WHITHER ANTIDRUG POLICY?

An Interview with Vanda Felbab-Brown

Vanda Felbab-Brown, an expert on illicit economies and international and internal conflict management, analyzes the unprecedented pace at which the illicit drug trade is expanding. Her perspective identifies common mistakes in antidrug-designed policies and stresses the need for governments to reprioritize their objectives. She debunks established myths around the commonality of drug trade and its impact on society. Often, policies are not successful because public officials do not effectively identify the central issues surrounding drug violence or the consequences of implementing antidrug trade policies. According to Felbab-Brown, governments need to distinguish "good" from "bad" criminals, as this will determine the degree of violence displayed. Also, when governments try to suppress illicit activities, they need to recognized that others will replace them. In an interview with the *Journal's* Ania Calderón, Felbab-Brown offers a novel analysis of drug violence and their association to the context of a country, as well as to the nature of antidrug policies.

Journal of International Affairs: *Given that transnational organized crime and insurgency are correlated, though not always, and not everywhere, in your perspective, what are the causes of the relationships when these two do combine?*

Vanda Felbab-Brown: In the case of drug trafficking, for example, there are many parts of the world where illicit economies include this type of organized crime. In arguably every single country of the world, there is some aspect of the drug trade; many of them consume, but they usually also generate some level of trafficking as well. Some areas are very big production centers while others are not, but today there is some level of consumption in almost every country, even if it is very small. Production seems to be more concentrated than consumption. Comparatively, there are far fewer places where you have some level of militancy,

and usually the two emerge quite separately and independently from each other.

Insurgents rarely start the drug trade. More often than not, what happens is that the drug trade exists in some robust fashion where there are similar types of underlying conditions, such as poor governance, a lack of state presence, and a militant statute operating the area. Eventually, governments have to make decisions on how to react to the drug trade. Do they try to suppress it or, for ideological reasons, do they embrace it? Under some circumstances, do they transform it?

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Some argue that participation in the illegal economy transforms the insurgents, in that they stop having political goals and become simply motivated by profit. This argument is often made about the Revolutionary Armed Forces of Colombia, or FARC, for example. I find it simplistic and often inaccurate. Insurgents shape the illicit economy as a result of their militant presence as well as militant patterns of behavior, including organizational capacity, tactics, strategies, and often their goals as well. I cannot think of a case where insurgents themselves are the illicit economy. They usually lack organizational capacity. Nonetheless, they develop what we call the technology of illegality, meaning that they develop the capacity and the network to participate in the drug trade, as well as the knowledge to switch to other illicit trades in which they can participate.

Journal: *How would you explain the difference between countries with drug trafficking and violence—for example Mexico, Colombia, or other countries in Central America—and countries with drug trafficking and related violence—such as the United States, Spain, France, or even England?*

Felbab-Brown: This is a very appropriate question and one that is often lost in the debate. When you hear the perspective from Latin American governments, and frequently Latin American scholars, they do not make the distinction, and they blame the fact that drug trade means that there is violence. That is not the case. One can take the yakuza in Japan for example. Their primary activity is not drug trafficking; it is essentially that of the mafia, mainly extortion and enforcement of contracts, as well as construction. Nonetheless, the yakuza is the primary distributor of the drug business structure in Japan, and it is an extraordinarily peaceful market. The same happens in the United States—there is a very peaceful market today unlike in the 1980s, especially in a place like Washington, D.C.

So many sectors determine the level of violence, but the critical one is the capacity of law enforcement, i.e., capacity in terms of numbers. But equally critical is capacity in terms of the ability to develop strategies appropriate to the threat that they are facing. To put it less abstractly, it is the capacity of law enforcement to deter certain types of behavior so as to shape the behavior of criminals. I often say that we have to distinguish the key activities of law enforcement with respect to transactional crimes as opposed to predatory crimes. Transactional crimes are something like trafficking, and predatory crimes are something like murder or robbery.

The purpose of law enforcement, with respect to transactional crimes, is to make sure that they have "good" criminals. What does it mean to have good criminals? Essentially, three things: one, that criminals who are participating in the transactional crimes are not too violent. In other words, you want to have the kind of traffickers that you have in the United States. Often these are the same groups that operate in Mexico, but when they are arrested, they do not react by shooting at the policemen; they react instead by extending their hands to allow for the handcuffs to be placed on them, because they understand the consequences of being a major challenge to the state of law enforcement, and that it is not tolerated. So my first criterion of a good criminal is one who is not too violent. There is always a degree of violence in most criminal life. In drug trafficking, you have violence that is inescapable for a variety of reasons, but there are nonetheless great differences in whether you have five murders per one hundred thousand or one hundred murders per one hundred thousand.

A second criterion of a good criminal is one who does not have much capacity to be corrupt. What does that mean? Well, criminals will always be able to bribe border patrol, or customs officers, or even policemen, but they should not have the capacity to buy entire police precincts or entire cities. Preventing this does not necessarily take place through state actions against the criminals—although those can send deterrence messages as well—but through governments' own auditing mechanisms of their institutions. So this is more about playing defense by securing institutions rather than playing offense with respect to the criminal.

Finally, my third criterion for a good criminal is one who does not provide as many services to society, i.e., a criminal on whom society does not depend for shared economic advancement, justice delivery, distributive resolution mechanisms, or for the provision of security. Once again, this is something that you do not necessarily condition the criminal to do or not do. The state needs to outcompete the criminal by being the provider of these public goods or services.

Now, how does all of this trigger violence? A critical factor is the capacity of law enforcement. It is not inherent that illegal economies, including the drug

trade, are violent. There is great variation. But there are other factors apart from the quality of law enforcement, such as the central balances of power within the criminal market. Are there few groups that have developed a balance of power and defined territories, or many small groups that constitute a slim market of mom-and-pop types of enterprises that do not have the capacity to trigger or generate any violence? Or is there a power imbalance in the system, where the decision of one group within the criminal market can pull the entire system into something that interferes with the capacity of law enforcement and that also operates independently of law enforcement?

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There are other factors at play, like the age of the managers, also called *capos*. There is quite a bit of evidence that the younger the *capos*, the more violent the market. Most of the time, the people who are killers tend to be very young, usually in their twenties and sometimes much younger than that. In the late 1990s, Hong Kong and Macau were trying hard to hide the major escalation of violence between the Chinese tong and the triads (both are terms for Chinese crime syndicates). The reaction by the police chief in Macau was somewhat humorous and absurd, but at the same time not completely so. In an effort to assure people, especially tourists coming to Macau, that they did not need to be afraid of all the gang violence, he claimed that Macau had "professional killers who don't miss their targets," and who never kill innocent bystanders. In Mexico today, you have very much the opposite, such as a boy being hired to kill ten people in the hope of getting among them the intended victim. This is very different from when someone pays $400,000, for example, to hire a professional hit man to kill one person. It is a very different market that has a lot to do with internal management and the agent capacity of the criminal manager, as well as the capacity of the law enforcement.

There is a debate about the extent to which guns influence violence levels. Many people say that the more guns, the more violence. I tend to have a more nuanced and certainly more of an outside view on that. I believe there is very strong evidence that weapons cargo influences street level violence—for example, the escalation of street disputes among boys into an armed encounter, such as a dispute over a girlfriend, or a dispute in a pub. There is very strong evidence that controlling weapons reduces these kinds of killings. I do not think there is robust evidence at all that strategic violence among criminal groups is triggered by the prevalence of weapons. They almost always have weapons, and they almost always have access to weapons.

Journal: *Could you give a few examples of the role of the state in increasing the scale of transnational organized crime, even though it may be unintended, and what policies or programs have been successful in diminishing or even controlling it?*

Felbab-Brown: Actually, it is not always unintended that the state scales up or intensifies organized crime—sometimes it is very much intended. In some countries, the state is quite indistinguishable from organized crime. They are popularly called mafia states. In other cases, you have inadvertent consequences. In Mexico, the way President Calderón chose to confront the drug trafficking groups greatly intensified the violence. His administration inherited a law enforcement that had collapsed after decades of tolerance or so-called management of organized crime. He also chose a tactic that greatly intensified the violence: exerting an assertive message. Often, policy interventions can have other unintended consequences in shaping organized crime in a way that might not necessarily be good. There are many common policies, such as standing up for strife in the communities of a country, which is a double-edged sword. Specialized interdiction units often have a history of becoming sophisticated coup forces. You can have other policy interventions, such as eradication, that identifies insurgency or shifts drugs to even more problematic areas.

On the positive side, I think the United States is an example of mass progress in fighting organized crime. In the twenties, thirties, forties, and fifties, many police departments were too corrupt to control organized crime groups. In the seventies and the eighties, there was a major cleaning up of these departments. Some of it had to do with law enforcement and some had to do with taxes, which resulted in a demographic shift, moving minorities, including the Italians, out of the ghetto and toward living in a more diversified manner within the larger population. The absence of their concentration shifted the power of organized crime, which had earlier mobilized and controlled neighborhoods.

Italy is another success story. I would say it is far less complete than the United States and far more challenging, but nonetheless the power of the mafia and the tolerance of the mafia were very much challenged. There are also organized crime groups that do not get much attention, such as in India, which are very powerful, but not very violent. And then you have Latin America as the outlier, not just by the presence of organized crime but because of the violence levels generated by the organized crime groups. Only parts of Saharan Africa are on par with violence in Latin America, and their organized crime tends to be shaped very differently.

Journal: *You mentioned in your book,* Shooting Up, *that governments need to think*

about which illicit transaction in the economy will replace the one they have eliminated. What should be the role of the government in controlling one over the other, and specifically how should this be addressed on an international scale in a globalized economy?

Felbab-Brown: This is a very controversial question. Most of the time governments tend to fight illicit economies and not think about what will replace them. Policies are often premised on the erroneous idea that simply suppressing a particular part of the illicit economy will mean that legality will emerge. Frequently that does not happen, especially when large segments of the population cannot participate in the legal economy and are dependent on illegality for their survival. In those cases in particular, the propensity towards shifting to other forms of illegality is very high. On the other hand, if you have a finite supply of traffickers and a large segment of the population that does not depend on illegality, then it is quite possible that suppression alone will be sufficient, and no replacement economy will arise. In the case of global networks that have large societal dependence and participation in illegality, it is almost impossible to make sure that if you suppress one illicit economy, another one will not emerge.

So it mostly depends on the setting. There are some illicit economies that need to be the priority when it comes to suppression—smuggling nuclear materials, for example. This is an economy that is rather minimal in scale but nonetheless the consequences could potentially be so exorbitant that suppressing it needs to be a priority. The priority, in my view, should be to think about which illicit economy is the most dangerous and poses the greatest harm, and to focus on methods to minimize that economy.

But there are some tough questions in this area. Is it preferable to suppress the drug trade, even if the resulting outcome means more intensive illicit logging, for example? I would make the argument that since the drug trade will continue somewhere else, it is far better to focus on preserving trees than on minimizing drug flows. For biodiversity and global warming reasons, timber and log life are depletable resources and under some circumstances are not renewable, whereas the drug trade isn't. So, for me, paying predominant attention to the drug trade is the wrong locus of priority. Again this is a minority view and most governments—for normative reasons and due to the drug enforcement regimes built by the United States over the last fifty years—still place emphasis on the drug trade as opposed to other adverse economies. I often make the argument that the drug trade is not the most harmful; there are other illicit economies that pose greater harm. So governments have to prioritize, as well as choose the means to manage and suppress the illicit economies.

Journal: *You have talked elsewhere about the political capital of illegal economies. Could you explain what you mean by this?*

Felbab-Brown: The political capital of illicit economies refers to the legitimacy that participation in these markets has solidified. Basically, it is how the society perceives criminals or militants that sponsor the illicit economy. Do they see them as Robin Hood heroes? Or do they see them as devout antagonists? This has to do with how much society is willing to cooperate with the state and law enforcement in suppressing the illicit economy.

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In *Shooting Up*, I mentioned that there are four factors that define the sponsorship that illicit economies give to criminals. And the reason that they give any legitimacy in the first place is that they are clever enough to use both the profits and the management of the illicit economy to provide public goods to their communities, such as security. That might sound paradoxical, but often both criminals and militants, although they are the sources of insecurity in the first place, are also providers of certain liberties. These groups are vicious and brutal and impose great restraints on the behavior of the individual, but at the same time, they may also suppress murders, robberies, and punish rapes. They are providers of public order. Criminals and militants also provide dispute-resolution mechanisms so one might even argue that they are providers of justice. In places where they are the only providers of order, this gives them political capital.

To determine whether a society sees criminals as legitimate or antagonists, we look simply at the state of the overall economy in the country. Essentially, is the country rich or poor? Do many people depend on the illegal economy for their livelihood or not? Is it the United States or is it Bolivia? If the only way you can make a living is to cultivate coca in Bolivia, most people will believe that cultivation of coca might be illegal but it is not illegitimate. So sponsoring the cultivation of coca will have created political capital. In a place like the United States, where very few people depend on the illegal economy for survival, most of society thinks people in ghettos who fail the drug test or who cultivate marijuana or coca are criminals, and they should be punished.

The second factor is very much related to the first factor: What is the character of the illicit economy? Is it labor intensive? So when we take something like nuclear smuggling, it is something that is done by very few individuals. The smuggling methods are limited to people that you could usually count on the fingers of one hand, so it doesn't provide a livelihood to many people at all. If you have

a country where the only illegal economy that is present is nuclear smuggling, it would not have wide political capital, because it cannot employ many people, and the population will not profit from it.

The third factor is whether there are abusive traffickers present. To manage an illegal economy—that is how you obtain organized crime—you usually need someone who acts as a facilitator of the business plan. You have criminal groups, such as the Sicilian mafia, which can have managers with very widespread acceptance within society. So if an outside militant group tries to take over an illicit economy, they won't be accepted because the traffickers who behave like a state, and often are more benevolent and reliable than the state, have already captured the political capital. On the other hand, you can have traffickers who are extremely abusive and very unpredictable and may compete with another actor to gain political capital, say traffickers in Afghanistan in the 1990s. They were very predatory and did not deliver services or public goods to society. So when a new group came in, took over the illicit economy, and used the proceeds to build mosques and clinics and set up rules and redistribution mechanisms, they gained political capital.

The final factor is the response of the state to the illicit economy, which might vary from suppression, to laissez faire, to legalization. For simplistic purposes, if you have a very poor economy, where a large number of people depend on the illegal economy for basic survival, the more the state tries to suppress the illegal economy, the more it hurts large numbers of people. As a result, more people dislike the state and more political capital goes to sponsor the illicit economy. On the other hand, if the state does not suppress it, their political capital might be greatly undermined.