The Impact of Organized Crime on Democratic Governance in Latin America

FRANCISCO E. THOUMI, RAÚL BENITEZ MANAUT, MARCELO FABIÁN SAIN, FRANCINE JÁCOME

July 2010

■ Organized crime in Colombia is today more complex, diversified and sophisticated than when the cocaine industry started. Indeed, the illegal industry has been a catalyst that aggravated many of the main social conflicts of the country and encouraged the growth of organized crime. Organized crime has become a great obstacle to democratic governance in Colombia.

■ We can say that the Mexican state is losing the war against drug trafficking and that therefore it must radically change its strategy because of the following: the spike in executions, the exponential increase in U.S. aid, the increased presence of the armed forces in the fight against drug trafficking and in public security in high risk cities, the transformation of Juárez into the most dangerous city in the world, increasing cocaine consumption and the sentiments that Mexico could become a failed state.

■ The management, administration and overall control of public security matters and, amongst these, combating organized crime, as well as the organization and running of the police system remain in the hands of the police themselves, generating a sort of »police-ification« of public security. In Brazil, Paraguay and to a lesser extent in Uruguay this process has also included a strong tendency to incorporate the Armed Forces in the »war on organized crime«, all prompted by the failings of the police system in tackling the problem.

■ If Unasur is to be defined as an integration scheme and a successful one, certain basic questions have to be answered in the short-term: how is integration being defined-what are we talking about? The promotion of inter-regional dialogues, for instance between Unasur and the EU, could contribute to this process regarding three main issues: security and defense; security and democratic governance; and security, organized crime and transnational violence.

Programa de Cooperación en Seguridad Regional

Contents

Foreword: The Impact of Organized Crime on Democratic Governance[1]

Organized crime is a growing problem worldwide. In Latin America and the Caribbean groups of organized crime are undermining the states capacity to govern. Institutions of the political system are undercut by the so called »Narcos« or other non state actors. It is obvious that organized crime has adopted mechanisms of the globalized economy such as a high degree of flexibility, the ability to quickly 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 on recently democratized states like Mexico is severe. 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.

But not only has the existence of criminal activities created a threat to democratic governance. The repressive politics that often respond to organized crime activities further create a spiral of mistrust, corruption and violent reactions. High levels of violence and public insecurity often justify the popularity of zero tolerance approaches: Politics of the »hard hand« such as in Mexico and Colombia where the military is fighting in »a war on drugs«. These politics often produce human rights abuses and thus further undermine democratic forms of governance. The involvement of politicians and police forces or the military in illegal businesses further undermine the trust of civil society into institutions of the state.

The transnational character of organized crime defines it as an international phenomena that can only be addressed accordingly. Therefore the international community has to create common solutions that timely adjust to rapidly transforming markets. All efforts of promoting democracy are endangered as long as we don't create solutions to the income generation through the drug trade and human trafficking, the laundering of money, the provisions of arms and the intensification of criminal systems through corruption and impunity. It is therefore important to forge a common vision between stakeholders on a regional as well as an international level and to design tools that can effectively deal with the negative impact of organized crime on democratic governance.

Based on the idea that only common solutions can start to tackle such international problems, the Friedrich-Ebert-Stiftung organized a conference on »The impact of organized crime on democratic governance« in Brussels on September 30th 2009 discussing the impact in Latin America and in Europe. The conference was prepared jointly by the regional security project of the FES based in Colombia[2], the FES office in Brussels and the FES department for Latin America and the Caribbean based in Berlin.

All papers of this publication have been prepared for this conference and currently been updated by the authors for this publication. They deal with the role of the two most affected countries in the region: Colombia and Mexico; as well as the role of police institutions and the type of regional responsibilities reflected in the establishment of Unasur.

Berlin July 2010, Katharina Hofmann

Department for Latin America and the Caribbean
Friedrich-Ebert-Stiftung

---

1. Dialogue on Globalisation paper of the FES: http://library.fes.de/pdf-files/iez/global/06697.pdf

2. http://www.seguridadregional-fes.org/

Organized Crime and Democratic Governance in Colombia

Francisco E. Thoumi

Introduction

Governance is a relatively recent concept in social sciences and while various authors agree on some broad definitional aspects, there is no agreement on a unique definition. Governance refers to the »art of governing«; therefore, there is no unique way to proceed. Rosenau (1995) defines governance as »systems of rules in all levels of human activity – from the family to international organizations«. Krahmann (2003: 323) suggests that »governance can universally be defined by fragmentation of political authority in seven dimensions: geography, function, resources, interests, norms, decision making and policy implementation. Together they help to distinguish governance from government as ideal concepts of fragmented and centralized political authority«. Democratic governance refers to the promotion of democratic institutions, values and processes in developing or authoritarian countries: »Canada has traditionally approached 'democratic governance' by emphasizing two of the main pillars of the liberal democratic tradition: citizen participation in the determination of government itself and in the broader decision-making processes by which communities are governed; and a rights 'platform' that supports and protects the role of individuals and minorities in the governance process« (Democracy Council, 2006). »Democratic governance is now part of the UN consensus. In the UN Millennium Declaration states that governments ›… *will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.*‹« (UNDP, 2000).

Colombia is a country that lives with complex governance conditions. In a way, Colombia is a country at war with itself. It is like a body with its immunological system turned against itself. It is a country with a long standing armed conflict, a huge number of victims (virtually every Colombian feels he or she has been victimized at one point in his or her life), continuous high violence levels and a very large illegal economy related to organized crime. Colombia is a deeply troubled society: it is the largest producer of coca and cocaine in the world, the U.N. High Commissioner for Refugees (UNHCR, 2009) estimates that Colombia is the country with most refugees in the world, approximately 3 million, exceeding

Iraq (2.8 million), Darfur (somewhat more than 2 million), the Democratic Republic of Congo (1.5 million) and Somalia (1.3 million); Colombia has the second number of child warriors in the world, the highest number of land mine victims many of whom are children; it has left and right wing guerrilla and paramilitary organizations that have proven to be extremely resilient to government policies that attack them; it developed a well organized assassins for hire *(sicarios)* industry that exports its services; it is also a large exporter of prostitutes; the government forces are frequently accused of human rights violations (the recent scandal of the »false positives« is dramatic);[3] Colombia has been and is a main producer of United States counterfeit dollars and high quality American and European Union passports, etc. In order to understand Colombian governance problems it is necessary to have a clear picture of the context or characteristics of the country.

The Context

Colombia's geography has played a key role in the development of the country's institutions, organizations, values and attitudes. Geography has been a great obstacle to economic and social integration. Colombia is a country where the Conquest that started in 1492 has not finished and a large part of the territory is still not settled. It is highly probable that it should not be settled even though the rural frontier has been expanding with informal settlements. »Physical obstacles were (and remain) very great so that regions tended to develop as fairly self-sufficient units. In many of them small urban centres grew and today Colombia, in contrast to other Latin American countries, is a country of many cities that are regional cen-

---

3. In order to get promotions and longer paid holidays, armed forces personnel enticed young men with a job promise to go to a location near areas of guerrilla activity where they are not known. They are then assassinated and passed as guerrillas killed in action. The number of young people killed in these »false positives« is unknown, but it would not be surprising that the ongoing investigation would show over 2,000 victims in the last two or three years. These »false positives« are really »true negatives«.

tres.[4] Geographical heterogeneity may account for the breaking of Ecuador and Venezuela from the Gran Colombia a few years after independence. Because of its geography, Colombia was until the early XX century the Latin American country with the lowest per-capita international trade.[5] Only the development of the coffee industry modified this condition« (Thoumi, 2003). Geography has been a huge obstacle to economic integration and a main obstacle to effective central state presence in large parts of the countries. One may posit that Colombia was the Central America that did not break down despite very weak regional links. A possible explanation is that regions were simply too isolated, had very little contact with the rest of the world and were not viable as independent countries. Indeed, the only one that was clearly viable as a country (Panama) separated itself from Colombia in 1903. The regional heterogeneity and cultural diversity has first, produced strong local loyalties and weak loyalty to the central state. And second, it has made it difficult for the central state to enforce its laws or its policies on the regions.

Geography has been a main factor in the development of diverse cultures as in many regions that developed »cultural endogamies« (Yunis, 2003: 50-52) with particular values, beliefs and attitudes. Local loyalties are strong and the conformation of a national identity has been slow and incomplete. Because of this, corruption in Colombia tends to be a mainly regional issue rather than a Central Government issue. Kleptocrats in Colombia have not captured wealth of a magnitude comparable to that of Latin American and African leaders. Geography has also been a key in the development and resilience of left wing guerrillas and right wing paramilitary groups. The Colombian guerrillas spun out of the »Violencia« period of the 1940s and 1950s. In 1953 the Military Government of Gustavo Rojas-Pinilla offered an amnesty to the guerrillas that had waged the »Violencia«. Because of distrust of the government and the social establishment, some did not abandon their arms: instead they moved to unsettled areas far from the main urban centres where they organized communities that some called »independent republics« (González Arias, 1992). These settlements were established not only without a state presence but more important, by people who were running away from the State.

Rural land property has always been a key issue in Colombian society. Land has been a symbol of wealth and power and remains so for many Colombians despite the rapid modernization that the country has experienced. The »Violencia« of the 1940s and 1950s during which at least 200,000 Colombians (about 1.8 per cent of the population) were killed was to a great degree a fight for land and it generated large displacements of people as the armed bands killed peasants and forced many others off their lands. Typical rural expansion processes have followed a pattern of peasant displacement and environmental damage: Peasants first move to wild areas where there is no infrastructure, public services, and that are distant from markets. In most cases this has been done without the state or with very weak state presence and without settlers' property rights. According to Colombian law, settlers have rights to »improvements« such as chopping down the native old forest and planting some crops. After a few years the soil becomes exhausted and it is only useful to grow grasses. Cattle ranchers move in, purchase the »improvements« from the peasants and through their knowledge of the law and influence on local governments get deeds to the land. Peasants move further into the jungle to reproduce the process.

In the 1960s the government, encouraged by the U.S. government, attempted to implement a land reform program that generated a strong opposition among traditional landlords. The economic inefficiency of small farms and the need to promote modern agriculture was a main argument against a land reform that would distribute large areas among peasants. The »Chicoral Pact« of January 1972 eliminated the possibility of such distribution. The conflict between economic and social efficiency in the agricultural sector has been notable. Among Latin American countries with a substantial peasant population at the beginning of the XX century, Colombia was the only one that never had a significant land reform. This might have been efficient in economic terms but it had a great social cost. As noted, peasants migrated to empty lands and guerrillas developed roots and a constituency there. Many of these places like Caguán, Guaviare and Putumayo have at various times been main centres of coca cultivation. The lack

---

4. The 2005 census estimated Bogota's metropolitan area population at about 7.7 million, about 18 per cent of the country's 42.9 million. There were two metropolitan areas of between 2.5 and 3 million, one of close to 2 million, a couple of around a million, two over ½ million and several in the 200.000 to 350.000 range. In contrast, Peru's 2007 census shows that Lima metropolitan area's 8.5 million represents slightly over 30 per cent of the country's population followed by Arequipa and Trujillo, both with about 800 to 820 thousand (about 2.9 per cent of the total), Iquitos with about 400.000 and Cusco with 368.000 inhabitants.

5. Palmer (1980, p. 46) shows that as late as 1910 Colombian exports per capita were 77 per cent of the second lowest country (Honduras), 67 per cent of those of Peru, 52 per cent of those of Venezuela, 12 per cent of those of Argentina and 9 per cent of those of Uruguay.

of the state's control of the territory led the government to authorize the establishment of self-defence organizations (decree 3398 of 1965 and law 48 of 1968) (Americas Watch, 1991). The idea was to involve the peasantry in the fight against bandits and guerrillas. Various governments since then have enacted legislation to regulate private security firms and self-defence organizations. These groups have contributed to the development of the strong illegal paramilitary movement that exists today.

In the 1970s large farm and ranch owners used the self-defence organizations' legislation to start armed groups to protect themselves against the extortions and kidnappings by left wing guerrillas. As the drug traffickers began to buy rural land, links between the two groups developed. In 1982 the M-19 guerrilla group kidnapped Martha Nieves Ochoa, the 26 year old sister of the Ochoa brothers, key members of the Medellín cartel. They convened a meeting of drug traffickers who created MAS (»Death to Kidnappers«), an armed group that set the basis for the paramilitary-narco trafficking movement. »Paramilitary groups have frequently used random and indiscriminate violence to establish an environment of fear in which they can operate freely and impose their own law« (Thoumi, 1995: 240); many of the old landlords sold their properties to the armed drug lords increasing land tenure concentration in those regions. This process was aggravated as owners of small plots were forced under the threat of death to sell their rights at very low prices (»if you do not sell at this price your widow will«). The result of this process has been a very high concentration of rural land ownership in many areas in the hands of drug traffickers. The development of the paramilitary movement is a reflection of Colombians' choice of private over state protection, that is, that they prefer to develop their own security systems rather than paying taxes to fund the state police and security forces. They simply realize that these forces cannot be trusted.[6]

The lack of territorial control by the central state allowed the development of local powers. Left wing guerrillas (FARC, ELN) and right wing paramilitary groups have controlled many municipal governments and had enough influence on some departmental governments to be able to extract significant amounts from local

budgets to fund their activities. These developments provided a very fertile environment for the development of large coca and opium poppy plantings. About ten years ago Colombia became the first producer of coca in the world despite having a very small Indian coca chewing population. Indeed, while coca and cocaine were legal Colombia did not export a leaf of coca or a gram of cocaine. Traditional economic policies were not conducive to socially validating and legitimizing property rights. Throughout history the State was a distributor of privileges and benefits that many times did not appear to be objective or neutral. Despite the opening of the economy in the last 20 years the link between privilege and wealth has persisted in the imaginary of many. For a large sector of the population individual wealth is not created but captured. The link between social welfare and individual capital accumulation is weak at best. In Colombia extortive kidnappings may be perceived by a segment of the population as a rent transfer mechanism. If one does not have access to privilege to accumulate wealth, a second best strategy is to kidnap someone who has and transfer rents.

In contrast with the rest of Latin America, Colombia never had a populist regime in the economics sense .[7] The »Violencia« ended with an agreement among the liberal and conservative party leaders to share power that assigned half the government jobs to each party. This pact originally done for 16 years (1958-1974) was extended informally until 1986. The two traditional parties did not have substantive ideological differences regarding the economic regime of the country and ended up distancing economic policy formulation from politics. This resulted in a very stable economy managed by highly trained economists (Urrutia, 1991) and a clientelistic system (Robinson, 2007). Populist regimes tend to generate substantial macroeconomic instability that results in crises that force regime changes. Populism also offers a vent to social tensions as it allows the political inclusion of those that feel marginalized. Under a clientelistic regime the state is a bounty that is used to co-opt many critics and potential dissenters and maintain political stability. This regime excludes dissenters that have strong principles and do not agree to be co-opted. It also requires an ever-growing bounty to satisfy an increasing number of people who need to be co-opted.

---

6. A good example is the Private Surveillance and Security Cooperatives (CONVIVIR) for rural self defence approved during the Gaviria administration and regulated by the following Samper government. These were implemented and promoted in Antioquia by then Governor Álvaro Uribe. Many of them became paramilitary organizations.

---

7. Alvaro Uribe (2002-2010) has been politically a populist but his economic policies have not been populist.

In the end, it undermines the rule of law and efforts to impose it as an ever larger proportion of the population attempts to benefit itself from government pork that entails law breaking. This system allowed state justice mechanisms to become increasingly inefficient, which elevated the costs of doing business. Police and security systems became increasingly privatized as personal bodyguards, house guards, and other paid protection became common. In other words, the rule of law weakened significantly. These changes increased the dead weight of predatory behaviours on the economy and finally brought down economic growth. By the end of the XX century the country was in a deep political crisis, and so was its economy. The economic crisis was not very deep and was relatively short lived by the standards of others Latin American countries but in a country that had had a significantly more stable economy than the rest, its effects were substantial.

In Colombia there is a wide gap and strong confrontation between the formal institutions (constitution, laws, decrees, etc.) and the informal unwritten norms accepted or legitimate within many different social groups. Because of these conflicts, in the Colombian institutional environment the lines dividing legal and illegal economic activities are fuzzy and the division of activities between legal and illegal provides only a partial picture of reality. Indeed, it is more relevant to divide the economy regarding the law in four sectors: legal and legitimate, legal and illegitimate, illegal and legitimate and illegal and illegitimate. Most Colombians are not criminal although it is customary for almost everybody to break some laws. It is true that in most societies almost everyone would occasionally act violating some laws. In Colombia however, a significant number of individuals perceive the law as an obstacle to be overcome and as Gómez-Buendía (1999) asserts in his introduction to a collective study of the common behaviour of Colombians, »they have a remarkable individual logic but a disastrous social one«. Herrán (1987) calls Colombia »the society of lies« in which a large proportion of its members continuously seek ways to take advantage of others disregarding the law. Buying and selling contraband, lying in job application forms, evading taxes; bribing public officials are common behaviours among ordinary citizens who do not discern a relationship between their behaviour and the country's critical situation.

The persistence and diversity of the norms' conflict cou-

pled with large internal migrations partially in response to forced displacements have resulted in a significant number of Colombians developing a deep »amoral individualism«: anomic people for whom the effects of their actions on others are simply irrelevant.[8] Other Colombians also tend to be very selective regarding the laws that they comply with and those that they break. Most Colombians simply accept that they should obey »good« laws but that they may disobey »unjust« laws.[9] Because there is no consensus over what are just and unjust laws this opens a Pandora box in which a person may justify any law breaking action: he or she can always argue that »somebody did it and was not sanctioned«. In Colombia there has been a persistent conflict between law, culture and morals in Colombia. The problem of Colombia is not necessarily just a »weak state,« which should be strengthened, but rather that it is accompanied by a very a lax society in which social controls on behaviour have been weakened to the point of being irrelevant for many Colombians. All these facts point out the need to harmonize the law, the culture (social controls) and the morals (self-controls).

Organized Crime and Illegal Drugs: Do they Have Any Causes?

Organized crime in Colombia became a main policy issue because its association to the illegal drug industry. Many Colombians assert that this was a cause and effect-relationship and that the country could not achieve peace unless the outside world legalizes drugs to eliminate the very high profits generated by black drug markets. These assertions no doubt reflect what many people consider the truth and place abroad the responsibility for the development of the illegal cocaine industry in Colombia exonerating the Colombian government and society that is perceived as a victim of an unjust international economic system. This vision of the development of organized

---

8. Fifty years ago Banfield's (1958) path breaking book on Southern Italy referred to that society as characterized by an »amoral familism«. I am afraid that in today's Colombia social controls have weakened to the point that it is a case of »amoral individualism«.

9. These beliefs are not new and at times have been encouraged by the Catholic Church. A good example of this is Augusto Ramírez-Moreno's column in El Siglo on March 20, 1936 cited by Acevedo-Carmona (1995: 153): »The Liberal regime has declared the civil war on Colombians... There is a need to disobey. Citizens are relieved from obeying the wicked laws and the illegitimate authorities in power«. Remarkably, the reference was to the duly elected government and congress. During »La Violencia« some Catholic priests like Monsignor Builes from Santa Rosa de Osos incited his flock preaching that killing Liberals was not sinful.

crime and the illegal drug industry in Colombia is however, inconsistent with the empirical evidence about those activities in the world. In particular, the existence of a large illegal demand and profits is not consistent with the high concentration of the illegal cocaine industry in Colombia, one of about thirty countries that can grow coca and one of many more that can refine cocaine. It does not explain either why Bolivia and Peru, countries that have a long tradition of coca cultivation and use did not develop the large trafficking cartels while Colombia did. The huge variations in violence associated to drug trafficking are also not explained: how come this violence has been so much higher in Colombia, and recently in Mexico, than in Bolivia, Peru, Afghanistan, Myanmar, Laos, and other locations where drugs have generated a larger share of GNP for decades than in Colombia? These anomalies cannot be explained by external factors and are caused by the structure, institutions, culture and morals of each society.

The concentration of the coca-cocaine and opium-poppy-heroin industry in few countries can only be explained by internal factors. The point is quite simple: if the production and trafficking of a particular product that is easy to produce and can be produced in many countries is declared illegal globally concentrates in one or a few countries, it will do so where it is easier to do illegal things! As argued extensively (Thoumi, 2009), the competitive advantage of Colombia in the cocaine industry is rooted in its illegality not in its profitability. Illegal cocaine demand is a great incentive to produce cocaine in the world, but its production is concentrated in Colombia because it is illegal and Colombia has a competitive advantage in illegal activities. Illegal economic activities are not Newtonian phenomena that have a cause such that »if X then Y«. These activities are the result of evolutionary processes in which various factors such as social exclusion, poverty, inequality, unemployment, economic crisis and corruption contribute to their development. None of those factors, however, are causes, and indeed, there are innumerable examples of the existence of all those factors in countries where there is no organized crime and large criminal economic. Illegal economic activities have very few necessary factors. Some are related to the »production function« that is the appropriate land to grow coca, sufficient knowledge of chemistry to refine cocaine, accesses to the necessary inputs. Land of course cannot be moved but the other factors are easy to obtain almost everywhere. The main

necessary factor, however, is a strong conflict between the law or formal norms and the social norms accepted as legitimate by a group or various social groups.

It can be argued that some illegal activities are not planned but they are simply the result of the opportunistic behaviour of an individual. In this case the individual might argue that he or she was tempted. Yes, he or she was tempted but also willing. Illegal economic activities beyond petty crime require, however, the development of a plan to do the illegal activity in question. When illegal activities grow beyond petty economic crime, they require the participation of group and the development of a support network of people who are willing and who consider appropriate to break the law. In order to have a coca-cocaine and poppy-heroin industry and to export those products it is necessary to have complex illegal organizations that can grow only in countries in which there are groups whose social or informal behaviour rules and norms differ substantially from the formal rules and norms formulated by the government that prohibit drug production and trafficking. In a society in which the rule of law prevails, crime is limited to that committed by few »bad apples« or individuals whose behaviour is deviant in the society. In this case, common police and judicial system law enforcement efforts can keep crime levels low. But if a significant part of the society does not accept the formal rules as legitimate; if many individuals are comfortable breaking those laws; if breaking laws is justified because they are or appear to be captured by particular groups that benefit from them, then the society becomes fertile ground for the development of illegal economic activities.

There are however, countries where there is a gap between formal and informal behaviour norms that do not have a significant organized crime problem. For the illicit drug industry to develop one of two other conditions is necessary. First, the informal social norms of behaviour should allow individuals to disregard the effect of their actions on other people. In other words, the negative effects that drugs may have on consumers and society at large should not be an obstacle for an individual to engage in illicit production or trafficking. An ethnically divided society may have a marginalized group and can exhibit a gap between formal and informal norms. But if within the marginalized group there is a strong social cohesion, solidarity, dignity and respect for other humans, it would not produce or traffic in a product or service

that is perceived as damaging to fellow humans.[10] If through time the gap among norms results in increased illegal behaviours and impunity, and social controls break down, a strong selfish individualistic culture develops and the probability to produce cocaine and heroin increases. Second, individuals or social groups could feel justified producing drugs because they can be a weapon against other groups, religions, or a foreign country or in order to protect their families. This would be the case of an alienated group that takes arms or uses drugs to fight for what they consider a superior goal such as overthrowing the government or liberating the country.

It is important to point out that there are no sufficient factors for crime and it is possible for a society to have all contributing and necessary factors and not to have organized crime. These societies are simply vulnerable and may fall prey to organized crime and illegal economic growth at any time. Societies are like bodies. They either have high or low defences against various illnesses. These cannot be completely prevented, but the main policy against them should be to raise the weak defences. The lack of sufficient factors also creates an identification problem when organized crime develops. For example, organized crime may grow when there is an economic crisis. Analysts would then perceive the crisis as the cause for such development when in reality it has been only a triggering factor. The real necessary factor without which crime would have not developed is the norms' conflict that legitimizes law breaking among some citizens.

Anti Crime, Anti Drug Policy Failure and Criminal Adaptation

There is no escaping that in order to control crime and illegal drugs it is necessary to impose the rule of law. Repressive policies and those that attack only the contributing factors may at best achieve short term results but they would not eliminate organized crime. Current policies against drugs and organized crime are repressive and do not deal with the norms' conflicts that make

societies vulnerable to the development of those activities. This is why in response to the War on Drugs criminal organizations have adapted and evolved. In Colombia the illegal industry was controlled by two large »cartels« in the 1980s. They were attacked by the government and weakened and the industry's control shifted to Warlords: guerrilla and paramilitary organizations. As the government weakened the guerrillas and negotiated with paramilitaries, the industry evolved again into a fragment structure of many smaller criminal groups that may be called »gang lords«. A similar evolution has taken place in coca plantings. The government has implemented a massive aerial spraying campaign over the last 10 years. Official data show that in each of the last 7 years the eradicated acreage substantially exceeds the estimated area! Still cocaine output has not been affected significantly. Coca plots have moved to more isolated and distant places; the average size of the plantings has declined to avoid detection; productivity has increased as growers adapted different varieties of coca and used more fertilizers and herbicides; etc. The cat and mouse game continues.

Organized Crime, Policy Options and Conclusions

Organized crime in Colombia is today more complex, diversified and sophisticated than when the cocaine industry started. Indeed, the illegal industry has been a catalyst that aggravated many of the main social conflicts of the country and encouraged the growth of organized crime. The government has succeeded in lowering the homicide rate; kidnappings rural landlords' extortions have fallen drastically. People are also a lot safer travelling by road in many parts of the country. The guerrilla movement has been weakened and has lost control of many areas of the country. These are the main successes of the government's »democratic security« program. These results are certainly encouraging but they obscure the fact that simultaneously there have been other very negative developments. Common crime has increased in many cities and has become more complex. Stolen vehicles are disassembled and sold as parts; rings that

---

10. In Nepal, for instance, there is a large gap between the country's laws and the behaviour norms of Buddhist monks. Nepal might have appropriate land and weather for the production of opium and heroin, but it does not produce it. In Bolivia, coca has been a traditional crop for several centuries. Peasants grow illegal coca because they feel entitled to do so, but civil society organizations (family, peer groups, etc.) impose controls on behaviour and they did not develop large trafficking organizations.

steal city real estate have developed;[11] the armed forces have been involved in the mentioned »false positives« scandal, large pyramidal Ponzi schemes have collapsed. A recent case illustrate the Colombian law enforcement dilemma, the largest and more complex pyramidal system was DMG, founded by David Murcia-Guzmán, a young man from La Hormiga, Putumayo, a small town near Ecuador's border that had been a main producer of coca and cocaine. DMG became wildly successful and developed a sophisticated combination of financial pyramid, commercial enterprise and money laundering scheme. It was structured to evade financial sector controls and usury laws. Depositors were not savers but associates who received a voucher that they could use in DMG's stores to buy many goods and services at prices about 20 per cent to 30 per cent above regular store prices. After some time they were paid back what they gave DMG or a higher amount. This was not defined as interest or principal but a payment for doing word of mouth publicity. This payment could also be converted in a voucher and a new round started.

No definitive study of DMG has been possible yet although there have been several books already published on this issue.[12] It started in a very small town and it took time for it to cover large areas of the country. This allowed it to be sustained for about three years. DMG warehouses sold legally imported and locally produced and contraband goods used to launder money. As it expanded, it opened offices in Panama and Ecuador where it had large accounts in the financial sector of those countries whose currency is the U.S. dollar. This allowed drug traffickers to make deposits in DMG accounts and receive equivalent amounts in Colombia (González, 2008). DMG started as a simpler system. The government attempted to close it at an early stage but on the advice of some of the top lawyers of the country DMG changed its structure to the one described. When the government finally managed to close DMG, it was close to the pyramidal collapse. The closing of DMG generated widespread civil protests. People demanded

their right to continue DMG as many did not accept that this was a Ponzi scheme. Many argued that returns of 100 per cent and 200 per cent were normal in today's capitalist system; that formal banks obtained those returns and the Colombian oligarchy simply did not want others to become rich. Many people became blinded by DMG and deposited their life savings. Others mortgaged their houses. The moneys recuperated from DMG amount to about $100 per depositor and many depositors firmly believe that the government closed DMG and stole their funds. Interestingly, some attribute the sharp decline in the coca acreage in Putumayo from 2006 on to the growth of DMG as many coca growers became reliant on it and just stopped working. In many of the pro DMG marches a common poster was »allow us to work«, meaning »allow us to deposit our money in DMG so that we do not have to work«. Mr. Murcia-Guzmán flew to Panama from where he was extradited and it is currently awaiting trial. However, one of the parties of Mr. Uribe's coalition sought to nominate him as a candidate for the Senate. Since Mr. Murcia-Guzmán does not have the minimum required age (30 years) to be a candidate, they have recruited one of his older brothers to run. In May 2009 Mr. Murcia-Guzmán was requested on extradition by the United States government on drug money laundering charges. He confidently expressed his trust in the American justice system and asserts that he is not afraid from extradition. In July 2009 Uruguay denied the extradition request of the Colombian government for Mr. Murcia-Guzmán's wife, a large DMG partner, and granted her political asylum. In mid September Mr. Murcia-Guzmán´s mother who had been indicted on money laundering charges was freed because the time limit for the State to file formal charges had expired. In June 2009 Mr. Murcia-Guzmán was extradited to the United States. This case illustrates the widespread social acceptance of illegal economic operations in the country.

For a society to have a low level of crime it is necessary to harmonize the law, the culture and individual morals. The norms' gap today is extremely broad and is present across the society. This presents a huge law enforcement problem not only because criminal groups are strong but also because many law enforcers also share the gap and their law enforcement efforts are not based on conviction but in convenience. This is why within law enforcement agencies there have been significant law breaking cases: the »false positives« described above are a case in

---

11. The following example illustrates this. An owner rented a house. She received the monthly rent for a couple of months. When she went again to collect the rent she found another family living in the house that claimed that it had purchased the house. The original tenant stole the identity of the owner and used that to transfer the property to a third person (possibly another stolen identity) who in turn sold the house to the new owners. All transactions were conveniently done with cash so that no mortgages and financial institutions were involved.

12. For example, Ortíz Abella (2008) that describes the structure of DMG and the public's support to Mr. Murcia-Guzmán after the closing of DMG.

point. Another one has been the persistent tapping of telephones and internet communications of those perceived as critics of the government.

To conclude, organized crime has become a great obstacle to democratic governance in Colombia. Many would argue that this is an insurmountable obstacle at least in the short and medium term. The challenge faced by Colombia is not for the world to legalize drugs but to »legalize Colombia«, that is, to forge a social contract acceptable to most Colombians to span social capital that generates trust, solidarity, reciprocity and respect. This is a tall order that requires significant reforms that must be negotiated and that imply large compromises among various groups. Whether this would be feasible is another issue. Until now the inertia and force of Colombian institutions have prevented substantial reforms that imply large behavioural changes. Globalization and foreign pressures, if exerted properly, might contribute to those reforms that do not seem palatable to many Colombians currently. In the meantime, there are no reasons for optimism.

Bibliography

Acevedo-Carmona, Darío, 1995, La Mentalidad de las Élites Sobre la Violencia en Colombia (1936-1949), Bogotá: IEPRI y El Áncora Editores.

Americas Watch, 1991, The »Drug War« in Colombia: the Neglected tragedy of Political Violence, Washington, D.C.

Banfield, Edward C., 1958, The Moral Basis of a Backward Society, Glencoe, Ill.: The Free Press.

Democracy Council, 2006, »Elements of Democratic Governance« Discussion Paper.

Fajardo, Darío, Haciendas, Campesinos y Políticas Agrarias en Colombia, 1920-1980, 1986, Bogotá: Centro de Investigaciones para el Desarrollo (CID).

Fals Borda, Orlando, 1982, Historia de la Cuestión Agraria en Colombia, 1982, Bogotá: Carlos Valencia Editores.

Gómez Buendía, Hernando, »La Hipótesis del Almendrón,« en Gómez Buendía, H, (Comp.), ¿Para Dónde Va Colombia? Bogotá: TM Editores-Colciencias, 1999

González-Arias, José Jairo, 1992, El Estigma de las Repúblicas Independientes 1955-1965, Bogotá: CINEP.

Guzmán, Germán, Orlando Fals Borda y Eduardo Umaña Luna, 1962, La violencia en Colombia. Estudio de un proceso social, Bogotá: Tercer Mundo Editores.

Herrán, María Teresa, 1987, La Sociedad de la Mentira, 2. Edición, Fondo Editorial CEREC- Editorial la Oveja Negra, Bogotá.

Kalmanovitz, Salomón, 1989, La Encrucijada de la Sinrazón y otros Ensayos, Bogotá: Tercer Mundo Editores.

Krahmann, Elke, 2003, »National, Regional, and Global Governance: One Phenomenon or Many?« Global Governance, 9:.

Lemoine, Carlos, 2000, Nosotros los Colombianos del Milenio, Bogotá: TM Editores-Cambio.

Mockus, Antanas, 1994, »Anfibios culturales y divorcio entre ley, moral y cultura«, Análisis Político, 21.

Palmer, David Scott, 1980, Peru: the Authoritarian Tradition, Praeger Publishers, 1980.

Puyana-García, Germán, 2005, ¿Cómo somos? Los colombianos. Reflexiones sobre nuestra idiosincrasia y cultura, Bogotá: Panamericana Editorial.

Reyes Posada, Alejandro, 1997, »La compra de tierras por narcotraficantes en Colombia,« con la asistencia de Ana Lucía Gómez-Mejía, in F. Thoumi (Ed.), Drogas Ilícitas en Colombia: su Impacto Económico, Político y Social, Dirección Nacional de Estupefacientes y UNDP, Bogotá: Editorial Planeta.

Reyes Posada, Alejandro 2009, Guerreros y Campesinos. El despojo de la tierra en Colombia, con la asistencia de Liliana Duica-Amaya, Bogotá: Friedrich Ebert Stiftung y Grupo Editorial Norma.

Robinson, James A., 2007, »¿Un típico país Latinoamericano? Una perspectiva sobre el desarrollo« in J. Robinson y M. Urrutia (eds.) Economía Colombiana del Siglo XX. Un análisis cuantitativo, Bogotá: Fondo de Cultura Económica y Banco de la República.

Rosenau, James N. 1995, »Governance in the Twenty-First Century«, Global Governance, 1, 1: 13-43.

Thoumi, Francisco E., 1987, »Some Implications of the Growth of the Underground Economy in Colombia«, Journal of Interamerican Studies and World Affairs, 29, 2, summer.

Thoumi, Francisco E, 1995, Political Economy and Illegal Drugs in Colombia, Boulder: Lynne Rienner Publishers.

Thoumi, Francisco E, 2003, Illegal Drugs, Economy and Society in the Andes, Baltimore: The Johns Hopkins University Press.

Thoumi, Francisco E, 2009, »Why the challenge facing Colombia is not to legalize drugs but to legalize Colombia« in USAID Assessment of the implementation of the United States Government's support for Plan Colombia's Illicit Crop Reduction Components, Washington, D.C.: Management Systems International, April.

UNDP, 2000, »Democratic Governance Issues Paper«, on line.

United Nations High Commissioner for Refugees (UNHCR), 2009. Global Trends 2008, Geneva.

Urrutia, Miguel, 1991   »On the Absence of Economic Populism in Colombia«, in Rudiger Dornbush and Sebastian Edwards, (eds.), The Macroeconomics of Populism in Latin America, The University of Chicago Press.

Yunis, Emilio, 2003, ¿Por Qué Somos Así? ¿Qué pasó en Colombia? Análisis del mestizaje, Bogotá: Editorial Temis.

Zamosc, León, 1986, The Agrarian Question and the Peasant Movement in Colombia: Struggles of the National Peasant Association, 1967-1981, Cambridge University Press: Cambridge

Organized Crime and National Security in México

Raúl Benitez Manaut

Introduction: Globalization, the State and Organized Crime

The different theories on globalization talk of positive globalization, due to the increment in legal commercial exchanges, suppression of visa holders, and increment in the routes of transport, and negative globalization. The latter is related to the opening up of frontiers that end up favouring the activities of organized crime. Many criminal activities are based on previously legal enterprises and exchanges and operate under this »legal framework«. Globalization has occurred at the same time as Latin America's democratization processes. The fear is that this transition will debilitate the State, which is why when the crisis of the authoritarian governments took place new worries went in the direction of the lack of democratic governance related with this debilitated State, especially in areas like public safety. Mainly in countries that suffered crude conflicts during the Cold War, like most Central American countries, the result was an already debilitated State when they started their transition towards democracy. This makes it easier for clandestine groups and occult powers to emerge within the newly democratized States. Many of these criminal groups emerged due to the lack of solid Police institutions, intelligence agencies and poor frontier-controls. These organizations took advantage of the new opportunities in the context of globalization, the opening of frontiers and the structural changes undergone by the States. Another advantage for criminal organizations was that their transnational activities are combated with different national legislations, still in an embryonic state of coordination. With globalization organized crime transcends a country's frontier.

Criminal organizations have three different modes of action depending on how they defend themselves from the actions of the government that seeks to eradicate them: evasion, corruption and confrontation. The first two have been the most prevalent in Mexico. It is only in the last decade when the war between different drug cartels was unleashed. The most affected regions have been the states located at the North of Mexico, mainly cities located at the frontier. Despite controls issued by the government, these criminal organizations take advantage of the easy transit to the United States through the different borders. To confront organized crime the State should put into practice three different strategies: coexistence, disruption and the elimination of these organizations. If the State does not have sufficient resources to confront them, it has to deal with the coexistence, and the most common way is through corruption. When the State decides to choose disruption or elimination, it has to employ the most important resources: the military and the strategic intelligence services. If it only uses the police the State will probably lose the war. The frontiers are the most fragile nucleus in this globalization context given the transnational nature of organized crime. In this state of affairs, the borders between countries are vital for the State not to lose control of its monopoly of law enforcement. Also, traditional border controls are now in crisis because cybernetic frontiers and new technologies used by criminal organizations are also very important.

Drug Trafficking: Mexico's geographic tragedy: Between the producers and the consumers

Even though the cultivation of drugs for exporting them to the United States started during World War II, the clandestine business reached intensive proportions during the Cold War. This phenomenon appeared with a lot of force during the eighties, and big corridors for the traffic of drugs, weapons, and people were built. The most powerful clandestine and criminal organization of Latin America, the Medellín Cartel, peaked during the eighties with the exportation of cocaine from Colombia to the United States. It inaugurated the great criminal corridor that no one has been able to eliminate. From Colombia, and from Venezuela to a lesser degree, going through Central America through either the Caribbean or Pacific, by air, sea or land, and finally cocaine reaching the northern markets. In the beginning they were criminal organizations that exported mainly marihuana to the United States, and this drug usually came from a family mode of production. In the eighties this cultivation had acquired industrial proportions, and in the nineties it had acquired the complexity of the global markets: the flow of capital, money laundering, information technologies, strong investments and diversification, the training of engineers, producers, cultivators, investors and financers (Flynn: 168).

Since the mid-eighties, drug trafficking and the need to control large mafias that deal in international clandestine operations have presented a threat to the national security of Colombia, Mexico, the Untied States, and the Central American countries. Transition to democracy facilitated organized criminal groups to finance political campaigns, launder money, and take advantage of weakened armed forces, and the frail—corrupt—police and judicial systems. Organized crime transformed into a »hidden power« with many ramifications, which allowed for the phenomenon of drug trafficking to reach the centre of attention of the hemispheric security agenda; at least in the regions of the north of South America (Colombia and Venezuela), North America, Central America and the Caribbean. In these regions, some countries were producers (Andean countries), some transporters (Mexico, Central America, and the Caribbean), and some consumers (the United States). The triad of production-transportation-consumption created a unity of »insecurity«, hence, the need for regional cooperation and a united front to fight drug trafficking. During the 1990s, after the end of the Cold War, new threats emerged to international security and countries perceptions about new challenges to national security. The global security agenda was headed by, amongst other phenomenon: drug trafficking, transnational immigration, environmental deterioration, and terrorism. These issues became determining components of a global fore for the U.N. as well as regional organizations like the E.U. and the O.A.S. They even appeared in the agendas of many countries bi-national relations agendas. Individual nations prioritized these issues differently within the hierarchy of current and imminent threats to the state.

New Challenge: Terrorism and Immigration

The attacks against the United States on September 11th, 2001, changed the level of priority of threats. Suddenly, the US was at war against terrorism, justified by a constitutional mandate and supporting countries (like Iraq and Afghanistan). The U.S. was simultaneously attempting to gain international support for its new defence policy. For the first time since the civil war, which occurred in the 19th century, the United States feared the threat. As a result, the country created a new security dialect based on two main principles: the Homeland Security Doctrine,

which transformed the entire structure of internal security institutions in the United States, with the creation of the Department of Homeland Security in 2002, and the Pre-emptive Action Doctrine, which consists of attacking first, based on evidence—from intelligence services—that show there are groups (Al Qaeda, Hammas, Islamic Yihad, Hezbola) willing to attack the United States with any means available. At the same time, these groups are allied with dissident rogue states (like Iraq or Iran), that should also be considered enemies. In 2006, the total illegal population is 11 million.[13] According to security diagnostics, border regions were open, porous, and out of control. Although, there had been previous cooperation to control aerial, maritime and terrestrial borders, in the United States there was an over-exaggerated impression that Canada and Mexico had immigration policies that where either too open to immigrants and refugees, and therefore it was hard to know the origins and the intentions of the immigrants (as was the case of Canada); for that the border was crossed by desperate people that had no opportunities of work in their countries of origin, so went across Mexico, a country which has almost no control of its southern borders with Guatemala and Belize. Concurrently, there was a prevailing perception that U.S. authorities (Border Patrol) were incapable of controlling the three thousand kilometer border between Untied States and Mexico. From that population, Mexicans are the most numerous; almost 64 per cent from the total Latino population. A report about immigration defined the problem in the following words: »The events of September 11th tragically demonstrated how the immigration laws of the United States can be violated or manipulated to cause horrible damage, so much so that it highlighted the importance of immigration policy as an important tool to stop or to monitor terrorist and criminals.« The report used logic that placed new emphasis in the link between illegal immigration-terrorism and open, porous borders. In the United States, that logic occurred at the government level, and amongst analysts, academics, and the press. The discussion was characterized by the domino effect of emotions. Although it could be argued that there is evidence to back perceptions about the openly permissive immigration policies of Canada and the uncontrolled and chaotic Mexican borders (with the United States, and with Guatemala and Belize), there has also been severe distortion and exaggeration in the

---

13. Clearly outlined in the United States National Security Strategy published in 2002. See: National Security Strategy, White House, March 2002.

interpretations which have been presented to the American public.

Over the last few decades, security at the border between the United States and Mexico has created debate and tension for bilateral relations. The border zone, of course, is a porous region, but, its porosity must be defined in the context of the dimension of the border and the flows of population that cross it. Every year, more than three hundred and fifty million people legally cross the border; that is almost one million border crossings per day. Additionally, almost ten thousand commercial cargo trucks cross the border daily. It is hard to calculate precisely the influx of illegal immigrants because they are undocumented. United States authorities detain more than one million undocumented immigrants annually.[14] For accuracy, it must be taken into account that an immigrant can be detained more than once in the same year. Legal influx of immigrants in the United States is about one million people per year.[15] Several studies demonstrate that the annual net migration flux from Mexico to the United States is between 400,000 and 500,000 people, 40 per cent of which is represented by legal immigration. There is no evidence that proves that a single terrorist entered the Untied States through the Mexican border. Since 2001, the debate has centered on the porous nature of the border, which supposedly makes it vulnerable to the possibility that a terrorist may eventually use it to enter the country. However, nine years have passed since the beginning of the debate, and there has been no concrete evidence to demonstrate any attempt to use the Mexican frontier to either infiltrate a terrorist cell or to commit an act of terrorism. All incidents which seemed to show it was occurring have all proven to be false alarms. Shortly after September 11th, the United States decided to implement joint border controls creating the Smart Border Agreements with Canada and Mexico; signed with Canada in December 2001

and Mexico (»Smart Border Agreements«) in March of 2002. These accords, or plans of action, were based on four main objectives: secure movement of people, secure flow of goods, infrastructure to ensure security, and the exchange of information and intelligence. These were not new themes in bilateral relations between the United States and its neighbours; as a matter of fact, the treaties were based on similar accords which had existed and been in effect since before 2001.

With respect to illegal traffic across the border, there are still a few concerns left unaddressed. There's the worry of large population flows from all over the world towards insecure regions in Central America. For example, people from all over the world that arrive using the systems of communication of the British Community of Caribbean Nations and Asian immigrants who cross the sea and the Panama Canal.[16] The frontiers between countries in Central America, Guatemala and Mexico are easily crossed. There are only 8 official border crossings, however, it is estimated that because of its geographic characteristics (vast jungle), there are more than 100 informal or out of control regions of the country. The ease in border crossing is facilitated by corruption, whether Central American or Mexican officials, associated with the trafficking of people across borders (the so called »polleros«, or »chicken runners«).[17]

Over the last few years, regional migration from Central America and Mexico towards the United States has been perceived as a threat to national security, not because of the people coming from those countries, but because of the apparent ease with which they can enter the U.S. This fear is evidence of the fact that borders have become more open, and manifesting the porosity which may potentially allow for the rare entrance of a person that could have intentions to harm the United States (terrorist). According to the regional context, then, there are two distinct visions: the one of the immigrant receiving countries (U.S. and Canada) and that of the immigrant emitting countries (Mexico and countries of Central

---

14. According to official data provided by the Department of Homeland Security, in 2000 a record number of apprehensions of deportable people reached a historic maximum, when authorities detained 1,814,729 undocumented immigrants. Since then the number has decreased to 1,046,422 in 2003 and again increased to 1,241,089 in 2004. From: US Department of Citizenship and Immigration Services, http://www.uscis.gov/graphics/shared/statistics/yearbook/YrBk04En.htm.

15. The number of people from all nationalities admitted into the United States per year has fluctuated dramatically between the years 2000 and 2005; from 703,542 (2003) to 1,122,373 (2005). From the total number between 14 per cent-18 per cent are from Mexican origins, 5 per cent-8 per cent from Central America. Information from Department of Citizenship and Immigration Services: http/www.uscis.gov/graphics/shared/statistics/yearbook/index/htm.

16. There are several studies dedicated to »extra-regional« immigrations that cross Central America and Mexico towards the United States and Canada, done by the governments of the region, the Organization for International Migration, and CEPAL, amongst others. They can be found at the Conference of Regional Migration: http://www.crmsv.org

17. For detailed descriptions of the problem linked to migration in the southern border of Mexico, see forums of the National Institute of Migration: Hacia una Política Migratoria Integral en la Frontera sur de Mexico, at http://www.inm.gov.mx/paginas/foros/primerforo/insumos.hmm (2005).

America). The March 2002 »Smart Border Agreements« between Mexico and the U.S. were incorporated into a Plan of Action for the Frontier which was similar to the one the U.S. and Canada signed. And yet, Mexico faces limitations to effectively apply the accords. Amongst them were: lack of resources, technological differences when using equipment, and the training of border patrol officials. Furthermore, the unilateral measures which the United States has implemented, the building of the wall and the general demeaning language used during the immigration debate to describe the U.S.'s southern neighbour, has encountered rejection by Mexico and it has put in question the bilateralism of border control measures. In both countries, these tensions have provoked increase in public opinion which pressures leaders towards policies of confrontations, instead of cooperation.

Crime, the political system and the borders

The smuggling of goods has existed since the creation of the Mexico- United States border around the middle of the nineteenth century. From Mexico marihuana, heroine and later cocaine was exported. Afterwards, this business passed over to the state and federal levels. Binational co-operation for security in the northern border exists, but it is still in its embryonic state and plagued by mutual distrust between the two governments. Also, in the case of Mexico, this mutual distrust exists within its structures. The confrontation between state forces, federal forces and local forces is very strong in the cities located at the frontier. The Federal forces constantly accuse state and local forces of being involved with criminal networks, especially to favor the drug smuggling cartels. On the other hand, the southern border of Mexico has been influenced by the different security and insecurity agendas of Central America since the late seventies of the twentieth century. First, the Central American revolutions provoked unprecedented armed conflicts, and human and weapon trafficking. The two most serious threats were, first, the impact of counter-insurgency policies and the humanitarian catastrophes these provoked such as the Guatemala refugees, and the Salvadoran and Nicaraguan peasants that had to flee from their homes because their territories turned into battle fields. This caused a huge exodus of people destined for the United States, and Mexico was left in a delicate situation.

By the end of the nineties, the result of these conflicts was a great number of torn populations without working options. This caused the flow of migrants to grow, rather than to diminish. Also unprecedented situations of social crisis lead to the configuration of a new transnational criminal wave, the transnational Californian-Central American gangs. Deportees from Californian prisons came back to their Central American origins with a new knowledge of more bloodthirsty methods of criminality. They were baptized »maras.« Many of them tried to go back to the United States through Mexico, and others, running away from the »hard hand« strategy looked for refuge. These paved the way for the implementation of »hard hand« strategies that even criminalize the marginalized youth of Guatemala, El Salvador, and Honduras, at times even violating the Human Rights of these populations. In sum, the endemic weakness of the different Central American States lead to the boom in organized crime and its penetration in government structures, mainly of drug trafficking and the delinquency that transcends the countries' borders. This phenomenon, alongside migration, different kinds of smuggling and the transnational flow of prostitutes and human trafficking links Mexico with Central America in the context of negative globalization.

Criminal organizations take advantage of the weaknesses of national security structures for their own benefit. One of the most noteworthy elements profiting drug traffickers is the lack of cooperation and coherence among the structures of the police, the military and the administration of justice.[18] This is one of the common arguments of critics of the Mexican government who point out that the constitutional and legal structure, above all the division of federal, state and municipal powers, is the Mexican state's main vulnerability. This is why two main strategies have been implemented to try to transform the federal government's capabilities: in the first place, reforming the sub-systems of national security, defence, intelligence, justice and the police in the federal, state and municipal governments, and in the second place, accepting U.S. assistance, which will be used to start up these structural reforms and provide technology unavailable on the market.

---

18. Elena Azaola, Crimen, castigo y violencias en México (Quito: Flacso, 2008).

Drugs, weapons and human trafficking

Currently, Central America is the zone of transit of 88 per cent of the cocaine destined for the United States. Of this drug, the majority comes through the Mexican borders destined to the United States. The routes of drug smugglers go through the entire country destined not only for the United States, but also for the domestic drug consumption. After the metropolitan zone of Mexico City and Jalisco, the states that show greater complaints related with drug smuggling are located at the borders. The globalization of drug trafficking through the borders transcends them: through the markets of the United States, the Mexican cartels operate in Africa and Europe. The biggest worry for the DEA and the different European Police corps is that the Mexican and Colombian organizations have established links with criminal organizations in Africa in countries such as Ghana, Nigeria, Guinea, Guinea-Bissau, Senegal and Togo. In Mexico the tendency of importing drugs has transformed and it no longer solely concentrates on the traffic of cocaine from Colombia. The importations of pseudo ephedrine and methamphetamines mainly from China have gone up. In addition, one other vulnerability from the custom's system is the corruption of the maritime custom offices. This has led to the implementation of the »Strategic Bilateral Mexico-United States Plan.« The main flow of weapons is from the United States to Mexico, and in second place, from Central American countries. Officially, there are no national producers that have free access to the public, except in some cases of hunting rifles, and its production is destined for the Mexican army and for exportation. So, if Mexico does not produce weapons for the internal market, these millions of weapons have passed through the borders, and this could not have taken place without cooperation from corrupt public officials in all levels of government, particularly in the various Customs.

The majority of the weapons in Mexico are not registered because they mainly come from illegal trafficking, from illicit local producers and especially from the transfrontier traffic. The main sources from the United States come from secondary markets, meaning the selling of weapons in free access selling fairs; from the »ant« type of traffic through which weapons go through the borders inside people's cars with the objective of selling them or donating them, and finally, in the primary market, where the buyer of the gun has to be registered.

The primary market is made up of legal stores and armories. Just in Mexico's frontier there are 17, 000 points where they sell weapons. The latter are not obligated to inform the authorities as to who bought the weapon, unless the weapon is later involved in a felony. Out of the four southern states in the United States that have a shared border with Mexico, only California has restrictive legislation regarding gun control. New Mexico, Arizona and Texas have totally permissive legislations for acquiring weapons. Weapons that come from Guatemala and Belize come from greater trajectories like Eastern Europe, Israel and other republics that resulted from the breaking of the Soviet Union, and even from other Latin American countries. Weapons follow the same routes of drug trafficking, but they do so in an inverted manner: while drugs flow to the North, weapons flow to the south. One of the main consumers of weapons is organized crime. Either by tolerance, omission, in conspiracy or due to the lack of vigilance in the different borders, the passive or active support of public officials has been a key factor in the success of the human trafficking. The selling of electoral credentials is very common in Mexico in order to cross the various check points established at the different borders. In interviews with Central American immigrants in 2005, in Tapachula, the interviewees said that Mexican authorities detain the immigrant only when he or she runs out of money. Almost all of them, from the river that divides Tecun Uman from Hidalgo City until they reached Tapachula crossed about five different controls from either federal or local authorities: National Institute of Migration, the Army, the Navy, the Preventive Federative Police, the State and local police corps. This can be called »inter institutional coordination« between the security agencies of the Mexican government. In a similar manner, about 300 thousand Mexicans entering the United States every year, more than 80 per cent does so thanks to the »polleros« or »coyotes« system, and the rest try to do it on their own. Out of the total of criminal businesses that take place at the different borders, this is the oldest, the most lucrative, and the better organized in both the southern and northern borders of Mexico.

Ciudad Juarez: War zone

Ciudad Juárez has become the barometer for violence in Mexico. When the international press reports on Juárez, they transmit the image that »all Mexico is Ciudad

THOUMI, MANAUT, SAIN, JÁCOME | THE IMPACT OF ORGANIZED CRIME IN LATIN AMERICA

Juárez.« This has even contributed to increasing the country-risk rating and affecting foreign investment. When Mexicans see and hear stories about beheadings, executions, and bodies dissolved in acid every day on television, on the radio and in the newspapers, they are shocked and think the government is incapable of controlling the country, particularly the drug traffickers. Violence and murder have surprisingly become indicators of governability and government efficiency. This is the real reason President Felipe Calderón has taken the unprecedented step of recognizing the Mexican state's inability to fight the big drug cartels alone and asked for help from the United States through the Mérida Initiative. Mexico's national security debate focuses on whether the war on drug trafficking is being won or lost. Maintaining that Mexico is a failed state, or that it is leaning that way, is a fallacy. However, there are cities and states in the country, where the argument could be made. This is the case of the state of Chihuahua on the Texas border, and particularly Ciudad Juárez. In November 2009, the Ciudad Juárez business community took an unprecedented step through the local leader of the National Chamber of Commerce, who called on the UN to send peacekeeping troops given the grave situation of insecurity. They argued that the violence has already led 6,000 local businesses to either close or set up shop elsewhere, many in El Paso, Texas: »We are asking that a group be formed to request the Inter-American Human Rights Commission to intervene, as well as that a group of UN peacekeeping troops be sent to put a stop to this uncontrollable situation of violence. Ciudad Juárez has not received any kind of attention from the authorities, which is why it is thought of as the most violent city in the world, with the world's highest death rate. A rate of 10 deaths a day is considered a war zone«(See Reforma, November 11th 2009). This statement speaks to Juarez residents' distrust of municipal, state and federal governments, which have not been able to lessen the impunity or alleviate the clashes among rival drug cartels. The Mexican federal government has termed the declaration completely hair-brained and out of place. The president of Ciudad Juarez's Citizens Council for Public Security and Criminal Justice, for his part, compared his city with the most dangerous of Latin America: »In Juárez, murder rates grew in a very short time as had never been seen anywhere in Mexico and very rarely in the world. Between 2007 and 2009, they increased more than 800 percent. In the case of Juárez, the Calderón administration's strategy for controlling the situation

has not lead to any results. The federal government sent 5,500 troops there in 2007; in mid-2009, the number was upped to 6,000. In January 2010, 2,000 federal police were added, and it was decided that the command of all operations would pass to the Federal Police. With this militarization, the government has not managed to decrease the violence. Thus, we can say that the increased use of military forces does not get results, and even, perversely, that the demonstration of force by the state using more violence is causing a symmetrical response, with more homicides and impunity (see Excélsior, January 15th 2010). Accusations are increasing that in Juárez the armed forces are source of human rights violations. The Juárez city government had to open up an office to handle citizens' complaints about violations by the armed forces and federal police. These include everything from what is called »abuse of authority« to serious crimes (see Excélsior, January 16th 2010). This puts Juárez residents in the crossfire. First is the violence unleashed by the war among the drug cartels: the Pacific Cartel, the Gulf Cartel and the Zetas and the remains of the Juárez Cartel, whose leader, Amado Carrillo Fuentes, the Lord of the Skies, who died in 1997, was famous for smuggling cocaine into the United States in low-flying planes that flew under the radar of the world's best militarily protected nation. Second, the city's streets are flooded with Mexican government troops and police, and are rife with rumours that a state of emergency will be declared to lay siege to the cartels and their hit men. The population works for and in favour of the war or to defend itself from it. In Juárez, the population has dropped from 1.3 million to one million; more than 100,000 families have migrated to safer locations like El Paso, Texas, and more than 5,000 businesses have closed in the last three years. This means that 25 percent of dwellings have been abandoned, and 30 percent of businesses closed (see Milenio, February 16th 2010).

We can say that the Mexican state is losing the war against drug trafficking and that therefore it must radically change its strategy because of the following: the president's declaration of war against the cartels; the spike in executions, the exponential increase in U.S. aid, the increased presence of the armed forces in the fight against drug trafficking and in public security in high risk cities, the transformation of Juárez into the most dangerous city in the world, increasing cocaine consumption and the opinions that Mexico could become a failed state. Some critics say that the change in strategy should

reorient toward forms of legalization of drugs. Another interpretation suggests that the government's strategy will win out in the end because it has strengths that are only beginning to be brought together and that will bear fruit in the medium term.

Conclusions: the corrupted state structures

During the authoritarian Mexican regime the political system tolerated the activities of organized crime, and even in some cases these actions were functional to the system as a whole. The agreements that allowed this sort of businesses necessarily implied the existence of corruption. However, two central factors changed this situation: on one hand, the globalization of organized crime, which implies more complex and ample networks in order to operate, and on the other, the transition to a democratic regime that implies governance against the threats to the State and society. Organized crime has become the main threat to the State and the frontiers are vulnerable points. The infrastructure of organized crime surpasses the one of the government's agencies that should be in charge of order. However, this could be controlled by prevention and control of corruption. Controls at the borders require an equilibrium in which the flow of commercial exchanges and of people will not be blocked, but where the flow of illegal goods like weapons and drugs can be identified quickly and efficiently. In order to put a stop to criminal activities in its borders, democratic governance in Mexico requires a true revolution, not only technology wise, but also in the administrative, cultural, social and political areas, starting with the bureaucracy of the Mexican state. This is why the three main activities of organized crime in the Mexican borders have become an issue of national security, but it is also an issue of transnational security. Globalization transforms these phenomena into intermestic issues where separating the external and internal dimensions of these activities becomes impossible. In other words, these are issues that simultaneously concern three different areas of government: foreign policy, national security policy and the policy of the internal control of crime and the imposition of the State of Law. In a similar way, due to the fact that democratic societies are in the process of being built in Mexico and Central America, the solutions to the phenomena of crime and delinquency have to involve the entire population and the civil society

(its organized segments) because this not only affects the State, it also affects society as a whole.

The government of Mexico has very weak police forces and judicial and intelligence structures. Therefore they have resorted to an accelerated militarization process which has lead to an increase in violence. This is visible in the military occupation of cities such as Tijuana, Juárez, Reynosa, Nuevo Laredo as well as the states of Michoacán to destroy a cartel known as »La Familia«. President Felipe Calderon defined operations against drugs as a war, which has gone to point out that organized crime has penetrated the State's structure and has corrupted government officials, especially at the local level. In Mexico, the question is: Who is winning the war? Since the assassins and crime violence continues to increase. As an example, between January 2007 (at the beginning of the Calderón's administration) and January 2010 the violence between the six Narco groups amounted more than 23 thousand deaths. As a final reflection it is important to point out that the failed State theories can be partially applied to Mexico, this includes parts of the states of Chihuahua (where is Ciudad Juárez), Tamaulipas, Sinaloa, Michoacán and Guerrero in Mexico or El Petén in Guatemala (in the southern border with the states of Tabasco and Campeche). However, the federal government has not collapsed but need to face deep structural reforms in order to curtail organized crime's ability to exploit their weakness.

It is difficult to affirm categorically that the government is winning the war, but the idea that the government strategy has already failed is also a hypothesis that cannot be maintained. That is why what we see is a »strategic stalemate« that will tip in either direction depending on whether the government's major military campaigns and its strategy for restructuring all the national security institutions are successful or the cartels, amidst their reorganization and internecine conflicts, manage to overcome their adversities and win the day. In the event of a catastrophic outcome breaking the tie in favour of the cartels, Ciudad Juárez would be exported to the rest of Mexico as a »model.«

Something else that should be taken into account is that the theory of war says that it is won by those who win the »hearts and minds« of the population. The public perception in Mexico, derived from a one-dimensional reading of the number of organized-crime-related mur-

ders, has led some to talk about a government failure. The implementation of the so-called comprehensive strategy, for example in Juárez in February 2010, in addition to demonstrate itself effective and showing indicators of success, must transmit the idea among Juárez residents that the federal, state and municipal governments are going to be able to recover the city from the cartels. But at a national level, Felipe Calderon's administration must win the war on this front. The future of the war against drugs in Mexico will depend on whether the state institutions fighting them can be rebuilt, whether corruption —drug traffickers' main weapon for weakening the state— can be eliminated, and whether all the mechanisms of international cooperation like the Mérida Initiative can be successfully articulated (U.S. 1.4 billions for Fiscal Years 2008-2009-2010). It is also very important to demilitarize the fight against drugs and implement parallel programs against addiction as well as preventive social and economic measures.

Bibliography

Coletta A. Youngers and Eileen Rosin (editors) Drugs and Democracy in Latin America. The Impact of U.S. Policy, Lynne Rienner Publishers, Boulder & London, 2005.

United States National Security Strategy, White House, March 2002.

Doris Meissner et al Immigration and America's Future: A New Chapter, Migration Policy Institute, Washington D.C., 2006

Xochitl Bada, Jonathan Fox and Andrew Selee (editors) Al Fin Visibles. La presencia cívica de los migrantes mexicanos en los Estados Unidos, Woodrow Wilson International Center for Scholars, Washington D.C., 2006.

Jeffrey S Passel. Mexican Immigrants in the United States: Numbers and Characteristics. Conference at the Center for International Strategic Studies, Washington D.C., October 10, 2006. http://pewhispanic.org

Peter Andreas' Chapter »Introduction. A Tale of Two Borders«, in The Rebordering of North America, Routledge, New York and London, 2003.

Sthepen E. Flynn »The Global Drug Trade Versus the Nation-State«, in Maryann Cusimano Love (editor) Beyond Sovereignty: Issues for a global Agenda, 2nd Ed. Toronto, Thompson-Wadsworth, 2003.

Deborah Waller Meyers. »Does »Smarter« Lead to Safer? An assessment of border accords with Canada and Mexico.« Insight. Migration Policy Institute, No 2, (June 2003), Washington D.C.

Jan C. Ting »Immigration and National Security«, Orbis, (Winter 2006).

GAO, »The Merida Initiative: Guns, Drugs and Friends« , A Report to members of the Committee on Foreign Relations, United States Senate, Washington D.C., December 21, 2007.

Police institutions in the face of organised crime in Latin America: The view from the Southern Cone

Marcelo Fabián Sain

Police and organised crime: an intricate link

Over the last few decades, with a few rare exceptions, the performance of police institutions has significantly favoured the development and spread of the diverse manifestations of organised crime in Latin America. This has happened in two ways. On the one hand, extremely outdated doctrines and procedures together with the organisational and operational weaknesses and anachronisms of most police institutions in the region (SAIN 2009) have turned them into obsolete, inefficient institutions in face of the task of combating and dismantling, with at least some measure of success, the most complex undertakings of organised crime. In general, these police forces are antiquated organisations, under funded, and extremely resistant to any form of change or modernisation, all of which adds to the contrast between them and the complex criminal organisations that are modern, diversified, dynamic, financially robust and ready to constantly change and adapt. They are lagging so far behind they are unable to draw an up-to-date picture of the different modalities of organised crime and efficiently tackle the leading criminal groups. On the other hand, the Latin American experience has shown in most cases that the development and expansion of the different modalities and manifestations of organised crime have been made possible thanks to control by police institutions. This has ranged from permission for and protection of organised criminal activity and the groups involved in it by the police to association and/or direct intervention by active sections of the police in actual criminal business. This approach has been decisive in consolidating the activities of organised crime, built on the illegal trade of substances and services, whose creation and gradual expansion has almost always had high social visibility.

Within a democratic security system, police institutions are without doubt a vital instrument for developing comprehensive strategies to tackle organised crime. However they are not a tool that is sufficient in itself, or exclusively suited to the purpose. Even with the best and most advanced intelligence gathering and investigative machinery, and with sufficient human and material resources, working under clear and efficient institutional guidance, no police force would be able assess and dismantle the structural conditions that govern this phenomenon, that is to say, the social, cultural, economic and political conditions that foster and encourage the most dynamic and profitable undertakings of organised crime. It shows at any rate that the police are a relatively limited institutional instrument in face of a phenomenon such as organised crime that is the outcome of complex social, cultural, economic and political processes. Therefore, what type of institutional security system is needed in Latin America to implement more efficient strategies to control organised crime? To answer this question, we first need a very general phenomenological description of organised crime in the region and, in particular of the link between this problem and the police, and an outline – also general – of the institutional vacuums that exist in many countries in the region in terms of controlling organised crime. So let us take a look.

The diversity of organised crime in Latin America

There is a widespread propensity in Latin America to take a homogenous view of organised crime in the region. This view has tended to interpret and present the problem of organised crime in the region as a uniform one, that is similar in Colombia and Chile, in Mexico and Uruguay, in Brazil and Dominican Republic, in Panama and Argentina or in El Salvador and Bolivia. However, organised crime is a very complex, diversified and multifaceted problem that has various manifestations, and encompasses different types of activity, acquiring different dimensions and having different determining factors in each of our countries and sub-regions. Drug-trafficking[19] stands out as the most developed form of organised crime in the region (UN 2008). The trafficking of persons for the prostitution of others or for sexual exploitation, forced labour or services, slavery or servitude, or the extraction of organs, has expanded significantly in the last few decades and

---

19. *Drug-trafficking i*ncludes all criminal activity committed by an organised group with the aim of producing, manufacturing, extracting, preparing, storing, transporting, distributing, marketing, delivering, supplying, applying and/or facilitating drugs illegally; bringing into or taking our of the country manufactured drugs or drugs at any stage of the production process or raw materials destined for the illegal manufacturing or production of drugs; drug smuggling; organising or financing any of the activities mentioned or converting, transferring, administering, selling, allocating or assigning money or any other goods received for any of these action; all with the aim of obtaining directly or indirectly an economic or material benefit.

currently constitutes one of the most extensive forms of organised crime in the region (UN 2009). There is also the illegal trafficking of firearms and other national manifestations of complex crime that are replicated in almost every country of Latin America, such as kidnapping and extortion, the theft of goods in transit or of vehicles, abduction and others(SERRANO 2005).

A general look at social and institutional developments in Latin America over the last 30 years shows us that the size and extent of some forms and activities of organised crime – and most notably drug trafficking – have been significant. However, only in some countries, such as Mexico, Colombia and Brazil, has organised crime, and particularly that linked to drug trafficking, had major political, economic and social implications. In these cases, beyond any national and sub-regional differences, the expansion and development of organised crime has benefited from convergent structural conditions that have turned it into a large scale economic undertaking, and a serious political and institutional problem. It is worth rapidly reviewing what these conditions are.

In the first place, there has been a high level of economic and financial informality and marginalisation, developed to a large extent via to the formal economy and banking system. A large part of production, the trade in goods and services and these economies' finances take place in the so-called black economy, in other words outside State regulations, controls and taxes. Of course the bulk of this hidden economy was not created, historically, to serve criminal enterprises, but rather to make tax evasion or avoidance possible by means of hiding from the treasury a large chunk of real economy activity. However, the mechanisms and procedures necessary to hide, mask and make use of the funds that evade or avoid tax are the same that can be – and are – used for the laundering of money from highly profitable criminal enterprises. Consequently, this has facilitated and made possible the establishment of undertakings favourable to or an operational part of organised crime without direct suspicion and enabling money laundering with impunity or the direct use of money earned from crime to finance crime.

In this way, fiscal weaknesses and the failings of the states' mechanisms to regulate and control these countries' real economies and finances, either by omission or complicity, as well as the non-viability and inefficiency of the parameters and procedures recommended by inter-

national organisations to prevent and punish money laundering, have enabled much of the economy to be used, even controlled, by organised crime. Secondly, society in these countries, as in most Latin American countries, is riddled with widespread illegal social practices and the strong social legitimisation of these. Such practices, be they cultural, political or economic, have led to the daily and generalised replication of many types of illegal behaviour such as the compulsive and illegal occupation of public space; the habitual and conscious failure to respect the basic rules of socially responsible behaviour and well-known legal standards; the legitimisation of violence – even fatal violence – as an efficient and valid means of resolving conflict, disputes and differences between people and different social, ethnic or political groups; a strong resistance to and rejection of state control and regulation and laws as well as a clear validation of the evasion or violation of these controls. All of this has helped create a climate of de facto privatisation and a violation of what is public. At the same time these recurrent practices are reproduced between the different levels of society against a background of exaggerated static expressed in the widespread belief that social behaviour and practice that either falls wide of the rules or are simply illegal and any public disorder, including acts that are derived directly from the actions mentioned above, are a direct consequence of the incompetence of the organs of state control – including the police – in the exercise of their task of prevention, regulation and control. Hence, breaking the rules or illegal behaviour are simply an inevitable and legitimate manifestation of the absence of an efficient, vigilant State or, in truth, of public authorities that exercise little control, do so badly and are riddled with corruption. The belief that it is valid or acceptable to commit offences or occupy public space if the agencies of institutional control do not intimidate or threaten the offenders in any credible way or with any success is very widespread in these societies and creates the conditions that foster illicit spaces and relationships and within this framework clandestine political and economic activity. All of this has been reinforced by the formal application of an exacerbated penal prohibitionism on a wide range of social and economic activities, but within a context of society's de-legitimisation of the authority of the State and of the public authorities responsible for regulating and implementing the range of formal prohibitions and the systematic failure of these, either because of the extent and social acceptance of illegal practices, or because of State incompetence and/or the corruption of its agents. In short, these social practices

and institutional developments have contributed to the creation of clandestine economies and illegal markets in which goods and services are traded on an informal basis, and supplied by extensive criminal networks that obtain, produce or provide these goods for a population or strata of the population where they are in demand. The creation of these illegal economies and markets has always been determined by the widespread and persistent social demand for goods and services that remain prohibited or are declared illegal, all of which has served to expand the various manifestations of organised crime.

Thirdly, there are large territorial spaces and social sectors in these countries that have no effective state regulation of the application of the law, giving rise to a sort of stateless space, beyond public law, segregated and marginalised from the economically, socially and politically highly developed centre – where the State does maintain a regulatory presence with some level of effectiveness. In the last few decades the creation of these socially isolated zones has spread very quickly across the big cities of the region, providing the backdrop for new forms of urban marginalisation arising from persistent mass unemployment, the social precariousness of the population, the relegation of neighbourhoods and areas totally deprived of any public or private resources, and the growing stigma surrounding these places that are seen as the refuge of the dangerous and delinquent classes (WACQUANT 2007). These zones are dominated by two groups. On the one side there are the criminal organisations that have thrived in the absence of controls and regulations, and the chronic economic crisis. On the other there are the police, who operate through a combination of illegal violence and abuse, and the protection or regulation of the criminal activity taking place in these areas. Hence the rules that de facto govern social relations and the respect of these rules are imposed and guaranteed by patrimonial private sectors and/or the criminal groups that control the place and by the brutal and corrupt police in these zones. Finally, the police institutions in these countries are severely deficient and far too outdated to effectively prevent or combat the complex criminality of organised crime. There are several factors behind the anomalies in these police forces, such as high levels of corruption and institutional abuse, linked with the protection and regulation of highly profitable criminal activities, including the illegal drugs trade itself and other related illegal activities; the desperate shortage of material and financial means

together with outdated infrastructure, compounded by the low pay, even poverty wages, of the great majority of staff; organisationally, operationally and doctrinally anachronistic, outdated institutions and the absence of a basic police training system or any modern training, and the lack of a police mechanism composed of a criminal intelligence unit, with an integrated and highly specialised logistical and operational system to combat complex criminal activities and groups. There is no doubt that the incompetence of local police forces to implement efficient strategies to monitor organised criminal activities has been a decisive factor in the expansion of these activities. The general incompetence of the police in these countries in assessing the growth of organised crime in order to prevent, confront and successfully wipe out its diverse manifestations, as well as to neutralise the role of some police units in protecting and managing highly profitable criminal businesses, either by omission, complicity or direct participation, has significantly aided the strengthening and consolidation of organised crime.

Organised crime in the Southern Cone of the Americas

In the Southern Cone countries - Argentina, Chile, Paraguay and Uruguay – these structural conditions are tendencies and are substantially less deep-rooted and complex than in Colombia, Mexico, Brazil or some countries of Central America such as Guatemala and El Salvador, where drug trafficking, human trafficking, the illegal arms trade and other activities have acquired far greater, more developed and extensive dimensions, qualities and characteristics.[20] Similarly there are some fundamental differences between the phenomenological features of the organised criminal enterprises of the Southern Cone countries and the rest of the countries of Latin America, particularly, as regards Brazil: First, there is the scale of criminal enterprises and illegal businesses, which are incipient but clearly defined from an organisational and financial point of view. Second, drug trafficking and other forms of organised crime are carried out by small-scale criminal networks and groups which are not yet organisationally and operationally independent of the State,

---

20. There are of course different levels of development and diverse manifestations of these structural and phenomenological characteristics among the Southern Cone countries. In Chile and Uruguay they are much weaker but incipient, while in Argentina they are more developed and in Paraguay they are definitely more pronounced.

particularly of the police and security forces of these countries, which protect, favour, mould and encourage them. Third, these criminal groups have not developed a complex and diversified organisational structure and do not have the economic-financial power to be able, at least in an embryonic form, to co-opt or directly or indirectly control part of the penal prosecution system – prosecutors, judges and police officers – and/or the government structures responsible for public security, through a combination of bribery, intimidation and violence, and/or armed response or challenge to the State.

The most significant of the phenomenological features mentioned above has been the creation of illegal markets in substances, vehicles, arms and even humans in the Southern Cone countries over the last decade, particularly the illegal drugs trade. In fact over the last few years the sustained rise in the consumption of illegal drugs in the major cities of Argentina, Chile, Paraguay and Uruguay has fostered the gradual creation of a growing, continuous, expanding, diversified and highly profitable retail market. This market has been built on the marketing and retail of illegal drugs to the middle and upper classes in urban society, particularly cocaine and marijuana, that are not supplied, as in the past, by means of payment in substances from the international trade through their territory, nor from the irregular micro-traffic carried out by small or unstructured groups. Furthermore, with the exception of Paraguay, which is the principal producer and exporter of marijuana in the Southern Cone, these countries do not produce the drugs which dominate their retail markets. Rather, they are produced in neighbouring countries or in the sub-region and enter the country by land, water and air, through porous, badly controlled borders.

The supply, cutting, dividing up and preparation of illegal drugs for the retail trade takes place in territories and zones directly or indirectly controlled by the incipient criminal groups of drug traffickers that have been formed in the extremely poor and highly marginalised areas and neighbourhoods of the major cities. The distribution and retailing of these drugs, meanwhile, usually takes place in the circuits and neighbourhoods of the middle and upper classes of these cities. Constructing such a highly diversified and extensive undertaking has required medium and long-term planning and implementation, and has involved intricate and extensive territoriality, which makes it relatively visible, both socially and politically. And this can only be possible from the outset if there is protection, regulation and control by the local police forces, which, despite their shortcomings and anachronisms, efficiently maintain and reproduce control and vigilance over these territories. In other words, what has been observed in these territories is that police protection for these embryonic drug trafficking groups is a necessary condition for the expansion and/or stabilisation of the illegal drugs market because it enables and guarantees the territorial expansion and domination needed for it to thrive. Against this background, with a well developed retail market for drugs, the criminal groups or factions have become very skilled in the territorial control that is linked to the drug trafficking business. A trade war develops over the control of the supply routes, distribution and retailing of illegal drugs and on many occasions this trade war turns into armed conflict between the criminal elements involved. There have been many murders as a result, at the hands of hired killers or by means of attacks on the public highway. However, the drug traffickers in this context do not operate independently from the illegal regulation by the State itself. This is mainly because these drug markets and illegal businesses are still small, which is not conducive to the formation of big criminal groups with the economic strength and the power to penetrate and control state circuits through bribery. Nor are they big enough to maintain an armed and violent confrontation with the State to gain their independence and protect the growth of criminal enterprises. This is what has happened in Brazil, which currently has the biggest market for the consumption of cocaine and marijuana in Latin America and one of the biggest in the world after the United States and Europe (UNODC 2008). Furthermore Brazil, unlike the Southern Cone countries, has big drug trafficking groups and networks which are financially powerful and maintain an armed conflict with the State, in both Rio de Janeiro and São Paulo, all of which is underpinned by an extensive network of illegal arms trafficking controlled by drug traffickers that has been allowed to grow thanks to the protection provided by the vast scale of police corruption in the country.[21]

---

21. To read more about drug trafficking in Brazil in the '90s see: PROCÓPIO, Argemiro, O Brasil no mundo das drogas, Editora Vozes, Rio de Janeiro, 1999. For a comprehensive analysis of present day drug trafficking in Brazil see: VIAPIANA, Luiz Tadeu, Brasil acossado pelo crime, Diálogo Editorial, Porto Alegre, 2002; and ZALUAR, Alba, Integração perversa: pobreza e tráfico de drogas, Editora FGV, Rio de Janeiro, 2004.

Institutional vacuums

The institutional approach to organised crime, in the Southern Cone as in Brazil, has been marked by serious failings and inconsistencies. There are two main causes for this. On the one hand, there is the profound official ignorance about the size, scope, diversity and complexity of the different forms of organised crime in these countries and the tendencies of their illegal enterprises as well as of their impact on the social, political, economic and cultural life of these countries and their sub-regions. On the other, there is a predisposition to try prevent, combat and investigate these complex problems with approaches and mechanisms that are outdated, anachronistic and therefore ineffective, particularly in the face of organised crime, that is daily taking on new forms and characteristics. There are three institutional vacuums that are worth taking a quick look at. Firstly, the governments of the Southern Cone and Brazil have not mapped out an up-to-date and comprehensive picture of the situation of organised crime in their countries that takes into account, for strategic purposes, the different modalities and manifestations of organised crime, on which to base state policy to control it and, at the tactical level, the concrete actions of organised criminal groups, on which to base the police response.

Successive governments have tended to deny or hide the problem taking the view that by publicly recognising its existence and expansion they would hold themselves up as being directly responsible for the situation. With the exception of Brazil, the most typical piece of sophistry used is that drug trafficking and organised crime in these countries is very different from or by no means on the scale of such crime in Colombia or Mexico. However, this lack of an appropriate analysis of the state of organised crime has two major consequences. On the one hand, it lends itself to an exaggeration of the problem by right-wing leaders and parties with a view to gaining some political advantage from it or to making rash proposals about mounting a highly militarised security operation. The heads or spokespersons of the police and security forces tend to add their voices to this exaggeration of the situation, in order to ask the public authorities for a massive increase in financial and human resources or to hide the serious failings of their institutions or the extensive corruption taking place under their command. On the other hand, it is an obstacle to ensuring that the real problems of organised crime are given priority on the government's public security agenda. At the same time it leads to a situation where the security apparatus of the United States can construct and impose its own version of the situation and strategies to deal with organised crime which are designed to meet its own interests and perspective and are not always in line with the polices and real situation of the countries of the sub-region.[22] This would not happen of course if the local governments were not so indifferent to public security or so willing to facilitate inter-institutional relations without the necessary reciprocity, or if the local police institutions or some of their sections were not so prone to establishing a dependent and subordinate relationship with North American agencies, all of which has been encouraged by promises of or actual economic, financial and/or material aid.

Secondly, these countries do not have a high-level government office responsible for, on the one hand, formulating the policies and strategies for tackling organised crime and, on the other, for providing leadership to the institutional system to implement those strategies, particularly as regards public security and police intervention. As with any other aspect of public security, the strategies for tackling organised crime are not exclusively or predominantly a matter for the police but rather are a political matter that should be defined, approached and formulated by governmental authorities. However, the countries of the sub-region do not have a specialised body to lead the institutional and police work on these matters. And, finally, these countries also do not have a unified police apparatus specialised in tackling organised crime which, among other things, has led to institutional fragmentation, reflected in an historical tendency for every police force – in Argentina, Chile, Paraguay and Brazil – or every sector or unit within the same police institution – in Uruguay – to formulate and implement their own strategy and/or action to combat organised crime. Furthermore, the sections or units within these police forces responsible for complex crime have been very small and have been diluted within criminal investigation units whose tasks are usually restricted to interventions in summary courts, as part of the criminal prosecution process. This, added to the concentration of operational and logistical tasks and structures dedicated to preventive security and criminal investigation,

22. This tendency can clearly be seen when it comes to drug trafficking and the activities of the United States Drug Enforcement Agency (DEA) in the sub-region.

under the institutional leadership of and organisational dependence on one high level police commander, has led to a very narrow or very low level of institutional differentiation between these two different police tasks and has prevented the creation of a police apparatus specialised in dealing with organised crime with its own command structures, operational systems, career structures and institutional supervisory mechanisms.

Within this institutional framework, the modalities of policing the various forms of organised crime that have been developed in most police forces have been marked by a high level of functional fragmentation of the basic tasks of intelligence gathering, planning and the implementation of police operations and the development of logistics and infrastructure. In these police forces there is a pronounced organisational and functional separation between these core police tasks. In general they are carried out by different sections or units, with a high level of institutional segmentation and compartmentalisation. Police intelligence units have their own command structure and operational system, separate from the operational structures of the police institution. Their work is usually restricted to the unplanned gathering of data and raw information – generally supplied by informants linked to the police – and almost never includes the analysis needed to map out a picture of the criminal situation on the basis of which the police's operational units could plan and carry out preventive, counteractive or investigative actions and interventions. There is only a sporadic link between police intelligence and the operational units and that has been based more on personal relationships than institutional ties. Consequently, police planning and operations are not based on an up-to-date picture of the crimes they are supposed to be dealing with and, at the same time, the logistical support for these operations is not adjusted to their needs, all of which creates significant operational deficiencies. In short, both criminal intelligence and the logistic structures within the police system are not run as bodies that are subordinate and subsidiary to the police force's core operations. This, together with the growth of police corruption arising from the police's control of highly lucrative criminal activities and the severe lack of materials, infrastructure and human resources in the majority of police forces, has meant that they do not have adequate mechanisms for controlling and eliminating organised crime and are seen as weak and deficient instruments in the face of powerful and dynamic criminal groups.

These institutional vacuums fall within the framework of a wider institutional process. In the last few decades the institutional situation in this field has been characterised by recurrent political mismanagement of public security, with successive governmental authorities delegating the management and administration of public security to the police, giving them a monopoly. This has created an institutional framework controlled and managed exclusively by the police, on the basis of criteria, guidelines and instructions that are defined and applied autonomously by the police without any decisive intervention by any public body outside the police. Consequently, the management, administration and overall control of public security matters and, amongst these, combating organised crime, as well as the organisation and running of the police system remain in the hands of the police themselves, generating a sort of »police-ification« of public security. In Brazil, Paraguay and to a lesser extent in Uruguay this process has also included a strong tendency to incorporate the Armed Forces in the »war on organised crime«, all prompted by the failings of the police system in tackling the problem and encouraged by the US Southern Command and its representatives in the military units of the respective United Sates embassies.

Outstanding institutional challenges in the Southern Cone

The obsolescence of the institutions of the Southern Cone countries' public security systems is the principal obstacle to the creation of the managerial capacity needed to successfully meet the challenges of the growing activities of organised crime. If the management of public security is not strengthened, it will not be possible to develop comprehensive policies for tackling organised crime. This will require a series of indispensable institutional reforms designed to build politico-institutional governability and managerial capacity where there is none. First, there appears to be a need to create a Ministry or Department of Public Security to manage public security matters – i.e. the formulation, implementation and evaluation of policies and strategies for the sector – and to coordinate with other areas of government administration, parliament, the judiciary or the community at the institutional level. This ministry or department should become an institutional mechanism or an integrated management tool comprising the different parts of the institutional system of public security. This

will require a set of standards, procedures, human resources and technical means specifically focussed on the complex problems of this sector, and the development of basic functions such as strategic planning and the politico-institutional management of the different bodies within the sector, particularly the police. Of course a new organisational structure for the high level political management of the public security systems of these countries will not in itself overturn the traditional political mismanagement of security or guarantee comprehensive and effective strategies to control crime, including organised crime. But it would provide an essential institutional mechanism for this, particularly bearing in mind that none of the countries in the sub-region have an institution of this kind and that any strategy to control organised crime requires unity of leadership, given the inter-jurisdictional nature of the issue and the need to overcome the traditional breakdown between the role of politics and the police. This should in turn lead to the development of a professional body of civil servants specialised in this subject and the gradual appropriation by the ministerial authorities and the civil service specialists of responsibility for designing, planning, guiding and evaluating the work in the sector currently carried out by the police.

Secondly, within the framework outlined above, a National Complex Crime Security Agency should be created, whose purpose would be both to formulate policies and strategies to combat organised crime and to give high level leadership to the police on the implementation of the strategies to combat the modalities of organised crime, including drug trafficking. This agency should create a unified national system to manage the public security apparatus' work in combating organised crime and to provide high level leadership for an integrated policing mechanism focused on criminal intelligence, planning, operational implementation and lo-

gistics as wells as tactical intervention, all concentrated exclusively on this issue. As regards policing, this Agency should also set up a centralised police unit specialised in complex security that includes the basic components to implement an efficient strategy to control organised crime. The first of these should be a criminal intelligence system to enable an appropriate and permanently updated situational analysis, from the perspective of both strategic intelligence and tactical intelligence. Secondly, there should be a system of operational intervention composed of special operations groups for essential tactical action and of intermediate units specialised in police operations in rural, urban and mountainous areas. Thirdly, there needs to be a complex crime investigation system composed of detectives specialised in the monitoring and investigation of criminal organisations and groups.

All of this must however be developed in accordance with the situational analysis produced by each of the countries of the sub-region and must comply with their outlook, interests and priorities, even if it offends those international agencies and their local representative that have always opposed – successfully – any such institutional undertaking, owing to their desire to monopolise the interpretation of the problem and establish what is or is not important. Similarly, the current governments of the Southern Cone countries, all on the centre-left, should not lose sight of the fact that they can – and must – be progressive when it comes to public security, but only if they do not forget – which tends to happen all too quickly – that democratic public security is founded on, inter alia, effective leadership of the security system and within this of police institutions. To date, these southern governments all have a negative balance sheet in this regard, which is making them look very much like the former right-wing governments.

Bibliography

SAIN, Marcelo Fabián, La reforma policial en América Latina: una mirada crítica desde el progresismo, Nueva Sociedad, Documento de Trabajo, Buenos Aires, 2009.

UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2008 World Drug Reports, United Nations Publication, New York, 2008.

OFICINA DE LAS NACIONES UNIDAS CONTRA LA DROGA Y EL DELITO, La amenaza del narcotráfico en América, Naciones Unidas, New York, 2008.

UNITED NATIONS OFFICE ON DRUGS AND CRIME, Global Report on Trafficking in Persons, United Nations Publication, New York, 2009.

SERRANO, Mónica y TORO, María Celia, »Del narcotráfico al crimen transnacional organizado en América Latina«, (»From drug trafficking to transnational organised crime in Latin America«) in BERDAL, Mats y SERRANO, Mónica (comps.), Crimen transnacional organizado y seguridad internacional. Cambio y continuidad, Fondo de Cultura Económica, México, 2005.

WACQUANT, Loïc, Los condenados de la ciudad. Guetos, periferias y Estado, (»The condemned people of the city. Ghettos, outskirts and the State«) Siglo XX Editors, Buenos Aires, 2007.

PROCÓPIO, Argemiro, O Brasil no mundo das drogas, Editora Vozes, Rio de Janeiro, 1999.

VIAPIANA, Luiz Tadeu, Brasil acossado pelo crime, Diálogo Editorial, Porto Alegre, 2002; and ZALUAR, Alba, Integração perversa: pobreza e tráfico de drogas, Editora FGV, Rio de Janeiro, 2004.

Bibliography

Regional Responsibilities: The Role of UNASUR

Francine Jácome

Introduction

Due to the inability to reach continental agreements on defence and security issues, and what some consider as a growing crisis within the Organization of American States (OAS), in the past years there has been an inclination to look towards sub-regional integration systems as alternatives and highlight the role which they can play in facing current problems and threats throughout the continent. Likewise, bilateral initiatives have been underway, including different confidence and security building measures, the publication of White Books which explicit security and defence policies as well as agreements and more recently, the participation and leadership in peace-keeping missions, such as the case of the United Nations Stabilization Mission in Haiti. Although both the Andean Community of Nations (CAN) and the Southern Common Market (Mercosur) included different mechanisms for cooperation in security and defence, little progress has been made. And their weaknesses have been obvious during different national and bilateral episodes that have proven them to be ineffective, as for example during different political crisis in Bolivia, Ecuador and Venezuela that lead to violent confrontations, or during border tensions. In all these cases, outside intervention was required and the different schemes played no major role in seeking non-violent solutions.

Additionally, changes within the framework of integration systems in South America have been underway since the mid-90s and new initiatives have arisen during the first 10 years of the twenty-first century. On the one hand, what was originally the South American Community of Nations (CSN), which later became the Union of South American Nations (Unasur) and on the other the Venezuelan lead Bolivarian Alternative for the Americas (ALBA) which has recently been re-named as the Bolivarian Alliance for the People of Our Americas . These two initiatives have shown different points of view regarding integration alternatives for the region (Kacowicz: 2008; Malamud:2008). One seeks to become part of the globalization process under the best possible conditions and considers that regional integration is important for reaching this objective. Another perspective views integration as a means for maintaining independence or autonomy vis-à-vis the global economy. Therefore, there are those who view globalization as an opportunity and those who regard it as a menace.

However, one of the main questions is whether these new groups will be sustainable due to increased disintegration and fragmentation within the region. The other point to be taken into account, within this framework of increased fragmentation, is whether ALBA and Unasur will be complementary or competing organizations. This increased fragmentation has resulted in three main weaknesses of South America when dealing with security and defence issues (Tulchin: 2006). In the first place, the inability to reach a general consensus on the main components for a regional political project, which would enable the definition of the main proposals and initiatives which should be undertaken in security and defence. The governments of the region have not managed to reach consensus as to the main challenges, due to the fact that there are different points of view as to the main threats which it faces. In the second place, there is little capacity to negotiate with the US as a block, also due to disagreements on relations with this power. This allows the US to continue its policy which privileges bilateral initiatives and agreements. Lastly, there is scarce capacity to respond to extra-regional developments which affect the regional security scenario, making it incapable of responding to the global security agenda. The answers are usually reactive and the region has not played an important role in making proactive proposals regarding the global security agenda.

Within this framework of weakness, the region also faces a diversity of menaces which are two-fold (Tickner: 2007). On the one hand, the domestic ones that include weak governance and citizen insecurity. There are internal perceptions of insecurity that are multidimensional and include weak institutional responses, corruption, frail and fragmented political parties, poverty and inequality as well as violence and urban crime. On the other hand, there are also a series of transnational challenges which are directly associated to organized crime and illegal flows, related to drug traffic, small and light arms trafficking and human trafficking. Although it has been considered that the traditional border disputes where history in the region, the recent border tensions since March 2008 between Ecuador, Colombia and Venezuela show that these cannot be totally discarded (Jácome: 2009a). Since its official establishment in May 2008, Unasur has definitely shown a tendency towards making conflict prevention and the establishment of a

space for political dialogue its main priorities. One of its first steps has been the creation of the South American Defence Council (CDS). However, the main question is whether it will be able to overcome the fragmentation and weaknesses pointed out.

Political dialogue and conflict resolution

During the tensions between Colombia, on the one hand, and Ecuador and Venezuela in March 2008, bridges were made not through South American groups, but by the Rio Group, a wider Latin American and Caribbean forum. However, this has begun to change and Unasur has started playing the major role in regional crisis. In the past two years - 2008-2009-, it acted in two cases. First, during the growing political confrontation in Bolivia in September 2008 and, second in the conflicts that have arisen in mid-2009 between different countries due to the military agreement reached between Colombia and the US. In Bolivia, demonstrations promoted by local opposition governments against President Evo Morales, escalated to violent confrontations within the framework of increased political polarization. Unasur took on a mediation role in order to avoid further escalation of violence and the possibility of a regional crisis, especially after the Venezuelan president offered to send troops in order to aid in the defence of the central government. As an answer to a request by the Bolivian government, an emergency meeting was organized in Santiago on September 15 and both the hosting government and the Brazilian president played an important role in seeking to establish a dialogue between the Morales government and the opposition in order to avoid further violence and pave the way for a democratic solution to the crisis. The resulting La Moneda Declaration gave President Morales total backing and condemned any type of actions against democratic institutions and the use of violence. It agreed to the Bolivian request that a Unasur Commission be named in order to carry out an impartial investigation of the Pando massacre and establish responsibilities. Likewise, it created two additional commissions. Later, the assessment (Declaration de Quito, 2009) was that this mediation process was an important step in contributing to defend democracy in the region. It has been considered that it showed that South American countries were taking specific actions in order to seek solutions to problems that could affect peace and stabil-

ity in the region, and that they were prepared to take on collective responsibilities in the region (Peña, 2009) without the intervention of extra-regional actors.

More recently, Unasur has given special attention to the tensions that have arisen throughout the region as a consequence of the military agreement between the Colombian and US governments. After the Ecuadorian one refused to renegotiate the agreement that allowed US military forces to use the Manta base for activities directed towards fighting drug trafficking and action of armed groups operating outside the law, talks with the Uribe government progressed. This a continuation of the different stages of the Plan Colombia, which had been underway for years. The 10 year arrangement, includes three main points. It allows US troops to operate from 7 Colombian bases. US Congress provisions limit presence to a maximum of 800 military and 600 contractors. Secondly, it gives US troops immunity from persecution in the South American country and, lastly, it will put in millions of dollars in construction needed for its military warplanes and other military hardware. Both Ecuador and Venezuela have vehemently denounced this agreement and have warned of possible US intervention and the threat to strategic interests in the region. This situation has lead to further deterioration of relations with Colombia, that were already under tension. The Venezuelan President has referred to new »winds of war« in South America and has announced that the country will increase its already significant military spending, with deals for more arms supplies in Russia. During the Summit in Quito, different governments requested that this issue be included in the debates between Member states. However, due to the fact that both countries broke diplomatic relations in 2008, President Uribe did not attend this meeting. Therefore, it was decided that a extraordinary summit was needed in order to discuss this point and Argentina offered to host it, so that it could be held on »neutral« ground. The Unasur heads of state and presidents met in Bariloche on August 28, 2009. Consensus was reached around a 6 point resolution concerning the military bases, which included (Unasur: 2009): 1) the strengthening of South America as a zone of peace, and included the commitment to the establishment of confidence and security building measures as well as confirming the decision that all governments will abstain from resorting to threats or the use of force against other members. 2) Strengthen the commitment for cooperation in fighting terrorism and transnational

organized crime. 3) Reaffirm that the presence of foreign military forces cannot be a threat to the sovereignty and integrity of other states. 4) It instructed Foreign and Defence ministers to hold an emergency meeting during the first two weeks of September. 5) It also instructed the CDS to analyze and present a report on a document that the Venezuelan President presented as proof of Washington's plans to destabilize the region[23]. Lastly, 6) It instructed the recently created South American Drug Trafficking Council to take urgent action for the preparation of its Statures and Plan of Action.

The South American Defence Council

The institutionalization of Unasur has started with two main programmes. On the one hand, the Caracas-based Southern Bank[24]. Included among its objectives are to promote regional cooperation, reduce intra- and inter-regional asymmetries and finance development projects. Funding projects related to energy has been considered as a priority. In March 2009 participating countries, minus Colombia, agreed to contribute funds for its creation. On the other, the Brazilian CDS initiative that includes all Member states and was established during the Unasur Summit that met in Salvador on December 16, 2008. The creation of the South American Health Council was also approved. The CDS, has been identified as a body for consultation, cooperation and coordination and it also seeks to promote debates on regional security and defence. In the past years, the Venezuelan government had been promoting the establishment of a South American military alliance, similar to NATO, but this was not taken into consideration when its objectives were outlined. The establishment and institutionalization process for this Council (Vaz/Jácome: 2009) is very recent and has been underway since its approval in December 2008. It is based on certain principals that include non-intervention in domestic affairs, subordination of the military to democratically elected authorities and the respect for human and individual rights. At its outset, Colombia was unwilling to participate. A clause, which recognizes only armed forces that are within the framework of national constitutions, had to be incorporated as a condition for its membership. This was a step

towards excluding recognition by other governments of any groups that resort to violence, such as the guerrillas. The Council's mid- and long-term objective is to build a South American defence identity and to promote strategic independence, which also includes the region's military industry and cooperation in this area.

The CDS held its first meeting in Santiago on 9-10 March, 2009. The main points on the agenda were the definition of its objectives and the 2009-2010 Plan of Action (www.comunidadandina.org). The three main objectives are to: 1) consolidate South America as a zone of peace, contribute to preserve democratic stability and encourage development; 2) build a South American defence identity; and 3) promote consensus in order to strengthen regional cooperation in defence. The Action Plan includes four areas. The first being defence policies, which includes among others, the creation of a network in order to share information regarding defence policies, sharing information in order to promote transparency regarding military spending, the identification of possible risks and threats to regional peace and the creation of mechanisms that can contribute to the coordination of joint regional positions vis-á-vis multilateral defence forums. The second one is related to military cooperation, humanitarian actions and peacekeeping operations, which covers strengthening capacities for humanitarian aid as well as planning a joint military exercise for assistance in cases of catastrophe or natural disasters.

The third area is related to the defence industry and technology and incorporates aspects such as preparing a diagnosis of existing industries in Member states and the promotion of bilateral and multilateral initiatives for cooperation and building of the defence industry. The last one is education and training including such points as designing and creating a Centre for South American Strategic Defence Studies. A working group, coordinated by Argentina, is currently drawing up a study for its implementation. Likewise, the First South American Meeting on Strategic Studies is planned for Rio de Janeiro in November 2009. The CDS will work with consensus as a decision-making mechanism and its declaration will not be legally binding, which may in the long-run, limit its effectiveness. This provision shows a pragmatic vision of regional cooperation in defence and security and, at present, it is foreseeable that decision-making will continue to be limited to the national levels. Additionally, it has been established that it cannot make statements

---

23. 'South American Strategy, White Book, Mobile Air Command (AMC)', which is White Book available to the public document.

24. Its current members are Argentina, Bolivia, Brazil, Colombia, Ecuador, Paraguay, Uruguay and Venezuela

unless they have been approved by all Member states. Therefore, it can be foreseen that veto power will exclude politically sensitive issues. Therefore, as planned the Council will mainly be a political forum. It must also be taken into account that it includes both Guyana and Suriname, both of which belong to the Caribbean Community which has a different integration and security agenda. As has been noted (Vaz/Jácome: 2009), though it has been defined as a forum, its future will largely depend on the political will of its Member states. Whether they are willing to design and implement mechanisms for regional cooperation which can surpass past and present obstacles. Since it has been defined as space for cooperation in defence, another issue will be the need to clearly establish the areas in which it will be working in order to avoid the tendency to militarize security.

The Council held a meeting in Quito on September 15. According to the Bariloche Declaration, the main objective of this meeting was to design confidence and security building measures that would be complementary to those that already exist within the framework of the OAS. Here it must be noted that there are few countries in the region that comply with agreements in is much as transparency and reports are concerned. It also called for the definition of specific mechanisms that would allow these measures to be applied throughout the region but respecting sovereignty and non-interference in internal matters. In view of the agenda's purpose it was expected that one of the main proposals would be to create a Unasur group that could supervise military bases in its Member states. However, the Colombia-US agreement once again became the centre of the deliberations and, as was to be expected, no progress was made. This meeting went no further than to ratify the points that had already been approved during the Bariloche Summit. Probably the most relevant aspect of this meeting is that the Colombian ministers attended, which seems to indicate that there is progress in the process for re-establishing relations with Ecuador. It has been noted (Abreu, 2008) that Brazil has a special interest in backing the CDS, due to two main objectives. In the first place, it is part of its more general strategy of becoming a global actor and for this it needs to consolidate its regional leadership. In the second place, from its perspective of strategic defence two main priorities have been defined: the southern Atlantic area and the Amazon, where it needs to effectively control transnational organized crime and drug-trafficking. Additionally, it wishes to

position itself vis-à-vis both US military presence in the region and Bolivian internal conflicts that could threaten its interest, as already happened with the nationalization of the oil sector. This can be seen in its interest for Unasur to mediate in the Bolivian political conflict as well as in its preoccupation with the US-Colombia agreement, which however has not reached the radical positions of its neighbour Venezuela. From its outset, it could be said that the CDS faces an uncertain future. It can be expected that it will soon begin to face the same problems that have previously arisen in regional cooperation due to different and sometimes contradictory views related to security and defence. Differences that have already hampered the OAS initiative to reach a continental definition of security and which has lead to the multidimensional definition which has such a wide scope, that it has posed great challenges for putting it into practice.

During the CDS Second Meeting held in Guayaquil during March 2010, two important decisions were taken. In the first, the approval of a series of procedures in order to implement a Confidence and Security Building Measures plan. In the second, the establishment of the South American Strategic Studies Center, which will be based in Argentina.

Conclusion: An uncertain future

South America has become a very complex region, especially due to three aspects (Peña: 2009). The first one has to do with trade and production. Within the past years, a series of networks have been created by both transnational companies and what are known as the »multilatinas«[25]. They have expanded their scope of action leading to important developments in infrastructure and transportation within the region. In the second place, at the extra-regional level, South America has become more important due to its energy resources. In the third place, drug trafficking and the different forms of violence and organized crime that pose important threats throughout the region. Will Unasur be able to tackle the limitations that have traditionally hampered Latin America and Caribbean integration? Will the CDS be able to implement regional cooperation in security and defence, something at which the OAS and other sub-regional

25. This term refers to the growing number of Latin American companies that are investing in the region.

groups have not been very successful? Regarding this organization, it has been pointed out (SELA: 2007; SELA: 2008) that this new process will face a series of challenges. Though there seems to be a minimum consensus in the region on the need to design and implement a new integration model, there is not necessarily agreement on its main contents. There are no signs that in the short-term, consensus can be reached between the different political agendas, development projects and international strategies. Therefore, it cannot be expected that the disagreements and differences that have lead to the present fragmentation and disintegration of the CAN and Mercosur will disappear. It is probable that Unasur and the CDS will come up against limitations that have already stalled other South American integration and cooperation processes over the past 50 years. In the first case, it will confront the more general limitations that integration processes have faced and in the second, the more specific ones, related to the different initiatives for regional cooperation in security and defence.

The more general challenges are basically related to four aspects that have to do with nationalism, credibility, relations with other groups as well as leadership. In regards to nationalism, there are three important issues that will have to be dealt with. In the first place, its ability to act within the various regional and global spaces were each country participates. None of the Member states will be willing to restrict their actions to the regional sphere and will continue to establish closer ties at a global level in order to promote their national interests. In this sense, the relations which each one seeks could bring tension within the organization, as is the case for example of Venezuela's close ties with Iran. Likewise, as can be seen in the past years, national interests continue to be more important than regional ones. As can be seen, there are multiple bilateral conflicts between Unasur Member states that can make it foreseeable that reaching regional cooperation will be difficult. Therefore, it has been pointed out (Malamud: 2009), that ironically, especially in view of what has been considered as the shift towards the left, there are so many bilateral conflicts related to economic and political issues within the framework of the rhetoric about the importance of integration and cooperation. However, this could also pose an opportunity for Unasur. It could become mainly a political forum that could provide a space for dialogue seeking solutions to these diverse tensions. Lastly, this excess of nationalism does not allow the formation of supranational institu-

tions that are needed for the advancement of a regional integration process.

The second anticipated problem is an overlap in objectives and institutions with already existing ones, especially Mercosur. This can be clearly seen as Unasur starts defining its different bodies. The main question is whether they will be able to complement each other, which would be the ideal situation. In this case Mercosur could concentrate on the economic and trade aspects, whereas Unasur could pursue the more political objectives for regional cooperation (Peña: 2009). It has also been noted (Altmann: 2009) that in practice, the fact that there are many integration initiatives and proposals leads in the long run to disintegration for three main reasons. In the first place, it causes difficulties in heads of state and presidential agendas with what could be termed as »summit diplomacy«. In the second place, there is little coordination between the different groups, which leads to similar activities and structures. Lastly, all have weak institutional structures due to the fact that national governments refuse to transfer capacities and decision making to supranational bodies.

This overlap is largely responsible for the third aspect which has to do with credibility. It has been pointed out that the region has diverse integration schemes, none of which have proven to be very effective. Therefore, there is the question of whether Unasur will not become yet another organization with a great deal of plans and agreements that are rarely put into practice. One of the main problems is that heads of state tend to make decisions based on their political intuition and often in an improvised manner. Likewise, it is also difficult to foresee how integration can be reached among governments that have opposing points of views.

Lastly, what has been referred to a »leadership deficit« (Malamud: 2009). Within Latin America there are two major players, Brazil and Mexico. Each has its own plan, Unasur on the one hand and the now called Meso-American Project (before Puebla-Panama Plan) on the other. Traditionally, neither has been enthusiastic in taking up a role of leadership. However, in must be noted that Mexico, together with Panama, have Observer status within Unasur. Therefore, it is considered that the future of Unasur will also depend largely on the role and interests that Brazil has (Vigevani/Ramanzini: 2009). In view of the world crisis, it is currently focussed on multi-

lateral negotiations that aim towards the restructuring of the financial and economic world system. Currently, its role as an emerging power, as can be seen in its participation in the BRIC group (Brazil, Russia, India and China), is considered as a priority. South American integration is not its main concern at this moment, moreover since its participation in Mercosur has made international negotiations and those with the US and the EU more difficult. In general, Latin America has increased its presence at the global level, mainly through Brazil Brazil is looking more towards the global level, as proven by the recent role which it has displayed in international negotiations, such as the case of the ongoing 2010 negotiations with Iran regarding the nuclear issue. However, in order to be able to concentrate on these interests it also needs regional stability.

There are three main conditions required in order to meet these challenges (Pena: 2009). In the first place, that each country will need to use its different spaces of insertion at the international level to further regional interests. The second is that regional actions require institutions and rules of the game that are in tone with present state of affairs. The third is that agreements that have been reached need to strengthen, and not weaken, the development of multilateralism at the global level. More specifically, it is highly probable that Unasur and the CDS will face four of the main challenges which regional cooperation in security and defence has had over the past years (Jácome: 2009b). In the first place, lack of consensus when defining the main threats. Secondly, the fact that national security doctrines are considered more important than regional cooperation and that this is being strengthened by nationalistic rhetoric. In the third place, increased military spending on the part of countries in the region, that has lead to debate on whether there in a »new arms race« underway. Lastly, disagreement related to strategies vis-à-vis the United States.

Therefore, in regards the CDS, those obstacles that have played an important role in making it difficult to establish a regional security cooperation agenda are still very much present in South America (Vaz/Jácome: 2009). It seems to be unavoidable that each country will continue to define its main threats according to national interests. However, if national agendas continue to play the most important role, then this new initiative may well end up as its predecessors. Therefore, in order to be able to start

a process for building a regional security agenda which would enable effective cooperation, there are certain requirements. In the first place, consensus on the main common threats, which will require going beyond the »North's agenda« centred on terrorism, drug-traffic and migration. It is important to discuss whether issues such as threats to governance, poverty, inequality, citizen insecurity, natural disasters and environmental problems are to be included. This in view of the fact that there is debate around the possible »securitization« of these issues. Therefore, it is important to note that when discussing them a very clear line must be drawn between those that are included in the security agenda and those that a part of the defence agenda. This is very important in South America due to the fact that in many cases there are no clear lines.

In the second place, regional cooperation in security is also the only way to deal with what is perceived as the imposition upon the region of US security agenda (Tulchin: 2006). In order to be able to deal with this, there has to be a regional position which will have more leverage to negotiate with the northern power. It is important to take into account that a sum-cero confrontation will lead nowhere and will only weaken the possibilities of obtaining more influence in the continental and global security agendas. If this does not occur, bilateral relations will continue to be pre-eminent and the region will continue to be weak due to its fragmentation and intra-regional differences. The recent events related to the Colombia-US agreement clearly show that there are still very different points of view on this issues and that it continues to divide the region. Here it is also important to note that negotiations with the EU have also been delayed by differences among the countries of the region. Neither Mercosur nor the CAN have been able to make significant progress.

Another, important issue, especially in view of the role which Unasur is giving the CDS, will be to clearly define the role of the military. Although in some Member states there is civilian control over the military, in others the armed forces continue to act independently and are autonomous, even playing the role of political referees and actors. In this case, the absence of civilian control over defence policies may pose a problem. In some countries they are clearly limited to the defence area, but in others they have taken up non-military tasks such as activities related to the struggle against drug-trafficking, public

security, controlling public order and development. Ideological and political differences within the region could also bring limitations to the recent cooperation initiatives as well as the recent acquisition of arms and military equipment by several countries such as Brazil, Chile, Colombia, Peru and Venezuela. It could be perceived (Vaz/Jácome: 2009) that regional cooperation may end up being centred on defence issues and that little will be done to confront regional insecurity. However, the CDS could be a new opportunity for the establishment of a wider regional dialogue.

As Malamud (2009) has pointed out, if Unasur is to be defined as an integration scheme and a successful one, certain basic questions have to be answered in the short-term: how is integration being defined-what are we talking about? What characteristics will it have? What are its objectives? What institutions are required to adequately conduct this process? At present, there can be a low degree of optimism as to whether regional responsibilities will be undertaken by these regional actors. Both intra- and inter-regional cooperation will not be easy and it is foreseeable that bilateral relations will continue to prevail. The promotion of inter-regional dialogues, for instance between Unasur and the EU, could contribute to this process, and these could be based on the different proposals and recommendations that were made in the Lima Protocol (FES: 2008) regarding three main issues: security and defence; security and democratic governance; and security, organised crime and transnational violence.

Bibliography

Abreu, Sergio (2008): Possibilities for a Regional Security Framework in South-America: The South America Defence Council Initiative, presentation during the Seminar »International Security: A European-South American Dialogue«, Brussels, Konrad Adenauer Stiftung/CEBRI/CEA/Science Po MERCOSUR Chair, June 10-12.

Altmann, Josette (2009): El ALBA, Petrocaribe y Centroamérica: ¿Intereses comunes?, in Nueva Sociedad, N°219, Buenos Aires, January-February.

FES (2009): A Latin American Agenda for Security Cooperation with the European Union-The Lima Protocol, Cooperation in Regional Security Program (www.seguridadregional-fes.org).

Gajate, Rita (2007): Convergencias CAN-Mercosur: ¿Clave para el futuro de la Comunidad Sudamericana de Naciones?, in Serbin, Andrés, Pável Isa-Contreras and Lázaro Peña (coords.): Anuario de la integración regional en América Latina y el Gran Caribe, Buenos Aires, No. 6, CEGRE/CIECA/CIEI/CRIES.

Jácome, Francine (2009a): La política de seguridad y defensa del gobierno de Venezuela en el 2008, in Mathieu, Hans and Paula Rodríguez (eds.): Anuario 2009: Seguridad Regional en América Latina y el Caribe, Bogota, FES (www.seguridadregional-fes.org)

Jácome, Francine (2009b): Violent Conflict Prevention in Latin America and the Caribbean, in Wulf, Herbert (ed.): Still Under Construction: Regional Organisation's Capacities for Conflict Prevention, Duisburg-Essen, INEF.

Jácome, Francine (2008): Las nuevas dinámicas de integración en Suramérica: Las iniciativas de Brasil (Unasur) y de Venezuela (Alba), Working Paper, Caracas, INVESP (www.invesp.org).

Kacowicz, Arie (2008): América Latina en el mundo: globalización, regionalización y fragmentación, in Nueva Sociedad N° 214, Buenos Aires, March-April.

Malamud. Carlos (2009): La crisis de la integración se juega en casa, in Nueva Sociedad, N°219, Buenos Aires, January-February.

Malamud, Carlos (2008): América Latina en el espejo de la globalización, en Nueva Sociedad N° 214, Buenos Aires, March-April.

Peña, Félix (2009): La integración del espacio sudamericano, in Nueva Sociedad, N°219, Buenos Aires, January-February.

SELA (2008): La dimensión social de la integración, Caracas, www.sela.org

SELA (2007): Arquitectura institucional para la articulación y la convergencia de la integración en América Latina y el Caribe, Caracas, www.sela.org.

Tulchin, Joseph (2006): Creando una comunidad de seguridad en el hemisferio, in Tulchin, Joseph, Raúl Benítez and Rut Diamint (eds.): El Rompecabezas. Conformando la seguridad hemisférica en el siglo XXI, Buenos Aires, Prometeo Libros/Bonomais Libris.

Tickner, Arlene (2007): Latin America and the Caribbean: Domestic and Transnational Insecurity, in Coping with Crisis Working Papers Series. International Peace Academy, New York, February.

Unasur (2009): Statement on Peace in the Region, Emergency Meeting of Unasur Heads of States and Governments, Bariloche, August 28 (www.veninfo.org)

Vaz, Alcides and Francine Jácome (2009): El Consejo de Defensa Suramericano: Retos para la cooperación en seguridad y defensa en Suramérica, Policy Paper N° 26, Friedrich Ebert Stiftung-Programa de Cooperación en Seguridad Regional, (www.seguridadregional-fes.org).

Vigevani, Tullo and Haroldo Ramanzini (2009): Brasil en el centro de la integración, in in Nueva Sociedad, N°219, Buenos Aires, January-February.

Official documents:

Tratado Constitutivo de la Unión de Naciones Suramericanas, Brasilia, 23 de mayo de 2008 (www.unasur.org).

Declaración de La Moneda, Santiago, September 15, 2008 (www.comunidadandina.org).

Declaración Presidencial de Quito, August 10, 2009 (www.comunidadandina.org).

Declaración Conjunta de la Reunión Extraordinaria del Consejo de Jefes y Jefas de Estado de la Unión de Naciones Suramericanas, Bariloche (Argentina), August 28, 2009 (www.comunidadandina.org).

About the authors

Francisco E. Thoumi is member of the Editorial Council of Razón Pública, the digital magazine of Fundación Razón Pública in Colombia (http://www.razonpublica.com).

Raúl Benitez Manaut is working with the Colectivo de Análisis de la Seguridad con Democracia (CASEDE); he is the regional coordinator of the working group on Mexico of the regional security project of the FES and Investigator at the Universidad Nacional Autónoma in Mexiko (UNAM).

Marcelo Fabián Sain is Professor and researcher at the Universidad Nacional de Quilmes (UNQ), Argentina.

Francine Jácome is the Executive Director of the Venezuelan Institute for Social and Political Studies (INVESP).