

**Security Policy Network  
between Peru and its neighbors**

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# **THE RECONFIGURATION OF DRUG TRAFFICKING**

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## TABLA DE CONTENIDOS

1. Introduction
2. Reconfiguration of drug trafficking in South America. The Peruvian case  
*Jaime A. García Díaz*
3. Colombia's anti-drug policy: advances, setbacks and cooperation opportunities with Brazil, Peru and Ecuador  
*Eduardo Pastrana Buelvas*  
*Diego Vera Piñeros*
4. New challenges for anti-drug fighting. An approach to drug trafficking networks in Bolivia  
*José F. Rocabado Sánchez*
5. Transnational crime and illicit drug trafficking in Brazil: implications and challenges for regional security  
*Antonio Jorge Ramalho*
6. Complexity and uncertainty scenarios. Policies for security and against drugs in Ecuador  
*Diego Pérez Enríquez*
7. Fighting drug trafficking in Chile and its borders: a military issue as political and constitutional principle  
*Jaime Baeza Freer*  
*María Cristina Escudero Illanes*

### **1 Introduction**

The Institute for International Studies (IDEI) of Pontifical Catholic University of Peru, with the support of the Konrad Adenauer Foundation (KAS), established the *Security Policy Network* in 2015. It is comprised - in addition to IDEI PUCP - by scholars and specialists from universities in Peru's five neighboring countries, namely Universidad Mayor de San Andrés de Bolivia, Universidad de Brasilia, Universidad de Chile, Pontificia Universidad Javeriana de Colombia and Instituto de Altos Estudios Nacionales de Ecuador.

This network aims at disseminating and strengthening knowledge in the field of security in our respective countries, as well as at making proposals to collaborate in the design and implementation of public policies in this area.

In its third year, the Network has produced a new publication entitled *The Reconfiguration of Drug Trafficking in Bolivia, Brazil, Chile, Colombia, Ecuador and Peru*<sup>1</sup>, which analyzes the evolution and current situation of illicit drug trafficking in the abovementioned countries, existing connections with drug trafficking networks in neighboring countries, instances and mechanisms of cooperation with bordering countries, as well as a set of recommendations for strengthening the fight against this serious security threat. A brief summary of the studies that make up this work is presented below

## **Reconfiguration of drug trafficking in South America. The Peruvian case**

*Jaime A. García Díaz*

Drug trafficking in Peru is a structural problem. It has been present in the country for more than 40 years, with greater incidence in the eighties and nineties. Currently it involves about 50 thousand families with the same number of hectares of coca cultivation in the production of coca leaf - main input for the production of cocaine. The annual potential cocaine production is between 300 and 400 tons. The drug business has been nationalized through firms, family clans, and Peruvian criollo cartels that direct all links of the supply of drug inputs, production, transportation, marketing and export. Drug trafficking maintains liberated areas where the counterculture predominates and has been linked to other illicit activities such as illegal gold production, illegal logging, smuggling, counterfeiting, human trafficking, among others. Today, drug trafficking is the main financier of corruption and is infiltrated throughout the State apparatus (Executive, Legislative and Judiciary), in political movements and parties and in the private sector.

Drug trafficking is a global problem. In the case of cocaine, it includes three producing countries - Bolivia, Colombia and Peru -, many consumer countries - mainly developed, although there is also an increase in the Latin American region, as in Brazil, Argentina and Chile - and several countries of transit in the region such as Ecuador, Brazil, Mexico and Central America. For this reason, it is necessary to have a regional approach to the fight against drug trafficking, based on a regional diagnosis that takes into account how drug trafficking has been reconfigured in the region and particularly in South America.

The evolution of drug trafficking in Peru, as a producing country, is correlated with the evolution of illicit coca cultivation, which in turn determines the potential of coca leaf and cocaine production and sustains all the drug trafficking

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<sup>1</sup> Digital version of the book:  
<http://www.kas.de/peru/es/publications/49487/>  
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actions and their impact on the country. In 2012 the Peruvian State designed a new National Anti-Drug Strategy for 2012-2016 (ENLCD). Between those years, the State invested around 900 million dollars, in addition to international cooperation contributions. This has allowed the State to deploy various actions achieving a reduction in the area of illicit coca cultivation and containing drug trafficking progression.

The two main coca and cocaine producing countries are Colombia and Peru. Colombia's crops have grown again since 2013, because of three factors that accelerate the sowing of coca crops: first, the Peace Process that began in 2012; second, the reduction of aerial spraying as from 2013 and its subsequent suspension as from 2015; and, third, the reduction of manual and forced eradication of coca crops.

This situation could mean a reshuffling of drug traffickers' regional strategy. There could be a scenario in which coca and cocaine production might be redirected again in Colombia, but to the extent that drug seizure in Peru is substantially less effective than in its northern neighbor, drug exports could be transferred through Peru.

According to United Nations Office on Drugs and Crime (UNODC), Brazil is the second largest consumer of cocaine in the world and the use of crack (cocaine paste and baking soda) is consumed in the most vulnerable sectors. In addition, since 2010, Brazil has become a new global hub for drug distribution.

This situation affects Peru dramatically, as we share more than 2,800 km of land border in the heart of the Amazon with hundreds of rivers that cross the border. Peru's location is undoubtedly favorable for the deployment of drug trafficking to Brazil.

In turn, Bolivia is the third largest producer of coca and cocaine in the world. There is a strong link between drug trafficking in Peru and Bolivia through their criminal networks, criollo cartels and national firms of both countries. In addition, Peru has experienced strong growth in coca cultivation in the border area with Bolivia in the San Gabán and Tambopata-Inambari valleys.

In recent years an air bridge has been activated between Peru and Bolivia that uses light aircraft to transport the drug. This modality is maintained despite the fact that in Peru regulations have been issued to carry out a more effective air interdiction, with the main achievement being the displacement of the clandestine landing areas in the Apurímac, Ene and Mantaro Rivers Valley - VRAEM to the north, to other coca producing valleys. In addition, there is the land transfer of the drug, taking advantage of more than a thousand km of border, and also lake transport through Lake Titicaca.

Although Ecuador does not grow coca or produce drugs, it is a transit country, since its neighbors are the two main cocaine producing countries. Dollarization of the economy is also a factor that drug trafficking takes advantage of. On the other hand, drug seizure levels in that country show that there is an increasing activity.



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The problem of drug trafficking is global; it has no borders and is shifting adapting in a very dynamic way. This characteristic is also at work in the case of cocaine in this regional study scope. The global value chain or cross-border value chain concept - which refers to the new forms of operation and organization of transnational networks - applies to the global and illicit drug business, with the advantage of having no effective or solid barriers to the displacement of drugs, inputs and their financing.

The regional approach to the cocaine problem is a strategic necessity; the dynamics of drug trafficking adapt, innovate and change faster than the decisions and actions that States design and implement with limited effectiveness.

Peru is in the center of these countries with more than 7 thousand km of border. Out of these, 5,500 km are Amazonian and 3,500 km of coastline. In addition to this geographical position there are other already mentioned characteristics, such as: the second producer of cocaine; unprotected borders with limited territorial control; less effective seizure of the drug -both produced and in transit, as well as of chemical precursors; limited results in effective prosecution and punishment of organized crime and drug-related asset laundering operations. This reality represents a favorable environment for the drug trafficking global business regarding production of raw materials, cocaine processing, drug trafficking and money laundering.

Aware of this, Peru has implemented a strategy with border countries for a more effective fight against drugs involving regional and subregional mechanisms. Among these, there are two that have proved more effective in the bilateral relationship; on the one hand, the Binational Cabinet Meetings and, on the other hand, the more specific Mixed Bilateral Commissions on drugs.

As we have seen, there is an active agenda between Peru and its neighboring countries. The levels of effective, joint and simultaneous efforts, and operations that allow blows to the drug trade, vary according to the real bilateral interest. The fact is that achieving results to contain and reduce the presence of illicit drug trafficking must incorporate the global vision.

### **Recommendations**

In this regard, a more committed approach among the countries involved is proposed, including: i) strategic analysis and annual reporting of bilateral, tri-lateral and sub-regional relations; (ii) comprehensive diagnosis of the drug situation at borders; iii) provision of a budget for the operation and implementation of the operation of the Joint Commissions.

### **3 Colombia's anti-drug policy: advances, setbacks and cooperation opportunities with Brazil, Peru and Ecuador**

*Eduardo Pastrana Buelvas*  
*Diego Vera Piñeros*

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The phenomenon of drug trafficking is an expression of Transnational Organized Crime (TOC) and stands out for its high complexity, multidimensionality and high adaptability. One-dimensional solutions - purely military or purely alternative - and purely national approaches tend to fail because extreme doses of interagency and interagency coordination are required to address TOC, including subnational and international plans, policies and operations across jurisdictions. As it is a transnational chain, affecting only one or some of the links does not mitigate the phenomenon, it only disperses it to where the authorities cannot arrive with the same intensity (balloon effect) or forces it to be restructured replacing its higher levels of organizations with new cadres or with decentralized structures (hydra effect). But it does not disappear.

Moreover, in the Colombian case, the conflict between the State and the Revolutionary Forces of Colombia (FARC) generated an enormous influence on Colombia's relationship with three of its closest neighbors: Peru, Ecuador and Brazil. In this sense, the Colombian conflict on several occasions caused regional instability, which generated concern in the immediate neighbors and, generally, in the entire region. This is why, it is important for the implementation of the peace accords between the Colombian Government and the FARC to be successful and contribute to the construction of a stable and lasting peace. Especially because many of the FARC's former combatants could enter the Criminal Armed Forces (BACRIM) - which make up the third generation of organized drug traffickers in Colombia - in the event that demobilization and reintegration of former FARC combatants failed. Such an undesirable scenario could strengthen the transboundary effects of drug trafficking in the region.

However, Colombia has reached "historic lows" of illicit cultivation and "historic highs" of alkaloid seizures and laboratory destruction in the Santos era (2012-2013), but have not been sustainable results because they appear to operate in cycles of contraction and (re) expansion of the phenomenon at the subnational level (departments most affected) and at the sub-regional or Andean level (similar neighboring countries that pollute and decontaminate one another). Thus, the United Nations Office on Drugs and Crime (UNODC) submitted its latest report in July 2017 on the increase in coca cultivation in Colombia, reporting an unprecedented increase of 52% in territories affected by coca crops, from 96,000 hectares in 2015 to 146,000 hectares in 2016, an increase in potential cocaine production of 34%, from 646 tons in 2015 to 866 in 2016, and a 43% increase in the coca leaf kilo average price with respect to 2013 estimates, when the tendency began to be the sown area increase. At the same time, some FARC fronts have been revealed to have increased their participation in this illegal enterprise even though its negotiators have consistently denied a direct link to the phenomenon. Likewise, para-militarism was believed to have been overcome, but clear harassment and homicide against political and social leaders who have supported land restitution contradict that. On the other hand, Colombia spoke first of big bosses and cartels, after illegal armed groups and "terrorists" supported by drug trafficking, and today, we talk about BACRIM, "micro-trafficking" and "collection offices". There are more and new actors within a market that seems to be unharmed and that thrives through the learning and innovation capacity of its promoters, the corrupting power of bribery, intimidation and instrumental use of violence, problems of access to peripheral regions

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-which are wild or in territorial dispute-, and even political-ideological and interpersonal disagreements between the rulers of the day.

The lack of knowledge concerning the behavior of this market and its actors has led both to a simplification and to a homogenization of anti-drug strategies and policies in Colombia and other countries as well as to the social construction of myths and fallacies, either by exaggerating the virtues of the so-called "frontal war against drugs" or overstating its weaknesses and prematurely calling for highly permissive models, such as legalizing the supply and consumption of psychoactive substances, artificially polarizing the debate. It is between these two extremes that the administration of Juan Manuel Santos prefers to oscillate, on the one hand continuity of repression and prohibition, and on the other introduction of small changes geared towards acceptance of "non-problematic" (marijuana) consumption, voluntary substitution of crops, alternative rural development and prevention and treatment measures to drug dependence from the public health perspective. Also, this is why the adopted institutional language is that of a national "integral approach" in the context of a "global" problem.

In addition, the National Government and the Ministry of Defense have slowly acknowledged the limits of conventional policy and have been accepting the need to introduce a differential approach according to the institutional, socio-political and socio-economic situation of the various sub-national regions. Part of its success will depend on the implementation of the rural reform agreed upon in the Peace Agreement, the role of the demobilized and dissident FARC, the inter-institutional coordination between ministries, responsible agencies and subnational authorities and, of course, the continuity (or discontinuity) that will succeed Juan Manuel Santos and his "National Unity" coalition after the presidential and congressional elections.

Obviously this is only one side of the problem, since much will also depend on what is obtained at international level. Beginning at regional level, synchronization between producer and distributor countries will be crucial in determining the consistency of the new strategy's international dimension (of which Colombia wants to become a regional "example" and "leader"), whether on the repression of criminal structures and networks or on promoting alternative development for peripheral and border communities. In this regard, the cooperation between Colombia and its neighbors -Brazil, Peru and Ecuador- reactivating and updating the political-legal framework of anti-drug cooperation is important, but not all the basis of transnational, binational and multilateral operational efficiency. The issue of volatility and economic, political, institutional and security weakness in Venezuela, which BACRIM, cartels and Colombian criminal networks take advantage of, also goes beyond the margin of action of the current government and its antidrug policy.

Santos has managed to maintain an inter-operative synergy with Peru that had intensified when Uribe and Garcia were presidents, renewing and densifying cooperation frameworks with Ecuador, almost undone due to the flagrant violation of its territorial sovereignty, also maintaining open coordination channels with Brazilian institutions, although Colombia historically privileges the logistic and technical supply of United States security and intelligence bodies. Mecha-





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nisms such as high-level meetings (2 + 2), COMBIFRON<sup>2</sup>, meetings between senior military commanders and Binational Cabinets have made it possible to strengthen and expand commitments in various aspects of this issue and even in relation to illicit related markets and activities such as trafficking of arms and explosives, money laundering and illegal mining.

**Recommendations**

For the Ministry of the Interior and the Ministry of Defense of Colombia: it is essential to rethink internal security strategies and avoid a new conflict escalation, this time without the FARC, via militarization of the country due to drug trafficking and the GAO<sup>3</sup>. This means institutionally strengthening the National Police and defending its civilian nature, engaging citizens with a culture of legality and peace, proposing real options for replacing illegal economic activities with broad formal employment, and bringing sustainable development plans to regions where the State and market are not present.

The Colombian Government must continue to promote changes in the current international approach to the fight against illicit drugs at the next international conference to be held within the framework of the United Nations Organization in 2019. The Colombian Government must to continue to call for an objective assessment of drug policy and to move forward in building consensus on adjustments that need to be made, taking into account new international discussions and developments in the field, as well as consumer and producer countries' perspective, in particular the experiences and lessons learned in Colombia and identifying good evidence-based practices.

At the same time, the Government should promote dialogue spaces in regional organizations, OAS, Unasur and CELAC, in order to advance consensus building on drug policy, so that a focus on public health and human rights can prevail, especially with regard to consumption and poor coca growers.

The Colombian government must continue to promote binational cooperation with its neighbors Peru, Ecuador and Brazil in the fight against drug trafficking. In this regard, it is necessary to increase effectiveness in implementing the annual binational operational plans and to create coordinating groups and shared databases to build a sub-regional security system that moves from reactivity and unilateralism to strategic planning, multilevel coordination and institutionalization of cooperation against illegal drugs.

**4 New challenges for anti-drug fighting. An approach to drug trafficking networks in Bolivia**

*José F. Rocabado Sánchez*

The coca leaf has an important, extensive and diverse tradition in Bolivia. In 2017 two basic laws were passed: the General Law on Coca - Law 906

<sup>2</sup> Comisiones binacionales fronteras (Border Binational Commissions).

<sup>3</sup> Grupos Armados Organizados (Organized Armed Groups).



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and the Law to Combat Illicit Trafficking in Controlled Substances - Law 913. Both regulations establish the new legal regime for both coca and illicit drug trafficking. It should be noted that, as of this year, only 22,000 ha of coca leaf can be grown in Bolivia.

In the last decade Bolivia has had three fundamental public policy instruments in this area: the 2007-2010 strategy to fight against drug trafficking and revaluation of the coca leaf; the 2011-2015 strategy to combat drug trafficking and reduce surplus crop cultures; and the 2016-2020 current and ongoing strategy to combat drug trafficking and control of surplus coca crops. The implementation of this new strategy is now taking into account the new legal regulations for coca and for illicit drug trafficking.

In balance, it can be pointed out that the strategy for the 2006-2010 period - which sought to revalue the coca leaf - proposed the positioning and defense of the coca leaf, which is expressed in the important growth of the coca surface over the mentioned period, reaching 31,000 ha in 2010. While the strategy for the 2011-2015 period -which aimed at reducing coca leaf- sought to control, regulate and stabilize at 20,000 ha area of coca in the country, which led to an increase in the eradication of coca and, consequently, to reduce the area planted to coca leaf from the above mentioned 31,000 ha to 20,000 ha in 2015. Finally, the strategy for the 2016-2020 period -which seeks control of surplus coca crops- is aimed at maintaining and preserving the coca leaf area at 22,000 ha. In this context, drug prohibition and eradication programs for coca leaf surplus crops are of the highest priority.

Illicit drug trafficking is the most complex crime in Bolivia, not only because of its economic dimension, but also because of its effects on society and other areas, as well as its national reach, extending to neighboring countries and beyond. Also because it has intimate relations with other crimes like, for example, criminal organizations, money laundering and diversion of precursors, to mention but a few of them. And, in that way, it has been generating a complex criminal mechanism, making it more complicated to have a repressive and punitive approach to it.

Bolivia, Colombia and Peru are the three main Andean countries in which the coca leaf is grown, and where it is also transformed into its illicit derivatives, that is, cocaine base and cocaine hydrochloride, although in different magnitudes. The countries that make up South America are affected in various ways and intensities by the complex drug trafficking problem.

Transnational organized crime is the fundamental actor in controlling illicit drug markets, and this is done in different parts of the world; South



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America is no exception. In this region we can observe the presence of various organized crime groups, dedicated to various criminal activities.

Both Bolivia's geographical location, occupying an important territorial space in the center of South America, and its extensive borders, many of them with population gaps, and even the scant or intermittent presence of authority, are factors that have failed to sufficiently prevent the presence and actions of criminal groups. These conditions explain why transnational organized crime operations - Bolivia and foreign - have been developed in the Bolivian territory, covering different regions in the country, especially along the border with Brazil, Paraguay and Argentina.

Increased supply of illegal drugs, as well as use of illegal drugs in several countries in South America - including violence associated with illicit drug trafficking, especially between gangs and gangs that compete for market control - have driven governmental institutions of various countries in the region to adopt a plurality of measures in order to control and reduce said complex problem. Among the variety of action programs, this includes developing international cooperation initiatives, and more specifically border cooperation, in order to curb the progress of these challenges within a given national territory.

Organized crime has established important drug trafficking links between Bolivia and each of its five neighboring countries - Argentina, Brazil, Chile, Paraguay and Peru - including Colombia, which has a significant regional presence in this area. Organized crime has built transnational connections among various drug trafficking organizations in South America. But there are also many other links beyond South America.

The bilateral agenda between Bolivia and each of its neighbors includes important issues to deal with drug trafficking in South America, since drug trafficking is an eminently transnational phenomenon, it must be similarly approached.

Drug trafficking has now become one of the most complicated public and international problems. Not only because of its growing occupation of areas with insecure breaches in so many cities in South America and elsewhere. It is also because, despite the various regional and global efforts made in the past, the main goals and targets of international illicit drug trafficking control have not been met.

The emergence of the network society has made drug trafficking less visible, and consequently the prosecution of crime is difficult. In turn, new information, communication and transport technologies have facilitated and expanded drug trafficking displacement. Nowadays, drugs can be



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found easily, and at very competitive prices, and in many parts of the world. And organized crime profits continue to multiply.

Transnational organized crime has benefited from the system of sovereign national states, which are limited by their national borders, while transnational crime has a greater ease of movement, even with active national policies interdiction to the air traffic of drugs. As a result, national borders have been violated by the flow of drugs carried by air, sea and land.

### Recommendations

Since illicit drug trafficking is a transnational crime, dealing with it requires collaboration between States. Bolivia maintains important regional cooperation relations and, within it, border cooperation with all its neighbors. The drug trafficking problem calls for States to practice cooperative, constructive and shared initiatives and actions.

Border cooperation is much needed to limit transnational drug trafficking. This is all the more compelling if there is a genuine commitment on the part of the States to cooperate with their neighbors. The excuse of the pre-eminence of national sovereignty avoid cooperating does not make sense today.



### Transnational crime and illicit drug trafficking in Brazil: implications and challenges for regional security

*Antonio Jorge Ramalho*

Drug trafficking was developed in Brazil as a sophisticated economic activity intimately related to other crimes and legal activities, which are used to hide its products. It involves various segments of the social fabric and feeds on a context of violence, inequality and systemic insecurity. The criminal organizations that control them work in networks, with clear rules, Spartan discipline, and effective punishment and reward systems. They form their cadres, even within prisons, and adopt a long-term perspective. They handle billions of dollars a month and use first-line military weaponry. They are capable of conducting complex field operations and of handling effective intelligence systems for communication and control.

Thus, they dominate parts of the territory, compete with the formal economy, extort the population, impart fear and violence to a society that observes more than 59,000 homicides, an average of 29 / 100,000 inhabitants, per year. That means more than 163 homicides per day, more than 6 per hour!

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Accustomed to historical conditions of violence, Brazilian society is no longer disturbed by such statistics.

As we pointed out, the drug trafficking phenomenon and its implications for public security in Brazil, and for regional security, can only be explained by the context of inequality and violence in which traffic was installed as a sophisticated economic activity deeply related to other crimes and incorporated into the social fabric. Its imbrications go beyond Brazilian society and are communicated to neighboring countries where cocaine is trafficked to Europe and Asia through Brazilian territory.

The violence culture in Brazilian society, and its tradition of instituting privileges for the powerful, even those in prison, favors this process. But the high levels of violence in Brazilian society do not result only from this activity. The violence culture is fueled by the gap between the expectations of social advancement of young entrepreneurs and the possibilities offered by Brazilian society. However, it is true that this activity strengthens violence in the country and strengthens criminal organizations.

The problem is most evident in the field of public security. Three comparisons help put the problem in perspective: the United States, Europe and Syria. In 2014, there were 59,730 homicides in Brazil, a rate of 29 / 100,000 inhabitants. In the same year, the 28 countries of the European Union registered 4,379 intentional homicides, an average of 1 / 100,000, while in the United States there were 14,249 homicides, averaging 4.5 / 100,000 per year. In Syria, between March 2011 and November 2015, there were 256,124 violent deaths; while between January 2011 and December 2015, there were 279,567 intentional homicides in Brazil, that is, 9.1% more than in Syria.

The solution used feeds violence. In 2016, 57% of Brazilians supported the thesis that "good bandit is dead bandit". However, 76% are afraid of being killed. In that context, "private security" companies have significantly grown. By 2015, the sector was estimated to employ about 700,000 registered professionals in more than 2,300 unionized firms and to have an annual income of more than 16 billion dollars.

The State has not been left behind, as you might imagine. The budget for Public Security is equivalent to that of the Ministry of Defense, namely 1.38% of GDP in 2015, 62% more than in 2002. And that is a fraction of the effort to tackle the problem. The country has more than 550,000 military police (approximately 75%) besides civilian and investigative personnel (the remaining 25%) in the 27 units of the federation, in addition to 343 thousand active duty military and 148 thousand reservists.



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The truth is that there are structural difficulties to combat illicit drug trafficking, even though the government has reasonable public policies and diagnostics. Recently, the Federal Executive Branch initiated political coordination measures to face these challenges, including making institutional changes in the ministries. An agenda of border cooperation with South American countries was also initiated.

It is too early to conclude on the effectiveness of these policies, but conceptually the approach makes sense. However, expanding expenditure is insufficient if problems such as education and income distribution are not tackled. Brazil is the 10th most unequal country in the world, despite progress made in recent decades, especially since Plan Real: According to the World Bank, the Gini index fell to 0.514 in 2014; was 0.593 in 2001 and 0.633 in 1989. Stabilization of the economy, real increase in minimum wage and social policy sophistication have reduced absolute poverty and expanded the consumption capacity of approximately 40 million Brazilians (1/5 of the population).

The same distribution of wealth, still associated with an inefficient educational system and an economy that hinders the establishment of legal activities for entrepreneurs, provided incentives to criminal activities. Young people watch the lifestyle of the rich in daily television soap operas: they want to participate in the party, but the means to do so in the formal legal framework are not given. In other parts of the world, young people in these conditions are seeking to engage in terrorist groups; in Brazil, criminal organizations make more sense, since they themselves actively recruit them.

As a result, the government lacks the means to recover public spaces, including prisons, under the control of criminal organizations. The most complex task is to coordinate the actions of federation entities. Investments in reasonable policies are being made. Their fruits must be shared with bordering countries, since this challenge is common and can only be overcome with collective efforts.

In summary, there is structural violence in Brazil's socio-political context. The trafficking and sale of drugs are related to other crimes, generating an atmosphere of deep insecurity. Three phenomena have favored the emergence of sophisticated criminal organizations that control drug trafficking in the country:

(1) Brazilian industry is diversified: Precursors are widely used in other economic sectors, in a completely legal and legitimate way; foreign trade is large and varied; easy access to drugs attracts consumers disguised as tourists. Distinguishing the legitimate use of productive chains installed in the country from criminal use is a complex task.



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(2) The business environment in the country is confusing, with conflicting and dynamic laws, which make it easier to establish "front" companies.

(3) The State still needs to greatly improve its presence in remote corners of the country and provide adequate services, offering young entrepreneurs opportunities in the formal economy, away from illicit activities.

Transnational crime can best be understood as "the continuation of trade by illegal means". Criminal organizations operate as counterparts to transnational corporations and operate with a vision of the supply and demand for drugs, as well as the most widely used means of payment, including trafficking in arms and synthetic drugs produced in the consumer markets of cannabis and cocaine and money laundering.

Brazil has progressed in fighting international crime in recent years. It has established appropriate policies and reduced extreme poverty. But the very increase in population income has contributed to expand the drug market. The country is the second largest consumer of cocaine in the world.

### **Recommendations**

The solution to the problem is not military. It requires the concerted action of a set of agencies and intense international cooperation. That means deepening international cooperation in this area. The South American countries have created institutional bodies, within the scope of UNASUR, to facilitate this process.

It is necessary to design a consistent and practical agenda that guides and allows to follow the effectiveness of public policies designed to combat drug trafficking, guarantee society security and promote citizen well-being.

### **6 Complexity and uncertainty scenarios. Policies for security and against drugs in Ecuador**

*Diego Pérez Enríquez*

The decision-making structure in Ecuadorian institutions linked to the Ecuadorian Drug Policy (PDE) allows an explanation, albeit partial, of the main field of tension for the State. The idea that institutions should seek to be less personal and more standardized in their responses to demands that arise before them is present in academic reflection, but it is naive in terms of political management: in the Ecuadorian system decisions are concentrated in the President of the Republic as an individual. Thus,

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whoever occupies the Presidential Palace maintains a panoply of mechanisms to exercise authority without the possibility for institutional structures that depend on him/her to contain the President's thrust. This phenomenon, which is not particular to Ecuador, emphasizes the fact that leadership motion lies more in personal characteristics than in systemic phenomena. The type of leadership is predominantly linked to the person and this has imprinted a particular turn to drug policy.

Thus, structures depend very much on the leader's vision, which determines their functioning limits, preferences and even power management mechanisms. However, at the moment of decision making, conjuncture prevails, the political imperative over the construction of institutionality. This view becomes evident in the adoption of a progressive drug policy between 2008 and 2013 to then turn towards a repressive, security-prone approach between 2014 and 2017. Such trends in these periods have a correlation in the public discourse, both of authorities and media, about the need for greater security, which, as stated, is achievable only through a hard-hitting policy, which aims at micro-trafficking as the major evil.

This policy is verified in the granting of a greater force to the National Police, in terms of personnel as well as equipment and training. The regulations on the involvement of the Armed Forces, in the area of drug trafficking, prevented them from taking direct action in the field until December 2015. As from that date a constitutional amendment was approved that allowed incorporating them under the figure of the contribution to integral security, a paradigm proposed by that Constitution. However, the regulation is loosely tied to other normative or operational bodies; in this way, their involvement is less marked. This relative distance of the military from the action field -unlike the other countries in the region- generates a specialized field for the NP, which will use it to demonstrate its efficiency. Institutional efficiency is measured only in terms of seized amounts. This also feeds the narrative of the direct link with citizens through the protection of the common good, which is summarized in the fight against drugs. Incentives thus fall on the side of the greatest repression, since the efficiency of political decision-makers as well as of the actions entrusted to operational institutions is measured in seized tons. In that sense, the seizure of drugs in tons has been increasing year by year, going from 57.43 tons in 2013 to 110.4 tons in 2016. In addition, those detained for possession of drugs for micro-trafficking (minimum-scale detentions) between January 2015 and June 2016 reached 5,180 people; while the number of medium and large-scale detainees between October 2015 and June 2016 reached 6,643 people.

Inevitably, the narrative of progressive drug policy goes against what is described, for although there is no empirical evidence to support the notion that the validity of the threshold tables, adopted in 2013, encour-





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ages consumption, the mere notion of permissiveness weakens the narrative so far constructed. Thus, it is structurally difficult for the PDE to walk the path proposed in the 2008 Constitution when political incentives are on the opposite path.

On the other hand, it was argued that more sanctions and more captures lead to building an image of supreme efficiency, this results in greater influence on the decision-making structure. Given weak institutional checks and balances as a consequence of centralism and systemic personalism, the technical criteria for reducing the penalty are at a disadvantage vis-à-vis the political criteria or, in other words, the situation rules the structure. Ultimately, the inception of a technical secretariat originally identified with police work only perfects the sounding board. The sequence of approved laws that would have allowed to change the PDE's dependence on the situation (COIP and its reforms and LOPID), showed that Law 108 stayed and that there was limited capacity to overcome its impact. The influences of regional and global drug policy (whose agendas are primarily American) are perceived here; however, this does not prevent local decision makers from perpetuating a restrictive view in the field. In short, the necessary institutional balance between security, public health and individual decisions was not consolidated at national level. On the contrary, the bet on security deepened and the discourse that pointed to an imminent threat was strengthened, which could only admit a response framed in "zero tolerance".

Assessment of the mechanics at work in the Andean region is not different. Ecuador has developed neighborhood coordination efforts with Peru and Colombia through the border bi-national commission (COMBIFRON), a strategic political decision-making mechanism that seeks to refine the framework of joint actions at the border. This mechanism has proven effective for exchange of intelligence and deepening of cooperation between the two neighbors' police and armed forces on both sides of the border. Experiences are reported as positive, although progress after each meeting is usually raised in terms of what is politically correct. However, COMBIFRON meetings are characterized by their regularity and by having high level binational delegates, which allows efficiency in decision making. An additional indicator of the good moment the neighborhood relationship is going through is the absence of conflict situations on the borders with Peru and Colombia.

Regarding the Ecuador-Peru relationship, in 2016, the commitments at presidential level included the exchange of information and intelligence. There was also exchange of intelligence summaries on the FARC's activities in Colombia, on illicit drug trafficking routes, analysis and study of flight patterns and clandestine tracks between the armed forces of both countries. As for the police, intelligence cooperation is also the main commitment, with monthly iteration, or in real time, according to the



needs. Ultimately, this relationship has enabled joint and coordinated action at the border, which has focused primarily on drug interdiction and capture.

International cooperation between the two countries is therefore significant for the control of illicit drug trafficking. It remains unchanged despite the internal mechanisms that, as previously noted, involve significant fluctuations in the field.

The assumption of a new president in May 2017 has not involved, until now, a substantial redirection in the PDE, beyond a call for a national dialogue, which the players of the national right have entered with more repressive perspectives on the subject, and which mainly propose a greater hardening without taking into account technical data on the consequences of more years of imprisonment for consumers. In this way, the opportunity to discuss a progressive policy in the country, playing down the security emphasis on issues related to consumption, without affecting the appropriate balance in the fight against illicit drug trafficking is still pending.

## **7** **Fighting drug trafficking in Chile and its borders: a military issue as political and constitutional principle**

*Jaime Baeza Freer*  
*María Cristina Escudero Illanes*

In a globalization context, Chile has a strategic geographical position that has turned it into a country whose development is enhanced, but at the same time must face the challenges of drug trafficking that uses this same comparative advantage in their favor, far surpassing the possibilities of state control. Chile is not a producing country, but drug use has considerably increased, and its participation as a source of necessary precursors for the production of narcotics has set off the alarms of the US Department of State. This reality requires a multidimensional perspective to approach the actors who must partake in the fight against drug trafficking.

There are two main instruments in force that guide public policies in this area which occur in a legal system that clearly separates the external security functions charged to the armed forces from internal security in charge of police and investigations. On the one hand, there is the Northern Border Plan, designed in 2011 during the Piñera government, to confront drug trafficking on the northern border at a time when border conflicts have not disappeared, hindering cooperation between countries. Taking the issue away from the military arena and generating some degree of public policy to address the problem are among the positive things in this plan.

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On the other hand, the Bachelet administration established the 2014-2020 National Anti-Drug Plan, aiming at improving the country's capacity to reduce the distribution and availability of illicit drugs, as well as the diversion of chemical substances used in manufacturing them. The latter plan seeks a better vertical and horizontal integration of different administrative levels directed from the Ministry of Interior and Public Security and provides a comprehensive solution that is not only focused on the border with neighboring northern countries including monitoring, disincentives for production, micro-trafficking, and studies of convictions and police, judicial and reintegration procedures. Attention is also paid to the control of precursor substances, financial intelligence and police.

These plans reveal a pertinent inter-agency problem such as the absence of state capacity, particularly in sectors of the area known as the Big North, but which extends throughout the country's territory. In this sense, there is a weakness of the Chilean State regarding its borders, that is to say, its capacity to be present has no correlation with the sovereignty that would be expected to stem from its action. The State owes to its citizens due to the lack of this capacity, as citizens hope to be free from the threat of drug trafficking and related problems. As noted, consumption has increased, to the extent that in 2015 the OAS considered it the country with the highest per capita consumption in the hemisphere. However, the OAS also points out that overall consumption in the population has declined since 2010, which confirms that Chile is a country of transit rather than consumption. In addition, the US Department of State, through the 2017 International Narcotics Control Strategy Report, raised alarms about the role that Chile is having as a supplier of these substances: mainly ephedrine, pseudoephedrine and preparations based on ephedrine.

Two things are essential to overcome the State's shortcomings: cooperation among countries and inter-agency agreements within the State. In the first area, Chile has different issues depending on the country in question. Cooperation is difficult with Bolivia, which has not prevented both countries from signing agreements, but has made implementation difficult since border relations have suffered a setback. With Peru, cooperation agreements and contacts between authorities at all levels of the border are common. Even after the ruling in The Hague in 2014, a number of agreements have been put in place with greater energy, such as the Border Committee established in 1999, the 2 + 2 Consultation Mechanism, which includes the Ministers of Defense and Foreign Affairs and which resumed its meetings in 2017 after three years. Likewise, the memorandum of cooperation in security and defense matters and the 2011 Security and Defense Committee are in full operation.



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In turn, there are 7 binational regional border work committees with Argentina. The evolution of good relations has resulted in common border controls and unprecedented cooperation based on the free movement of people and joint missions such as Cruz del Sur. Chile has also established cooperation with Colombia to fight against drug trafficking since 2011. In particular, these have been formally articulated through the Memorandum of Understanding for Strategic Partnership, which reaffirms the commitment to strengthen the fight against organized crime, drug trafficking, terrorism and others.

In the multilateral field, Chile has ratified the three conventions: The Convention against Transnational Organized Crime in November 2004, the 1988 United Nations Convention on Drugs in March 1990 and the Convention against Corruption in September of 2006.

In the second area (inter-agency agreements), it is essential to strengthen the national customs service, in coordination with law enforcement. Transfer of Police and Investigation Police personnel to the northern border requires logistics and preparation. At present, this only works at authorized border crossings, leaving a large border area unguarded. Although the Armed Forces do not have powers to fight drug trafficking, cooperation agreements can be established with civilian institutions. However, this cooperation is not formalized and there is no institutional architecture that supports it, remaining at the will of civilian and military authorities of the day.

### **Recommendations**

Despite the traumatic effects of military interventions during authoritarian bureaucratic regimes, analysis of civil-military relations maturity as a possible thing, understanding intelligence work as possible and necessary in democracy must be undertaken. In this way the Armed Forces could collaborate with information and act in a joint service with Police Forces. This does not mean to involve them in a concept of broad security, but rather interagency cooperation that would overcome some of the problems generated by state capacity shortcomings in the fight against drug trafficking.

Chile has so far managed to get ahead of the drug trade, but the future is far from being secured and, therefore, it is time to consolidate institutions. The country should not remain stuck in visions of the past. Recognizing differences with other nations is critical. However, it is also necessary to adapt more quickly to a global reality before which institutions should not change their principles, but should perhaps renew their strategic, tactical and operational aspects to some degree.



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