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**The Impact of Organized Crime
on Democratic Governance –
Focus on
Latin America and the Caribbean**

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Transnational organized crime is a growing problem worldwide, and a growing threat to the stability of most Latin American and Caribbean States (LAC). In traditional concepts of security, LAC are considered to be one of the most peaceful regions in the world, since interstate war has not been a serious concern for the last decades. Nevertheless, new forms of violence, like inner state conflicts¹ and organized crime are undermining the capacity of states in LAC to govern and fulfill the basic principles of modern statehood: the control of territory, the security of its citizens, a well functioning judicial system and the monopoly on the legitimate use of force. Few of these basic indicators for democratic governance are true for several LAC countries. The so-called „Narcos“ or other non-state actors already undercut institutions of the political system and therefore have a negative impact on democratic governance. Fact is that “illegal activities are carried out by structured groups (...) committing serious crimes through concerted action by using intimidation, violence, corruption or other means”.²

The crucial question is whether the international community is willing to react to the threat to international peace by the erosion of democratic governance due to organized crime. The transnational character of organized crime defines it as an international phenomena that can only be addressed accordingly. The illegal economy³ can be seen as a radical form of the capitalist approach based on demand and supply. It is obvious that organized crime has been adopting mechanisms of the globalized economy in terms of a high degree of flexibility, the ability to adjust to market changes and the use of socially weak segments of society for their means. While organized crime gets more access to and through politics, already weakened states in Latin America are put under serious pressure. The impact of organized crime especially on re-

cently democratized states like Mexico is severe.⁴ Organized crime, as the incarnation of the global shadow economy, is globally linked. Therefore there is a responsibility of the international community to create solutions that timely adjust to rapidly transforming markets.

Several factors determine the impact of organized crime on democratic governance and create a spiral of mistrust, corruption and violent reactions. The involvement of politicians and militaries as well as police forces (“state capture”) undermines the trust of civil society into state institutions and drives the prominence of conservative “zero tolerance” approaches. “Hard hand” responses to organized crime often come along with human and civil rights abuses, thus further undermining democratic governance. The challenges organized crime poses to democratic governance and public security requires policy responses on the national, regional and global level.

Since an exacerbation of the already endemic unequal distribution of income and growing unemployment are a consequence of the financial crisis, it is expected that organized criminal activities will increase and extend in LAC. Many migrants have to return to LAC without any income and the loss of remittances. Growing violence associated with drug trafficking gangs and cartels causes public insecurity⁵. It is therefore crucial to address organized crime and its negative impact on democratic governance. It is important to forge a common vision between international stakeholders and to design tools that can effectively deal with the phenomenon. If the international community is not able to make fundamental policy adjustments there is a good chance it will loose the struggle.

The briefing paper will focus on the Latin American region and especially make reference to Colombia and Mexico. It does not intend to give an detailed introduction to the phenomena related to organized crime itself but rather focus on its impact on democratic governance⁶. The second part is focusing on policy implementation strate-

¹ Haiti is the most extreme example, but several other countries in the region are more and more divided into “zones of freedom” (gated communities protected by private security companies) and “zones of violence” (slums dominated by armed criminal gangs).

² Definition of organized crime by the Council of Europe, 2002, 6. For a collection of definitions on organized crime see: www.organized-crime.de/OCDEF1.htm

³ The output of organized crime worldwide is estimated to be 500 billion to 2 trillion annually which make it the largest market in the world.

⁴ In new democracies in particular, perceptions of violent crime are correlated with reduced support for democracy (Bailey/Taylor 2009:23).

⁵ Currently Latin America has the highest murder rates in the world. Especially young people are affected in El Salvador (92), Colombia (73), Venezuela (64), Guatemala (55) and Brazil (52) with homicides counted per 100.000 inhabitants.

⁶ Governance is understood as a process of the procurement of interests und the creation of consensus through politics that are obliged to public welfare.

gies on the economic, social and political level that could limit the negative impact of organized crime on democracy.

1. “Narco States” and the “War on drugs”: Mexico and Colombia under pressure

Focusing on the topic of the negative impact of organized crime on democratic governance, the two most affected (by violence) and affecting (by producing and trafficking of drugs) states in Latin America are Mexico and Colombia. Other countries in the region such as Haiti and Jamaica⁷ are highly affected by human trafficking and used as trafficking hubs for South American drugs bound for Europe and the United States. But in Mexico and Colombia, the cartel built centers that operate on a global level. It is important to emphasise that the violent conflicts and the erosion of its democratic systems are not solemnly national or regional in their character but globally connected like the war economies that fuel them. Their geographic positions establish the starting points of the corridors of the global cocaine business: the Andean Region, mainly Colombia, is connected to Central America, Mexico and the Caribbean as well as North America. The African corridor connects on one side Colombia, Venezuela, Guyana and Brazil and on the other side Guinea-Bissau, Guinea, Togo and a few other West African states for Cocaine bound for Europe. The consumption of Cocaine has increased until recently in Europe as well as in Latin America and West Africa, which indicates that South American drug trafficking organizations have adjusted successfully to market changes through their newly developed structures in West African transit states.

2. Insurgency and Organized Crime in Colombia

The Colombian case is special in regard to the diverse set of non-state actors involved in the conflict and their intertwined relationship to groups of organized crime. The deeper economization of the Colombian conflict started in the 1980s with the beginning of drug production and export, starting with marihuana. The changing dynamic in the conflict was enhanced in the 1990s with the production and export of cocaine, formerly concentrated in Bolivia and Peru, and the forma-

tion of the Paramilitary groups, the AUC (*Autodefensas Unidas de Colombia*). With the beheading of the big drug cartels of Cali and Medellín in the 1990s, smaller networks gained power but are integrated into a system of illegal businesses that includes a wide array of branches, from the kidnapping industry to the protection of racket deals. They became much stronger with the drug lords becoming wealthier, who in return with that money bought more land to grow coca and became more influential in local politics.

Landowners and their drug money supported paramilitary squads. The described connection between the Paramilitaries and the drug business became obvious when in May 2008, President Uribe extradited nearly all the top paramilitary leaders to the United States to face drug charges. In 2000 its then leader, Carlos Castaño, admitted that 70% of AUC funding was drug-related. Although the AUC defined itself as a political actor guided “by self-defense” (in that logic against the Guerilla groups), it is primarily a group that is gaining from the illegal drug economy and the occupancy of land. In 2003 they were demobilized under the government of current President Álvaro Uribe. According to many observers, the former AUC were rather decriminalized and split presumably into different successor groups⁸. Thereby they were enabled to operate in a different form: connected to smaller groups that are less obvious and therefore harder to identify and hold responsible. The ongoing judicial investigations of the “Para-politics” scandal show the infiltration of local public institutions by and involvement of legislators with the AUC.

The biggest guerrilla group FARC (*Fuerzas Armadas Revolucionario de Colombia*) was and is an organized, hierarchical irregular army and as such it could be targeted successfully through regular counterinsurgency. The FARC is weakened but against all government’s claims, the guerrilla group is not yet destroyed and still maintains a contingent of approximately 10.000 fighters (ICG 3/2009). Although the FARC is still considered a political organization, it has as well changed its patterns of generating income especially in the 1990s through trafficking drugs and a fluent kidnapping industry.

Both organizations have links to groups of organized crime and themselves fulfill criteria of organized crime actors, being at the same time

⁷ The Caribbean is the historical centre of piracy - a revitalized phenomena - and the regional centre of trade and slavery which could be considered as early forms of organized illegal economic action.

⁸ The so-called criminal gangs (*BACRIM, bandas criminales*) or new armed groups (*nuevos grupos armadas*) counting all together between 5000 and 10.000 members.

protagonists of the political conflict. The Colombian state has led in recent years under the presidency of Álvaro Uribe a campaign of promoting its concept of “democratic security policy” that focused on the demobilisation of the paramilitaries and fighting the FARC. The “democratic security policy” led to grave human rights abuses committed by state agents, victimising especially the rural and urban poor and enhancing the internal displacement of Colombians living in the conflict zones. The “democratic security policy” approach has been supported by the Plan Colombia, the US governmental support of the “anti-drug strategy”, with Colombia therefore receiving the third highest amount of US military aid. The aimed eradication of coca crops through aerial spraying of herbicides proved to be far from effective, it only led to a displacement of coca crops since peasants constantly have to move their fields. Colombia remains to be the main cocaine producer with 80.000 hectares under coca cultivation in 2008 and several hundred laboratories for cocaine production.

3. War on Drugs and Democracy in Mexico

Mexico is another example of how organized crime and hard hand politics⁹ are eroding democratic governance and therefore threaten national and in the long term international peace. Mexico is currently divided into zones that connect the country and the crucial transshipment points of the Caribbean, Central America and the Pacific. Along these channels the battles between cartels take place that have in parts replaced the Colombian cartels as the protagonists of the cocaine trafficking business towards the U.S. and Europe. The most affected areas are located in the north of the country (e.g. Ciudad Juarez with a death toll of around 1000 murders in the current year 2009), but also the south is now affected and divided into battle zones of the cartels and violent clashes¹⁰ between armed forces and drug cartels. But since corruption is endemic in the police forces of Mexico, it is often unclear who is fighting on which front. Certain is that the concept of modern democratic statehood is highly affected

by the very high level of violence. The young Mexican democratic system reacts very vulnerable to a death toll of around 6000 people in 2008. The cartels have decided to confront the Mexican state directly after former President Fox and current President Calderón have made the security agenda their prime political goal. By doing so, armed forces have been deployed to fight the cartels on critical points scattered over the country. Thereby, the Mexican government admitted that the federal police alone is not able to fight the cartels that are home to legions of deserted soldiers and police men who are familiar with the system which makes bribing and infiltrating much easier. The deficiency of the Mexican institutions of public security, justice system and the defence and intelligence units is due to the fact that the transformation of the Mexican state in the 1980s and 1990s has left out the reformation of the state's institutions. This deficit is reflected in the current crisis of public security. The corruption of the police forces and the inability of the Mexican state to enforce an adequate police reform is one of the reasons of the lack of trust in political parties. The latest midterm elections in Mexico show a vast disappointment in the society towards politics in general (e.g. constant corruption scandals of politicians involved in drug deals have enhanced a feeling of indifference) and a tendency towards a re-traditionalisation towards the PRI (*Partido Revolucionario Institucional*), the party that had established a hegemonic party system for 70 years until the first democratic election in the year 2000. The media¹¹, trade unions, lawyers and other democratic actors are harassed by the cartels and their political mercenaries. Symbolic for the described reaction of antidemocratic behaviour is the fact that the Mexican green party is promoting the introduction of the death penalty. The zones where a peaceful transparent election is not secured coincide with the areas in the country with the highest levels of violence. Symbolic in the relation to the public and the state are the messages that the Mexican cartels leave with the corpses, often decapitated or mutilated in other ways. The “narco notes” often include new accusations of politicians or police and army officers having relations with one of the cartels to fuel the feeling of mistrust. Placing corpses in front of kinder gardens is a way of communicating with the Mexican public and creating a feeling

⁹ „El problema en México es que la mano dura se identifica con el empleo de las Fuerzas Armadas, con la impunidad y con posibles violaciones a los derechos humanos” (Benitez 2009:180).

¹⁰ According to a widely quoted estimates of the Brookings Institution, there are around 30 weapons a day passing the U.S.-Mexican border southbound.

¹¹ Mexico had the highest murder rate of journalists after Iraq in 2008. The death toll for 2008 is much higher for Mexico than for Iraq: 6290 Mexicans died due to drug-related violence.

of fear and insecurity and thereby proving the weakness of the protecting state.

Groups of organized crime in Mexico have changed their tactic from a covert way of operating to direct confrontation. That is not only an indicator for a massive gain in power, it also shows that an obvious interest of the cartels exists to maintain the former cliental structures of political power where actors of organized crime had “their place” that is now at risk. In confronting the state, organized crime groups move into a sphere that is traditionally inhabited by groups with a political agenda such as Paramilitaries, Guerrilla groups or other non-state actors who aim to directly confront the state and address the political system. Some observers compare the Zetas, an Mexican hit man group of ex-elite soldiers with the Colombian paramilitaries since they are also intertwined with the army and expanding their activities from illicit trade to extortion¹². The blurring of defining elements of actors and their role in a conflict is one characteristic of the changing relationship between the regular market, illegal markets and the state. Within one group the economic and political incentives blur: the political becomes more economic and at the same time the economic incentives reach deeper into the sphere of politics by the move in of drug lords into a national parliament and the financing of election campaigns with drug money such as in Colombia.

4. Refeudalization or the Governance of Crime

The Colombian as well as the Mexican conflicts are neither solemnly economic nor purely political and surely differ in crucial points. Social cleansing is a unifying “side effect” promoted by high levels of impunity that builds the incentive for local governments to get rid of (left-wing) people that disturb business and cliental politics like human rights activists, lawyers and journalists. Organized Crime has gained its power from the weakness of the legal and constitutional powers and within a process of infiltration of the political system.

Solidarity, equality and empowerment of the excluded are not integrated in the governance of crime that is rather based on greed and fear. But the excluded are part of the structures that built organized groups like the mafia as well as local heroism incorporated in a culture of protection by drug lords that replace social and protective

functions of the state. Therefore some observers see the influence of organized crime as a refeudalization of Latin America or the re-emergence of the corporatist model. Besides simple mechanism of socioeconomic and physical survival, identity is an attraction to marginalized young people that look for orientation and a perspective of a better life. Symbols of group identity/gangs are reflected in music (“narcocorridos”) and tattoos (Maras) that provide “angry young men” with a feeling of self-esteem.

Neoliberal politics widened already existing non governed spaces that have easily been occupied by groups of organized crime who had often been part of cliental structures on the local level but have never been globally connected like in our days. Illegal forms of organized crime groups have restructured themselves into flexible transnational operating units that are internationally linked as an adjustment to globalization and the global economy.

The structural conditions (socioeconomic insecurity, absence of a welfare state) have not been addressed by Mexico and Colombia since both current administrations react with traditional security tools and therefore ignore the root causes that give rise to the emergence of new non state groups i.e. *bandas criminales* that fight against the government and at the same time with parts of the same against democratic actors.

The role of organized crime in the erosion of democratic governance is marked by zones of fragile statehood, the undermining of political institutions, the replacement of social policies by non state actors, the bribing of political actors and the illicit financing of political campaigns. The most important factors for upholding a criminal system are therefore income generation through the drug trade and human trafficking, the laundering of money, the provision of arms and the intensification of political power through corruption and impunity.

5. The Drug Economy, Human Trafficking and Small Arms

Many resources are linked to conflict. Drugs, like alluvial diamonds, are easy to appropriate and transport to markets, as opposed to oil, gas, timber and minerals. The illegal drug business is the branch of organized crime which generates the highest revenues. The end of the Cold War drastically reduced the availability of state financing for terrorist and insurgent movements. The need for alternative funding made drug trafficking attractive to many groups. These devel-

¹² Felbab-Brown 2009:13

opments lead to the blurring of criminal and political groups and to different variations and combinations of the two. The access to funds by participating in illegal actions enables to pay fighters, acquire weapons and buy legitimacy. Drugs are hence instrumental in enabling a group to threaten the state's monopoly on the legitimate use of force and control over territory, as well as the security of its citizens. Where narcotics production exists, armed conflict is altered in its dynamics and alters the involved groups in its structure and behaviour. This also changes the challenge they pose to states.

In regard to the reduction of drug related conflicts the crucial point is the illegality of drugs. As the global drug control regime is inherently prohibitive, it is infeasible to offer non-state actors a negotiated solution whereby they would be allowed to retain the drug trade. Therefore, compromise is a very seldom solution. Conflict between the state and the drug cartels, as in Mexico, has only a winner/loser solution or an illegal/non official compromise as possible outcomes to choose. The politics of drug eradication and repression have not lead to any positive outcomes so far. It has often been combined with "counter-insurgency" or "antiterrorist" strategies in forms of military aid (Plan Colombia and Mérida Initiative). It has not lead to any reduction in drug production or traffic or the reduction of drug related human rights abuses. Cocaine availability and demand have been increasing in Europe and Latin American countries. Repression has on the other hand lead to a growing number of prisoners in the United States and Latin America and most of the times their continuing criminal activities, especially gang violence, inside prison. New gangs are formed or persist in prison that spread back to their communities. The current treatment of drug related conflicts is increasing harm to democratic governance. Although counter-drug strategies are recognised as failed by policy makers as well as security agents, police staff and others, policies remain unaltered. One of the reasons for that is the absence of consensus between the U.S., Europe and Latin America on how to reduce demand¹³ and supply in a more effective way.

Human trafficking is, beside the dominant drug market, an important branch for organized crime to generate incomes. UNODC (2008) estimates that human trafficking worldwide is worth 32 bil-

lion US Dollars annually. This money is illegal and has to be mixed with legal resources and goods to cover the real background of the transacted funds and to attribute them to legal purposes. The laundering of its revenues is crucial to actors of organized crime therefore international standards on national legislation and policies for fighting money laundering are essential.

In Latin America and the Caribbean, the percentage of violent crimes due to the use of firearms is higher than in other regions. Violence and the availability of small arms are intertwined and fueling the spiral of violence, hence protection and attack are relative concepts in zones of constant violence.

6. Corruption and Impunity

The reach of actors of organized crime into the political sphere is, among intimidation and clientelism, mainly based on corruption. The level of organized crime is correlated with the failure in the delivery of basic political goods by the state. The stability of state institutions grants predictability to political processes, an impartial and effective judiciary guarantees individual rights, and the protection of political rights allows citizens to vote and to compete for public offices. If corrupt politicians undermine these rights the trust in institutions and democracy are diminishing and contribute to the growth of criminal networks. Corruption has diverse functions to maintain or newly perceive power through infiltrating police and military forces, political institutions of decision making such as national or local parliaments, judicial decision-making or the media. The strength of institutions decides over the vulnerability to corruption and can only be improved by building agencies and institutions that are granted with high levels of independence, impartiality and financial resources to address corruption efficiently. Again, the drug market and its incomparable high revenues make it difficult to create alternative incentives. Breaking the high levels of income through partial legalisation and decriminalisation, better payment for public servants and employing better-trained staff are possible ways. Besides corruption, impunity is another challenge on the political agenda. In many Latin American countries impunity is a historical factor (military dictatorships) that has risen again in the last decade since actors of organized crime have become more influential in judicial and security sectors.

Apart from the economic and political levels, which show several levels of constructive intervention, the social level also has to be integrated

¹³ The question why a growing population of highly developed countries are using drugs is an important research field (De Rementería 2009, in: Nueva Sociedad N. 222, 70-81).

when searching for new approaches to tackle the phenomena. The level of organized crime is directly correlated with the failure of the attainment of general material well being by the population under the economic system. Socio-economic inequality and the resulting mistrust in politics are due to a missing integrative social policy. The widening of the social gap is obvious in Latin America but also true for most European countries. Globalization has led to growing worldwide urbanization¹⁴ that has created fertile conditions for the growth of gangs, cartels and other non-state actors connected to organized crime. They often occupy the vacuum created by the retreat of the social welfare policies of the state. Especially youth active in organized armed violence demonstrate the failure of social politics that include those who didn't profit from globalization processes on the economic level. They could also be interpreted as a form of resistance that includes millions of people. In the midst of political legitimacy, the boundary between resistance and crime becomes increasingly blurred as described for Colombia and Mexico. Criminal identity can also serve as a strategy of survival that will increase further if the impact of the financial crisis is not leading to a more just economic system.

7. Reforming Institutions, Law Implementation and New Security Thinking

The described process of "organized crime penetration" of public and political institutions has to be stopped since democratic governance is considered to be a normative goal for the international community. The political process has to offer solutions on different levels. Organized crime can be tackled on three fronts: the economic one that would require a new global regime of controlling illicit trade; the social front which would include the creation of a renewed level of trust in politics and reduce incentives to join organized crime by integrating marginalized groups, and thirdly the political front that would require the implementation of new political concepts and institutions on the national, regional and global level.

Solutions to the global drug trade are crucial since it is the basis of organized crime. Arms trafficking, money laundering, among other criminal activities, are considered to be secondary effects of the ille-

gal drug economy. Tri-continental cooperation has to be improved on research, evaluation and best practices to fully understand and develop mechanisms of monitoring and evaluation of international and regional drug policies.¹⁵ The international community has to create integrated and cooperative strategies for addressing organized crime and drug trafficking. A more balanced approach to the supply and the demand side would reduce the harm of current anti-drug policies: strategies on the demand side should focus on prevention and the support of public health. The political strategies attacking the supply side should no longer focus on the eradication of illicit crops since it has only led to spread of mainly coca cultivation across the Latin American region as several observers, like the Commission on Drugs and Democracy (CDD)¹⁶, argue. A paradigm shift in international anti-narcotics policies is needed and initiatives such as the latter ply for an open debate about future politics in that field that could have a chance with the new Obama governments security policy. One alternative approach in the debate on future anti-drug policies is to tackle the revenues generated by the drug business rather than the drugs themselves and could be one strategy to fight organized crime. Also drug regulation could show alternatives to the existing prohibitive regime. The latest approval of a law in Mexico that decriminalises the personal possession of small amounts of drugs is a sign for a growing recognition that the current prohibitive regime is contra productive. Brazil launched a national Commission on Drugs and Democracy in August this year to develop more balanced strategies. It discusses the key principles for a proposed reform of the Brazilian drug law, so as to move away from the current situation where the majority of arrests and harsh punishments are directed at low lever users and dealers, where the more violent and powerful dealers remain untouched.

The G20 summit's decision to regulate havens of tax evasion opens up new opportunities to fight money laundering. Although regulations exist, several states in Latin America and the Caribbean fail to comply with international agree-

¹⁴ Eighty percent of the population of Latin America is now urban. In developing nations, slum dwellers make up to almost 50% of the total population.

¹⁵ Such as the Regional Security Program of the Friedrich-Ebert-Stiftung based in Colombia that focuses on the observation and the collection of data on organized crime in the Latin American region. see: <http://www.seguridadregional-fes.org/>

¹⁶ „Drogas y Democracia: Hacia und Cambio de Paradigma“ founded by Fernando Cardoso, César Gaviria, Ernesto Zedillo and Antanas Mockus among others.

ments that could reduce the financial fuelling of organized crime.

The containment of small arms and light weapons is another important factor for implementing violence reducing instruments. A broad range of global, regional and sub-regional norms on small arms trade exist, but are not implemented on the global level. Legal arms sales in zones with low regulation contribute to the economy in a reasonable way, so 90% of the light weapons used in Mexico come over the border from the United States. Fields of action to reduce the crucial impact of trading in small arms and light weapons should be the implementation of international and regional norms such as the UN Firearms Convention and on the regional level the Inter-American Convention against Arms Trafficking among others. Border zones should be stabilized through the exchange of intelligence and anti-corruption methods such as the replacement and better payment of customs officials like in Mexico where 700 custom inspectors have been replaced by better paid and educated inspectors.

On the political level the fight against corruption and impunity is a precondition to strengthen governance and limit the influence of organized crime on democratic structures. The interface of corruption and organized crime such as the funding to political parties and campaigns is a crucial aspect to concentrate on. Transparency on the origins of funds for political parties has to be improved, especially at the local level. A preventive strategy is the training of civil and judicial servants to raise awareness on the effects of corruption on democratic institutions. Also research on corruption as a part of organized crime is necessary as well as cooperation among the respective organisations. The implementation of regional and international anti-corruption norms and conventions such as the anti-corruption conventions of the OECD, the UN and the OAS

should be strengthened. Also regional organisations should pay greater attention to corruption and organized crime such as the UNASUR, which is currently implementing a special council to enhance the fight of organized crime on the regional level. The multilateralization of justice through the implementation of transnational justice courts could be a future option to fight impunity. The role of the media as an observer on corruption and organized crime has to be strengthened since it is attacked by for example Mexican cartels.

New security thinking could diminish the bias on human rights and security. Although as shown, there is a clear link between security and social politics, the implementation of politics lead by the principles of human security is not common. The assumption that security is a topic dominated by right wing and conservative thinking, still leads to the neglect of the topic by many progressive politicians and human rights activists and a missing link between social politics and security government institutions/state agents. By reforming institutions and thereby reducing the lacking trust in government institutions, a positive link between social thinking as well as security issues could be built.

The international community has to acknowledge the growing impact of organized crime on democratic governance and work on creating mechanisms to reduce it. In LAC there is a growing call for international responsibility and engagement of international governance policies to reduce the negative impact of organized crime to democratic politics.

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