning the same role to all of MS-13's "cliques" (the gang's basic unit of operation) and "programs" (clusters: groups of cliques that operate under the same command) is absurd. Not even in such a small country, of little more than 20,000 square kilometers, is such an unreserved generalization wise.

**“ Maras traffic in and consume drugs, that is an irrefutable fact. But their main role in the distribution chain is small-time drug dealing: in kilograms, not in tons. ”**

In “Sala Negra” we set out to answer once and for all the question of how important MS-13's role was in international drug trafficking. An investigation conducted in collaboration with *The New York Times*, lasting over six months, gave rise to a report published simultaneously by both publications in November 2016, the English version of which was entitled *Killers on a Shoestring: Inside the Gangs of El Salvador*. The article is extensive, solid, accurate, and of course you are welcome to read it in its entirety, but I have extracted a paragraph that fully illustrates the theme of this column: “Although Salvadoran gangs sell drugs, they do it like street-corner dealers, not international operatives. From 2011 to 2015, the National Police seized 13.9 kilograms of cocaine from gangs; that was less than 1 percent of the total seized. Three-quarters of the gang members prosecuted on drug charges over the last few years were charged with possessing less than an ounce.”

Two years have gone by since the publication of that report, but we have no evidence that there have been any substantial changes, and much less certainty that MS-13 or the Barrio 18 gang have become major international drug trafficking operators, or that as gangs they even maintain a relationship of equals or of dependence with any of the

Mexican cartels that supply the US market.

*Maras* traffic in and consume drugs; that is an irrefutable fact. But their main role in the distribution chain is small-time drug dealing, protected by the aggressive territorial control they maintain in the neighborhoods and communities they dominate. It is likely that some clique or “program” in particular has made the leap and is dealing in more significant quantities, but always measured in kilograms, not in tons.

Regarding reports and investigations that affirm that Central American gangs play a decisive role in global drug trafficking, I cannot but question the researchers’ methods of investigation, which must be superficial, biased or hasty, or even their interests or those of their financial backers.

### **“ The relationship between *maras* and international drug trafficking is embryonic ”**

That in the medium or long term *maras* may become more involved should not be ruled out; on the contrary, it is likely and even logical. Therefore it is advisable to keep in mind that, especially *Mara Salvatrucha* (the most organized and hierarchical, within the atomization and operational autonomy of the cliques typical of this phenomenon), or a select group of its members, could end up becoming a much more articulate actor capable of moving tons across the many borders of the Central American region. It may even have already begun to move in that direction in Honduras or Guatemala, where the *maras* have a tougher competition with narco-traffickers in terms of territorial presence.

On this side of the Atlantic, the expression *Asustar con el petate del muerto* (Scare with the dead man’s shroud) is often heard. We use it when someone or something wants to provoke anxiety without there being a cause that justifies it. I am not able to say by whom or why we have been scared by the dead man’s shroud for years regarding the issue of the relationship between *maras* and international drug trafficking, but I can say that this relationship is, in any case, embryonic. *Maras* constitute a problem that brutally affects the daily lives of millions of Central Americans, and their members

generate death, forced displacement and ruin every day. The diagnosis needs to be as accurate as possible if we really want to solve this problem.

Roberto Valencia has published *Carta desde Zacatraz* (Libros del KO, Madrid, 2018) on the *maras* phenomenon

Fotografia : Tattoo member of the “Maras”

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IN DEPTH

## Peace and drugs in Colombia

**Araceli Manjón-Cabeza Olmeda**

Director of the "21st Century Drugs" Extraordinary Chair of the Complutense University of Madrid

Two years have gone by since the referendum on the Peace Agreement signed between the Government and the FARC was held in Colombia on 2 October 2016. The accord was rejected, which resulted in uncertainty and it became clear that Colombian society was split in half. It is true that, after adding some changes to the text of the Agreement, it was approved and implemented with many difficulties and without knowing for sure, to this day, what the new president, Iván Duque, will do. It should be noted that Duque has come out against the distribution of land laid out in the Peace Agreement and its two central ideas: the return of land seized from displaced persons during the conflict and the creation of a land fund. Duque is also in favor of maintaining a tough anti-drug policy, without ruling out the return to glyphosate fumigation to eradicate illicit coca crops, which would be tantamount to, among other things, a return to an anti-drug policy that is submissive to the will of the US. On the other hand, violence has not disappeared in Colombia and human rights activists and rural leaders continue to be killed.

These two issues, land and drugs, are crucial for building peace and, moreover, they are intimately related. The text of the Peace Agreement prioritizes voluntary substitution for sustainable crops, an institutional presence in conflict zones and comprehensive human development, especially in pockets of poverty, and the protection of human rights; on the other hand, it contemplates a reduction of sentences for trafficking and cultivation. This approach to drug policy was already announced by President Santos at the United Nations in April 2016. It was a powerful speech in which he indicated that Colombia was the owner of its destiny and responsible for making its own decisions,

separating itself from the useless, absurd and counterproductive multilateralism imposed by the US and the United Nations for half a century. As has already been stated, this option for a new drug policy is not the one supported by the current president.

**“ Land and drugs are crucial for the construction of peace and are intimately related ”**

Even before being elected, Duque said that the agreement generated impunity and weakened the rule of law. This view is the result of not being able to understand that in certain post-conflict situations it is only possible to achieve peace by applying mechanisms of transitional justice and reparation of harm. One thing is ordinary justice, which is applied when the conflict is active, with very harsh penalties that seek absolute and retributive justice but that do not resolve the war, and another quite different thing is transitional justice. Transitional justice involves a set of measures that allows societies broken by war, national disintegration or dictatorship to move towards peace, reconciliation or democracy. The allocation of congressional seats to former FARC members and the lesser penalties or amnesty are the price that must be paid to achieve peace, bring out the truth, achieve reparation and guarantee non-repetition. If ordinary justice had been applied, the Agreement would be unnecessary, but peace would be unattainable.

**“ Insisting on the most obsolete prohibitionist recipes is not going to solve the problem. The war on drugs has been a failure and has generated violence, instability, damage to health and the environment, human rights violations and corruption ”**

In reality, the Colombian conflict contains several different conflicts: the political violence, drug trafficking, guerrilla and paramilitary conflicts. This convergence of actors – occasionally with links between them – impedes any solution that is not based on agreements in which compromise is necessary in order to make political life possible, provide an outlet for those who have exercised violence, and act decisively to compensate the victims of so many years of conflict. The Agreement is a framework in which its different chapters are inseparable: it's an all or nothing. Hence the phrase that was repeated over and over before it was signed: "Nothing is agreed until everything is agreed." The six points of the text – rural reform, political participation, end of the conflict, illicit drugs, victims and verification – cannot be isolated and none is dispensable, since they are all necessary to achieve the final objective: namely, the end of the conflict and the attainment of a stable and lasting peace, with a guarantee of non-repetition. A special correlation is established between points 1 (rural reform) and 4 (a solution to the problem of illicit drugs), which is logical considering that the problem of land dispossession is not alien to illicit crops and their eradication; note that these crops have caused forced displacement, as well as aerial spraying, which is also responsible for the deforestation of some cultivation areas. On the other hand, it is known that for important groups of peasants the cultivation of coca is a survival option. And it is important to note that after the suspension of aerial spraying, coca crops have grown considerably, which the US considers unacceptable; the government will deal with this issue by resuming aerial spraying, not with planes, but with drones.

We will have to wait and see if this return to the old anti-drug policies will annul the measures proposed by the Agreement. For now, what can be affirmed is that insisting on the most obsolete prohibitionist recipes is not going to solve the problem because we already know that the war on drugs has been a failure and has generated violence, instability, damage to health and the environment, human rights violations and corruption. The idea that eradicating crops will put an end to the problem is false because acting on supply, with conscious oversight of demand, has not worked; this has already been proven.

**“ If no solutions are offered to small farmers, if they are not able to recover their lands, if these are not cleared of landmines and there are no alternative crops, the chain will not be broken at the link of production, which is essential for drug trafficking ”**

The Agreement states that the Crop Substitution Program, which is based on voluntary substitution, is “a component of Comprehensive Rural Reform.” This is so, and it could be at risk with a return to exclusively repressive prohibitionist measures. In addition, the substitution program would be preceded by the clearing of territories that are still full of antipersonnel mines and live ammunition. The Program contemplates that, in the cases of farmers who voluntarily renounce coca crops, there will be no criminal prosecution for their previous actions, which is essential for them to accept the substitution plans. The proposed solutions also seek the protection of the environment, yet another victim of drug trafficking and the war waged against it. All this could be at risk if the roadmap laid out in the Agreement is abandoned or if any of its components are disregarded. On the other hand, resubmitting to the wishes of the US will mean that Colombia will once again be perceived as a “problem territory” that requires foreign intervention, when what is required is for the country to act as a “solution nation” based on the country’s needs rather than the desires of the US.

If no solutions are offered to small farmers striving to survive, if they are not able to recover their lands or have access to them, if these lands are not cleared of mines and if there are no alternative crops, the chain will not be broken at the link of production, which is essential for drug-trafficking. In other words, a return to traditional methods puts rural reform and peace at risk. It is true that Colombia is deeply divided – the referendum was proof of this – and that the Agreement does not satisfy everyone, with some sectors rejecting it outright; but it is also true that maintaining the scenario prior to the Agreement is unacceptable. The Agreement should not be judged simplistically

as good or bad, but should be seen in the context that Colombia has endured for too many years. This Agreement, despite its possible inadequacies and errors, is the only one that has been reached, so the question is whether to continue the war, with its multiple forms of violence, or to accept that, at the present time, the Agreement is the only alternative.

Photography: Colombian National Police in Tumaco, coca plantation / Policía Nacional de los colombianos

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RECOMANEM

## Materials and resources recommended by the ICIP

### Books

#### *Bibliography on drug policy*

The ICIP Library offers a wide variety of titles dealing with the issue of drug-related violence, from studies on organized crime to drug policy. By clicking on [this link](#) you will find a selection.

The library, located at Carrer Tapineria 10, 1st floor, in Barcelona, is a center specialized in issues of peace culture, security and conflicts. The library's collection covers the following thematic areas: peace and nonviolence, armed conflicts, transformation and conflict resolution, international law, political science, international relations, security, disarmament, terrorism, development cooperation, social movements and environmental policies.

### Report

#### *Taking stock: a decade of drug policy- a civil society shadow report*

The report *Taking stock: a decade of drug policy- a civil society shadow* published by the International Drug Policy Consortium (IDPC) evaluates the consequences of implemented drug policies around the world during the last 10 years. It is based on data provided by the UN as well as other sources.

The purpose of this report is to contribute constructively to high-level debates on global drug policy over the next decade. Firstly, it highlights the need to carry out a more detailed and regular research on the consequences of drug policies at local, national, regional and international levels. Secondly, it questions the sources of information

currently used to develop reports submitted by governments. The report points out that in order to draw a more complete and balanced scenario of the situation it is essential to add academic and civil society studies. Thirdly, the document approaches the lack of progress made in the achievements of specific goals for a drug-free world.

It concludes that the objectives established in the action plan and the political declaration of 2009 have not been achieved and, in some cases, the policies that have been adopted are contradictory. It also offers some recommendations to continue discussing about what objectives and measurement systems could be studied in the post-2019 global drug policy strategy.

### **Book**

#### **The Politics of Drug Violence, by Angélica Durán-Martínez**

*The Politics of Drug Violence. Criminals, Cops and Politicians in Colombia and Mexico* (Oxford University Press, 2018) goes beyond the usual ways to explain violence related to drug trafficking. It argues that drug violence is the result of complex interactions between states and criminal actors and establishes that the cohesion of the state security apparatus together with the level of competition existing in the illegal drug market are determining factors in the use of violence by drug traffickers.

The author emphasizes that in the study of this phenomenon, we should not only focus on the frequency of violence, but also on its visibility. Her thesis is based on an empirical analysis of five cities that have been the headquarters of the main drug trafficking organizations of the last four decades: Cali and Medellín in Colombia, and Ciudad Juárez, Culiacán and Tijuana in Mexico.

### **Web**

#### **UNODC, United Nations Office on Drugs and Crime**

The United Nations Office on Drugs and Crime (UNODC) is the UN agency that leads the global fight against illicit drugs, organized crime and terrorism. The main objective of the UNODC is to contribute, together with the states, to address threats that are warning governance and social stability and that undermine the basic conditions necessary to incentive human development. The UNODC carries out three main

functions: research, pressure on governments to adopt laws and treaties against crime and drugs, and technical assistance to these governments to implement drug control policies.

Among its successes we can find the resolutions that led to the origins of the United Nations Convention against Transnational Organized Crime and its protocols, aimed to combating human trafficking and the illicit trafficking of weapons at the international level.

UNODC publishes the World Drug Report annually. The 2018 report ([see executive summary](#)) illustrates the magnitude and complexity of global drug markets and notes that drug-related deaths are on the rise.

## **Web**

### ***Global Commission on Drug Policy***

The [Global Commission on Drug Policy](#) was established in January 2011 by a group of global personalities with the aim of defending drug policies based on scientific evidence, human rights, public health and security. It is made up of former heads of State or Government as well as other experienced and well-known leaders from political, economic and cultural fields.

The Commission produces [technical and political reports](#) on human rights, health and development. The political reports focus on the reform of drug policy and provide recommendations to different countries in areas such as decriminalization; health and security; alternatives to incarceration for low-level people involved in the production, transportation or sales; smarter measures against violent organizations and political innovations such as regulated and legal markets. The technical reports have included the intersection between the war on drugs and HIV / AIDS; drug control, public health and hepatitis C; and the lack of access to controlled medicines. These reports are intended to help governments, international, regional and local organizations, and journalists to better understand the drug control system and motivate humane and effective ways to reduce the harm caused by drug prohibition.

In the first annual report, published in 2011, the Commission broke the taboo on the negative consequences of the so-called “war on drugs” and opted for a paradigm shift that gave priority to health and security. Subsequent reports have focused, for example, on how the punitive approach to drugs and criminalization of people who consume do not help stopping the spread of HIV / AIDS and hepatitis C.

The [2018 report](#) analyses in detail how governments can take control of illegal drug markets through responsible regulation, and thus weaken criminal organizations.

## **Web**

### ***Organizations working on drug violence and drug policy***

The number of organizations and research centers working on issues related to drug policy and drug violence is increasing. To get an idea of the work that has been done so far in this area, it is worth to take a look at the number of entities that are members of the International Drug Policy Consortium, a worldwide network created in 2007 to promote an open and objective debate on drug policy. Today it joins 187 members and keeps growing gradually.

In this section we highlight a few of the many organizations dealing with the subject in question, without detracting from the quality and quantity of the work done by the others.

The [Open Society](#) Foundation works on building tolerant societies and responsible governments opened to citizen participation, strengthening the rule of law: respecting human rights, minorities, and diversity of opinions by promoting democratically elected governments; and civil societies that help maintaining the legitimacy of these governments throughout the world. Since 2008 it has been carrying out a world drug policy program and working with politicians and groups that advocate for the end of injustices originated by the war on drugs, through research, dialogue, commitment and action. The organization has offices as well as national and regional foundations located all over the world.

The [Igarapé Institute](#) is headquartered in Rio de Janeiro, with staff scattered throughout Brazil, Colombia and Mexico. Founded in 2011, it has the support of bilateral agencies,

foundations, international organizations and private donors around the world. It works as an independent think tank dedicated to evidence-based policies and actions on complex security, justice and development challenges in Brazil, Latin America and Africa. The Institute coordinates various networks and initiatives focused on reforming drug policy and introducing more effective solutions for health, human rights and development. It acts as the Latin American Office for the Global Commission on Drug Policies.

Transnational Institute is an NGO of a consultative nature, registered as a non-profit foundation, based in the Netherlands. It works to strengthen international social movements with rigorous studies, reliable information, analysis and constructive proposals to promote a progressive and democratic change of common policies and solutions to global problems. The institute acts as a link between social movements, committed academics and policy makers. Its program “Drugs and Democracy” analyzes drug policies and examines the causes of drug production and consumption, and the repercussions of current anti-drug policies on development and democracy.

The International Centre on Human Rights and Drug Policy, based in the University of Essex, United Kingdom, is mainly focused on the study of human rights and drug policies with the aim of promoting and disseminating scholarships and international legal research on this subject that highlights the obligations of governments and international organizations to respect, protect and fulfill human rights in the context of drug policy. During the last year, the center has analyzed the United Nations human rights mechanisms on drug policy to evaluate current standards and to identify the regulatory gaps that require further development.

The Washington Office on Latin America (WOLA) is an organization based in Washington D.C specialized in research and promotion of human rights in Latin America. Its mission is to achieve a continent in which public policies protect human rights and recognize human dignity, and where justice prevails over violence. It has a specific program on drug policy through which the organization works on issues such as the debate on the reform of drug policy in the Americas; women incarcerated for drug-related crimes; the regulation of cannabis; and the relationship between coca cultivation and development in the Andes.

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TRIBUNA

## The Soundscapes of Social Healing in Colombia

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On March 15, 2016, over three hundred grassroots peacebuilders gathered in the public plaza of El Carmen de Bolívar, Colombia. As democratically-elected representatives of afrodescendent, indigenous, feminist, LGBTQ, and youth movements, these social leaders came together with state authorities, private sector actors, and representatives from local NGOs to “sign peace” in Montes de María – one of the territories most affected by the internal armed conflict in Colombia. The symbolic political action was organized by a broad-based coalition, the *Espacio Regional de Construcción de Paz de Montes de María*. With news that the formal, peace negotiations between the government of Colombia and the FARC were faltering in Havana, Cuba, the symbolic “peace signing” in Montes de María generated widespread national and international attention and garnered support for the fragile peace negotiations.

The “peace signing” in Montes de María carried a dual message: First, the action demonstrated that an organized, active citizenry had the power and ability to sign a commitment to build a lasting and stable peace in Colombia with or without an official, state-sanctioned process. By gathering in a public square, previously marked and symbolically represented as a place of war, the members of the *Espacio Regional* reclaimed their territory not as a place of violence, but one of peace. Second, the symbolic political action served as a reminder to the elite negotiators in Havana that grassroots peacebuilding efforts were *central* to the legitimacy and implementation of national accords. As they filed forward, one by one, to sign their names on the large

banner hanging in the square, “We sign peace in Montes de María,” they claimed ownership over the peace accords, made their presence and work for peace visible in a context otherwise dominated by images of elite, negotiators seated around a table, and demanded active participation in the process.

A few months later, the FARC and the Colombian government signed the peace accords, marking a political end to over a half-century of war. Despite the “historic” achievement, however, Colombian citizens rejected the accords by a razor-thin margin through popular referendum on October 2. In the aftermath of the plebiscite, the *Espacio Regional* once again organized a mass-media campaign to circulate images of their March 15 peace signing. Despite political uncertainty, they reiterated, they remained committed to build peace “from and for the territory.” As mass mobilizations took place across Colombia, the images and statements from Montes de María circulated throughout the country, putting political pressure on the opposition to uphold the negotiated peace accords. One month later, a revised and final accord was signed and ratified by Congress.

**“ The discourse of “postconflict” betrays both the ways in which peace is built *in the midst* of war as well as the workings of violence that extend into the aftermath of war ”**

What factors and conditions enable peacebuilding coalitions, like the *Espacio Regional*, to cultivate the capacity to respond constructively with purposeful action in the face of setbacks, struggles, and unforeseen, life-threatening challenges? The answer to this question requires a much wider temporal horizon than one focused on the spectacular, single events of signed peace agreements. Indeed, the work of the *Espacio Regional* in Montes de María began long before declarations of a “new, postconflict” era. Members of the *Espacio Regional* had dedicated their lives to the daily labor of peacebuilding for the last several decades, working to create spaces of healing even *in the midst of war*. The discourse of “postconflict” betrays both the ways in which peace is built *in the midst of*



war as well as the workings of violence that extend into the *aftermath* of war. Most alarmingly in Colombia, over 400 social leaders have been assassinated since the signing of the peace accords. The temporal and directional language of “postconflict” erroneously suggests that conflict operates within a linear framework and that reconciliation follows progressive, sequential stages once conflict is declared “over.”

The *Espacio Regional*, however, provides us with an alternative understanding of healing – not as a sequential line, but rather as a circle. Every month for the last several years members of the *Espacio Regional* have met together for an open dialogue. These sustained, monthly circle dialogues have worked to deepen and widen processes of relationship-building in a context of profound distrust wrought by a half-century of war. The *Espacio Regional*’s overarching mission is to foster dialogue with “unlikely actors across unequal differences” and “reunite equals across disagreements”.

**“ Healing does not emerge from a one-time event,  
but through a dynamic, indeterminate, and  
continuous process of peacebuilding ”**

The coalition works simultaneously to strengthen alliances and capacity for collective action within grassroots peace movements as well as rebuild trust across enmity lines. Members of the *Espacio Regional* advocate for change through direct and sustained engagement with “improbable” actors that have deep influence in the region, including the state, the private sector, multinational corporations, and (I)NGO – many of whom are responsible for the harm and violence suffered in the region. With a commitment to proximity and permanency, the *Espacio Regional* has created a space where unlikely actors come together to meet across difference. The monthly dialogues disrupt unequal power relations constructed through the false distinction between “experts” and “recipients,” through the construction of a collective agenda, built by consensus among grassroots movements. In doing so, the *Espacio Regional* has built a platform that is capable of creatively *responding to* rather than *reacting against* unexpected challenges – like faltering peace negotiations, the popular rejection of the peace accords, the

staggering assassinations of social leaders in Colombia, and changing presidential administrations. Healing, here, does not emerge from a one-time event, but through a dynamic, indeterminate, and continuous process of peacebuilding.

The monthly dialogues allow the *Espacio Regional* to resist the “currents of the *coyuntura*” and remain steadfast in their commitment to building peace, responsive to the shared priorities of their communities. The dialogues provide an open space of trust where people can express their grievances and sense of deep loss while also imagine, name, and actively build hoped-for-futures. This multigenerational temporal horizon enables members of the *Espacio Regional* to simultaneously reach backwards and forwards, holding both memory and imagination together. Healing is aural rather than sequential.

**“ We must find ways to recenter the lived experiences of local communities and work to build safe containers that can hold together a multiplicity of voices across difference ”**

The metaphor of the Tibetan singing bowl captures the *Espacio Regional*'s process of social healing. Made up of a thin-walled brass container, the Tibetan singing bowl has a long history that traces back primarily to Buddhist meditation and healing practices. As the felt-tipped drumstick circles the rim of the bowl, the iterative movement produces vibrations. The bowl creates a container that holds these vibrations, allowing them to interact and generate frictions that eventually give rise to sound. For the vibrations to interact and give rise to sound, they must be held in close proximity. Sound emerges through multidirectional, circular, and iterative movement. Like the Tibetan singing bowl, the *Espacio Regional* engages in a permanent process of iterative, sustained, circle dialogues. The repetition of the monthly meetings is not directionless, but rather part of a purposeful, multidirectional process that *deepens* and *widens* the conditions necessary for change and healing. As distinct voices – lived experiences, grievances, concerns, proposals, and hopes – circle around and interact they also reverberate into a wider

context, bridging the chasm between community-level processes and wider social change. Sound expands, moves out, touches, and surrounds the space within its reach. Sound does not emerge from a single vibration, but from multiple and diverse vibrations that interact, producing generative frictions. Importantly, sound cannot be sustained through a one-time event, but requires continuous attention and care. An aural understanding of healing as a multidirectional, permanent, indeterminate, and continuous process links individual healing to collective reconciliation. Social healing does not emerge from short-term, top-down, and bounded projects with end dates, but requires a commitment to permanent processes of relationship and trust-building that allow communities to be wakeful and responsive to violence found in daily life.

As peace scholars and practitioners, the pressing challenges facing our world demand that we decenter short-term and bounded approaches to peace that focus attention solely on spectacular, single events. Instead, we must find ways to recenter the lived experiences of local communities and work to build safe containers that can hold together a multiplicity of voices across difference. Social healing asks that we continuously nurture, care, and cultivate the ground that gives rise to daily practices of living that make resistance, resiliency and human flourishing simultaneously available rather than sequentially ordered.

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Photography : Campaign for the yes to peace in Colombia / Andrés Fernández Sánchez

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TRIBUNA

## #StopCorporateImpunity

**Sandra Martínez**

"Business, conflicts and human rights" programme coordinator, ICIP

Transnational business corporations are considered one of the main agents of globalization because they concentrate a large part of international economic activity: they act as a means of the universal vocation of capital and integrate, on a global scale, technological production, markets, trade and financial flows, as well as political decisions. In this context, some transnational corporations (henceforth TNCs) establish profit maximization as their main objective and, as a result, community service linked to the public interest takes a back seat within the framework of their praxis.

Transnational business operations often have negative and systemic impacts on people and the environment: child exploitation, slavery, environmental and health crimes, the plundering of resources, the creation of national debt, as well as torture, sexual harassment and abuse are some of the atrocious consequences that occur all over the world in the name of economic globalization and business profits. At the same time, human rights and environmental human rights defenders opposed to megaprojects and extractive industries are threatened and killed by transnational actors, often with the complicity of state forces. In 2017 alone, more than 300 people were killed for protecting the rights of their communities over economic interests.

To understand the current complexity of economic power, it is important to keep in mind that economic globalization cannot be separated from social and cultural globalization. On the one hand, it modifies the balance of power between governments and businesses, as well as between developing and developed countries. On the other hand, it facilitates processes of homogenization driven by Global North corporations that expand and strengthen their influence over local identity. In this respect, the

transformations in the relationships between global actors and the consequences of their transnational economic activities contrast with the fact that the protection of human and environmental rights is directed at the states. This results in a series of deficiencies in the regulatory approach to the problem and raises the question of whether businesses should also be responsible for guaranteeing and respecting human rights<sup>1</sup>

**“ The persistence of violations calls into question whether the Guiding Principles approved by the United Nations are sufficient ”**

With the aim of making the United Nations human rights and business framework operative, a worldwide code of conduct was adopted in 2011 through the approval by the Human Rights Council (UNHRC) of the “Guiding Principles on Business and Human Rights: Implementation of the UN Protect, Respect and Remedy Framework.” The objective of these 31 principles is to provide a global reference for preventing and coping with the negative impacts that business activities can cause on people and the environment.

In recent years, states have encouraged the implementation of guiding principles through the adoption of national action plans specific to each country. While these instruments are a first approach to controlling TNCs in relation to respect for human rights, they have been criticized for their inefficiency since compliance is voluntary. In addition to the very limitation of the legal corpus, which determines the course of action, corporations create complex supply chains and business groups that complicate the attribution of responsibility.

The dissatisfaction of civil society regarding the inadequacy of these soft law instruments led to the demand for a legally binding treaty. In this context, in 2014, Resolution 26/9 was approved by the Human Rights Council, which established the creation of the Open-ended Intergovernmental Working Group (OEIGWG), despite the

total opposition of the great powers and corporate lobbies. The OEIGWG's mandate is precisely to develop a legally binding instrument that regulates, within the framework of international human rights law, the activities of TNCs and other business enterprises.

Chaired by Ecuador, the intergovernmental working group met three times (in July 2015, October 2016 and October 2017) to discuss the nature and conditions of the binding treaty regulating the activity of TNCs and other types of business enterprises according to international human rights law. In September 2017, the presidency presented the elements for the draft of a legally binding instrument and, in July 2018, the Zero Draft was issued.

**“ The current draft treaty regulating businesses  
does not include mechanisms for the  
participation of civil society nor does it include a  
gender perspective ”**

In order to address the content of the treaty, the fourth session of the Working Group took place in Geneva from 15-19 October, where it became clear that, three years after the first meeting, the European Union (EU) and other states like Mexico, Brazil and the United States remain reluctant.

The EU representative pointed out that the guiding principles suffice to fight human rights violations and that no additional regulation is required. However, the persistence of corporate violations of human rights casts doubt on this claim. Many organizations and social movements around the world denounce the obstructionist strategy of the EU, considering that it defends the interests of companies over those of citizens, despite having the mandate of the European Parliament urging it to actively participate in the negotiations. As far as Spain is concerned, despite the recent change of government, the policy line that is being maintained is to stick to the European position: to go on not participating, either actively or positively.

In contrast, over 250 organizations from 80 countries participated again this year in the Geneva session as part of the Global Campaign to Demand People's Sovereignty, Dismantle Corporate Power and Stop Impunity (Global Campaign) <sup>2</sup>. And, coinciding with the Working Group events, they organized the "Week of People's Mobilization" with the hashtag #StopCorporatImpunity, which became a trending topic on social media. Hundreds of NGOs, trade unions, social movements and communities affected by the human rights violations of TNCs mobilized once again to continue pressing governments; to present their proposals so that the base document of the negotiation process has the highest possible standards of human rights protection; to bear witness to the persistence of violations; and to show the strength of the voices of those who suffer the consequences of corporate impunity. The ultimate objective is to try to prevent the negotiation process from derailing the binding treaty.

In the session, the Global Campaign stated<sup>3</sup> that the current draft does not include the advances or contributions of the debates previously held. While the draft legally binding instrument is a significant step because it highlights priority elements such as the rights of victims, the prevention of human rights violations, the mechanisms of cooperation between states, and mutual legal assistance, it is not an operative binding instrument. The draft does not provide for the direct obligation of TNCs or an effective international enforcement mechanism; it only proposes the creation of a committee of twelve expert members with the power to make general comments, provide recommendations, support states in the implementation, and draft annual reports. Therefore, it becomes clear that there is an absence of appropriate mechanisms and institutions to hold TNCs accountable in the international arena since their obligations are with national legislations and the international and regional systems are not designed to receive complaints against business enterprises.

**“ There is an urgent need to have a binding regulatory framework for transnational enterprises, with direct obligations on**

## **corporations ”**

At the same time, the zero draft legally binding instrument does not include mechanisms allowing for the participation of civil society; it does not include an intersectional gender perspective; it does not contain articles on the role of international financial institutions; nor does it refer to international trade and investment agreements as an impact framework for human rights violations committed by TNCs.

The research, documentation and monitoring carried out in recent decades by international organizations, think tanks, non-governmental organizations and social movements on the social and environmental consequences of the global activities of these business enterprises demonstrates the urgent need to have a binding regulatory framework for TNCs. The obligations of these businesses ought to exist regardless of the existing legal framework in the host states, the states of origin or any states affected, and oblige the entity as a whole, including its supply chains. But the draft treaty declares that states are responsible for the control of the entities' activities, adopting a *modus operandi* that has proved to be insufficient. While business organizations, such as the International Chamber of Commerce or the International Organization of Employers, argue that the binding treaty in itself attacks the sovereignty of states and creates insecurity, all of the Global Campaign organizations agree on the need to transcend the Guiding Principles of the United Nations and impose direct obligations on businesses.

It is vitally important to redirect the current focus so that the responsibility of companies and the rights of victims can be safeguarded regardless of the obligations of states, which are conditioned by neoliberal policies of deregulation, privatization and the reduction of public policies. Placing the burden of implementation on states ignores two frequent contexts of obstruction: either states have less power than the corporation they seek to regulate or hold accountable, or they are accomplices – actively or passively – of the human rights violations perpetrated by these businesses.



TNCs should take advantage of their current global management capacity to become active agents of transformation within a framework of global justice. It is precisely the persistent struggle of local communities and affected groups, along with the committed work of dissemination and advocacy of thousands of social organizations, which allows for the current shortcomings in dealing with the architecture of impunity to be pointed out. This same struggle will lead to the end of institutional symbolism, which can be complicit in atrocities and will allow move towards a real change of paradigm.

1. The ICIP has published the monograph “Business and Human Rights” (Peace in Progress, number 30).

2. The Global Campaign is a network of more than 250 social movements, civil society organizations, trade unions and communities affected by the activities of transnational corporations, particularly in Africa, Asia, Europe and Latin America. It is a global structural popular response to corporate power abuses that seeks to facilitate dialogue, strategies, and the exchange of information and experiences in order to provide visibility to the resistance and the support for the struggles against transnational corporations. The Global Campaign has prepared a version of the Treaty that includes all of their demands.

3. All of the comments and proposals made by the Global Campaign during the fourth session regarding the draft legally binding instrument can be consulted in this document.

Photography : United Nations Forum on Business and Human Rights, Geneve, November 2018

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## INTERVIEW

## Interview with Orlando Zaccone, police commissioner in Rio de Janeiro

Eugènia Riera

International Catalan Institute for Peace

Orlando Zaccone, police commissioner in Rio de Janeiro

*Orlando Zaccone is a police commissioner in Rio de Janeiro, one of the cities where the war on drugs manifests itself most violently and where the most vulnerable members of society bear the brunt. Being aware of this, he founded the movement Police Officers Against Drug Prohibition to move towards a paradigm shift that would leave behind repression and violence. In this interview, Zaccone tells us what the fight against drug trafficking is like in Brazil, a war that kills more people than the drugs themselves.*

### **What levels of violence do drug trafficking and the war on drugs generate in Brazil?**

In Brazil we have a large drug consumer market, but we are not a large drug producer. It is a market that is not operated by cartels and violence occurs in group disputes over drug sale territory. In Rio de Janeiro, in these disputes in the favelas, these groups use military weaponry, but this does not happen in other states, like São Paulo, where a single group controls drug sales in the periphery. The repressive response in Rio de Janeiro is carried out through military actions. The police and army are used and a paradoxical situation is created: the police and army end up killing more people than the illicit drug use itself.

**The current war on drugs affects vulnerable sectors of society the most while large-scale drug dealers go unpunished. Why do you think there is a lack of interest in going after the major drug traffickers?**

The illegal drug trade is divided between producers, distributors, sellers and consumers. Repressive policies on the part of the police are aimed at street sales, where profits are minor. It is not a defect of the repressive system; it is its very nature. The police are prepared to control public spaces so drug dealing in public spaces receives more attention; besides, these drugs are not produced in Brazil. It is not a question of more or less interest, but of a lack of mechanisms to deal with the transnational nature of drug production and distribution.

**Is there collaboration between drug traffickers and agents of the state and the police?**

Drug trafficking in Brazil is associated with the police and, occasionally, in isolated cases and not systematically, with some politicians. The relationship with the police is essentially of an economic nature, through corruption. And some paramilitary groups, called militias, have also started trafficking in drugs.

**Are violence, corruption and organized crime interrelated in Brazil?**

Not only in Brazil, but throughout the world. But with regard to the illicit drug trade, it is necessary to understand that violence is the result of drug prohibition. There is no one in charge of the sale of alcohol and tobacco with weapons in his hand. These two markets – alcohol and tobacco – are not violent because they are regulated, legalized markets. Thus violence disappears and corruption and organized crime are limited to the business world. With the legalization of drugs we would have a drastic reduction in homicides, including those committed by police officers, and we would also reduce the number of prisoners. Today, one third of the 750,000 prisoners in Brazil are accused of drug offenses. Not to mention the harm reduction that would result from the quality control of drugs available on the market. In Brazil, for example, anything can get mixed with cocaine.

**“ With their repressive response, in Rio de Janeiro, the police and army end up killing more**

## **people than illicit drug use itself ”**

### **Are you in favor of a legalization of all drugs?**

We would not be breaking with prohibitionism if we only authorized the production, trade and consumption of cannabis. Marijuana would be a legal drug and prohibition would continue to cause harm with cocaine and other prohibited drugs. It is important to point out that legalizing all drugs does not mean that they would reach the market in any way – that is what happens with prohibition. With legalization, the state would have control over the product that is offered on the market, as is already the case with alcohol, and also over the establishments and people authorized for its sale and consumption.

### **Then what interests are there in keeping the current prohibitionist model?**

The fact of maintaining a violent social control, which receives authorization for the extermination of groups considered dangerous, based on a moral discourse of defending public health. It is obvious that the arms market and the crime industry are also present in this context, including the prison industry, which generates business.

### **Could ending the illegal drug market diversify organized crime?**

Crime is already organized in other economic areas beyond drugs. And even if so-called organized crime should diversify, then let it do so in businesses that don't cause so many deaths and so much suffering. Today drug prohibition is a machine for killing people in many countries. In Brazil it is a machine that kills and causes suffering. After slavery, no legal model has produced so many corpses and suffering in the world for so long. We need to think about those who are giving up their lives and their freedom in the name of a lie. The “war on drugs” does not protect lives. Drug prohibition kills more than the drugs themselves!

**“ Drug prohibition is a killing machine in Brazil ”**

**What factors contribute to drug-related violence becoming more prevalent in some countries than in others?**

The main difference is in the way countries respond to the existence of this illicit market. Those who deal with drug traffickers as enemies of the state and the nation tend to create a climate of more violence when confronting the problem. It is also important to look at the history of each country. Brazil is the result of two major slaughters: the genocide of indigenous peoples and slavery. The repression of drugs in my country is the DNA of the extermination of those considered undesirable.

**Are you afraid that violence against the weakest members of society will increase under the new Bolsonaro government?**

The Bolsonaro government intends to institutionalize violence against the poor under the pretense of the fight against drug trafficking. This will be possible because the Federal Constitution considers the crime of drug trafficking as the most serious of our legislation. To get an idea, the only crime in Brazil that authorizes the extradition of a nationalized Brazilian is the case of international drug trafficking. This provision was introduced by an international policy led by the United States. And we cannot forget that Bolsonaro won with the support of groups connected to the Trump government. Violence in peripheral countries like Brazil is lucrative for those who supply the weapons and invest in the business of security and the security of businesses.

**What support does the legalization of drugs have in Brazil?**

Most Brazilians are against legalization because the debate is limited to moral and religious aspects. Drugs are a vice and they drive man away from the family and from God. The problem is that the same thing happens with legal drugs, like alcohol. Drugs continue to be seen as something that others use, not what we use. Rivotril is not a drug; it's a medication!

Photography: Orlando Zaccone during his speech in the international seminar "Drugs, Politics and Violence", organized by ICIP and Casa Amèrica Catalunya, October 2018, Barcelona.

SOBRE L'ICIP

## News, activities and publications about the ICIP

ICIP

International Catalan Institute for Peace

### International seminar: “Drugs, policies and violence”

The 23<sup>rd</sup> and 24<sup>th</sup> October the ICIP and Casa Amèrica Catalunya held the international seminar *Drugs, policies and violence: From a global consensus to new approaches*, which brought together experts in the policies on drug production, trafficking and use.

The discussions focused on issues such as the historical perspective on drug control; new policies in the field (with a special look at the innovative initiatives adopted in countries such as Uruguay and Portugal); the money generated by the trafficking of these substances and its impact on the world economy; the infiltration of drug trafficking in the powers of the state; and hardline measures in anti-drug policies versus the opportunities and risks of measures to decriminalize these substances.

### Cauce Ciudadano, ICIP Peace in Progress Award 2018

Coinciding with the International Day of Peace, celebrated on 21 September, the International Catalan Institute for Peace announced the winner of the eighth edition of the ICIP Peace in Progress Award. After evaluating the different nominees, the ICIP Governing Board decided to grant the ICIP Peace in Progress Award 2018 to the Mexican organization Cauce Ciudadano “for its work in the prevention of violence and the construction of peaceful alternatives for youth in settings characterized by crime, especially drug trafficking.”

Cauce Ciudadano is an organization founded in 2000 by young former gang members, with the goal of offering comprehensive support and opportunities to other teens that experience and/or generate violence in settings characterized by social exclusion and a strong presence of drug trafficking and criminal groups. The organization focuses on socio-educational and socio-community work in schools, public spaces, juvenile detention facilities and penitentiaries, with the aim of training young people as agents of social change. Since its inception, the organization has assisted 230,000 people and, in a country like Mexico, characterized by the war on drugs, Cauce Ciudadano has designed a model for the prevention of violence from a human rights perspective, with an emphasis on health promotion, attention to the damage caused and rehabilitation.

The ICIP Peace in Progress Award is granted by agreement of the Governing Board of ICIP and consists of public recognition, a sculpture created by the Nobel Peace Prize winner, artist and activist Adolfo Pérez Esquivel, called *Porta del Sol*, and a financial prize of 4,000 euros. The award is presented at an institutional award ceremony which takes place annually at the Catalan Parliament.

### **Third edition of the ICIP Hip Hop for Peace Contest**

The call for entries for the third edition of the ICIP Hip Hop for Peace Contest was launched in September. The contest aims to give visibility to the commitment and creativity of young people in the field of peace culture.

As in previous editions, the contest has two categories. The first one is open to students in secondary school, vocational training school and senior high school in Catalonia; the second category is open to young people between the ages of 12 and 25 who participate in youth, cultural, civic or social-educational action centers or organizations in Catalonia. In both cases, participating groups must have at least three members.

To participate, groups must compose a hip-hop piece with original rhymes and make a video recording of its performance lasting no more than four minutes. The lyrics of the songs must be related to the celebration of diversity; coexistence in urban areas or schools; criticism of violence; the denunciation of human rights violations; solidarity with people who are trapped by, or fleeing, armed conflict; or the role of youth in peacebuilding.

The deadline for submitting videos is 30 January 2019, coinciding with the commemoration of the School Day of Nonviolence and Peace (DENIP).

The contest is being organized in conjunction with the Department of Education and the Directorate-General for Youth of the Generalitat of Catalonia.

### **Last publications**

– Que regni la llibertat. Paraules de Nelson Mandela, by Henry Russell. Published in Catalan by the ICIP and Angle Editorial in “Clàssics de la pau i la noviolència” collection.

– Peaceland. La resolución de conflictos y las políticas cotidianas en las intervenciones internacionales, by Séverine Autesserre. Published in Spanish by the ICIP and Edicions Bellaterra in “Paz y seguridad” collection.

– National Action Plans on Business and Human Rights, by Steven Patrick Landry. Report 14/2018

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