

Critical Debates

*Drugs, Crime, and Nonstate Actors
in Latin America*

Mauricio Rivera

- Enrique Desmond Arias, *Criminal Enterprises and Governance in Latin America and the Caribbean*. Cambridge: Cambridge University Press, 2017. Tables, figures, bibliography, index, 305 pp; hardcover \$105, paperback \$29.99, ebook \$24.
- Marcelo Bergman, *Illegal Drugs, Drug Trafficking and Violence in Latin America*. Heidelberg: Springer, 2018. Tables, figures, bibliography, index, 177 pp.; hardcover \$89.99, paperback \$89.99, ebook \$69.99.
- Alejandro Gaviria and Daniel Mejía, eds., *Anti-Drug Policies in Colombia: Successes, Failures, and Wrong Turns*. Trans. Jimmy Weiskopf. Nashville: Vanderbilt University Press, 2017. Tables, figures, bibliography, index, 326 pp.; hardcover \$99.95, ebook \$19.99.
- Sonja Wolf, *Mano Dura: The Politics of Gang Control in El Salvador*. Austin: University of Texas Press, 2017. Acronyms, notes, bibliography, index, 320 pp; hardcover \$90, paperback \$29.95.

The study of drugs, crime, and nonstate criminal actors ranks among the most notable developments in current research on democratic governance in Latin America. The increasing attention is well founded: the region plays a prominent role in the global production and trafficking of illegal drugs; crime and violence are commonplace in most countries (e.g., UNODC 2014, 2018). Public insecurity and widespread fear of crime increase support for *mano dura* anticrime policies that worsen human rights (e.g., Ahnen 2007; Bateson 2012). Nonstate armed actors often challenge state authority and sometimes even supplant states in the provision of public security (e.g., Phillips 2017; Ungar 2007). In short, drugs, crime, and nonstate criminal actors seem to be elements critical to understanding democratic regimes in contemporary Latin America.

Recent research tackles a set of fundamental questions about public insecurity. How do drug markets work? How do drug cartels emerge and

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consolidate? Why and under what conditions does drug-related violence erupt? How do drug cartels and urban gangs impose order and shape democratic politics? Why do some anticrime strategies fail and others succeed? Why do civil society advocacy efforts to promote human rights fail? The four books under review produce important insights on these issues and raise other relevant questions that call for further investigation. These books are food for thought about the quality of democracy and the limits and potential of democratic politics to improve individual security in Latin America.

DRUGS, ORGANIZED CRIME, AND VIOLENCE

Marcelo Bergman offers a broad description of illegal drugs, drug trafficking, and crime in Latin America. His book presents a brief—yet rich—descriptive overview of the supply and demand sides of illegal drugs, the organization and operation of drug cartels, and the policy options that states have for tackling the drug problem.

Despite limitations of data availability, Bergman offers a helpful cross-country description of drug phenomena that reminds us about some important but often overlooked trends. First, Latin America as a whole is a major producer and exporter of drugs like marijuana, cocaine, and recently, synthetic drugs. Second, because of the high demand for illegal drugs from the United States and, to some extent, from Europe, even nonproducer countries have become drug transit countries. Third, the magnitude of the supply and demand of drugs has led to an increase in drug use, although consumption is much lower compared to other regions.

Beyond description, the book presents several arguments that can inform current debates on illegal drugs. I highlight two in this review. First, prohibition policies reduce the supply of drugs, increase the operation costs for criminal organizations, and ultimately raise the price of illegal drugs. Bergman highlights that the aggregate demand of illegal drugs is highly inelastic; that is, demand for drugs does not vary substantively depending on prices. Inelastic demand thus “partly explains the meager success of the ‘war on drugs.’” Specifically, “policies aimed at limiting the supply . . . have not had any significant impact on demand because there are millions of people eager to take these drugs. More importantly, evidence shows that many of these people are willing to pay an extremely high price for these products” (15).

Second, the presence of illegal drug markets and heavily armed organizations is not inevitably associated with large-scale violence, largely because the monopoly or control of drug markets and traffic routes decreases the need for violent strategies. However, “the greatest threat that drug trafficking represents to public security is criminal diversification” (63). Criminal actors involved in the illegal drug market have incentives to diversify to other

activities that are often less risky but still profitable, especially for actors that are not at the top of the criminal organizations.

None of these arguments is empirically tested, which calls for further investigation and discussion. For example, efforts in data collection on diversification would be a productive way to evaluate the risk and the conditions under which diversification is more likely, as well as its impact on other criminal activities. Importantly, the risk of criminal diversification suggests that drug policies must consider *ex ante* potential unintended effects, and states should consider implementing complementary strategies to reduce the risk of diversification and avoid a surge in other criminal activities.

These ideas also have relevant implications for the prohibition-legalization debate. The inelasticity of demand suggests that prohibition is ineffective. However, it is worth noting that legalization can create winners and losers within drug criminal organizations.¹ Losers then may find incentives to diversify, causing an increase in other types of crime, such as robbery, extortion, arms trafficking, kidnapping, and human trafficking. Advocates of legalization therefore must consider that legalization may not necessarily reduce crime and, in fact, can worsen public security in the short run. I believe that this does not justify prohibition but highlights that legalization should be implemented in tandem with other reforms of the judicial system and the security sector.

Bergman's book clearly illustrates how the prohibition-legalization debate in the region lacks a strong empirical foundation. Chapter 8 explores policy options, but the reader will not find any reference to an empirical study on the effects of legalization, which is not surprising, given that only a few cases of legalization exist in the region. The volume on Colombia edited by Alejandro Gaviria and Daniel Mejía sheds light on this topic, however. The study in this volume by Adriana Camacho et al. shows that consumption of illegal drugs rose significantly over the 1992–2002 period and provides preliminary evidence that decriminalization of the personal dose is unrelated to the increase in consumption (chap. 2).² This suggests that more flexible consumption laws will not necessarily increase drug use.

It is puzzling that Bergman does not systematically analyze the U.S. influence on drug policy in Latin America. Yet the edited book by Gaviria and Mejía provides several insights based on the case of Colombia. Most notably, Arlene Tickner and Carolina Cepeda trace the evolution of Colombia-U.S. relations with regard to drug policy (chap. 8). They suggest that the U.S. "war on drugs" has historically influenced U.S. drug policy toward Latin America and that Colombia has played a key role in that war (see also the introductory chapter). Tickner and Cepeda argue that Colombia-U.S. bilateral relations became "narcotized" in the mid-1980s and that the United States has heavily influenced drug policy in Colombia over the past three decades. Interestingly, the key message is that Plan Colombia had a positive effect on internal security, but this contrasts with Mejía's chapter

showing that the production of cocaine remained stable between 2000 and 2006, although it started to decline after 2007 (chap. 3).

URBAN GANGS AND SOCIAL ORDER

Desmond Arias's book focuses on a specific type of nonstate armed actor by examining how urban gangs affect political order at the micro level. The book approaches the issue of urban gangs uniquely, from the perspective that their presence and consolidation do not necessarily reflect state failure and disorder. The general claim is that the existence of urban gangs is not a symptom of state failure. Instead, it suggests that urban gangs are often powerful actors embedded in the political system, affecting informal and formal politics, sometimes with enough power to shape government public policies.

Arias advances an interesting explanation of criminal governance at the micro level, highlighting that multiple interactions between different gangs and between gangs and the state produce different forms of "localized experiences of armed dominance." He introduces a typology of "micro-level armed regimes," distinguishing between two dimensions. "Armed consolidation" refers to the power of organized criminal actors in a specific location and their relationship with similar groups; "state engagement" captures the types of relationships between nonstate armed actors and the state. Arias then identifies four types of armed regimes. "Criminal disorder" reflects environments where different armed groups have limited control over local activities, and violent competition between them hinders states' efforts to guarantee public safety and provide services. "Divided governance" refers to contexts where criminal armed groups have consolidated and provide some services and limited security, although these groups develop competitive relations with the state. "Collaborative governance" indicates the presence of a single gang (or hierarchically controlled set of armed groups) that collaborates with state actors. "Tiered governance" reflects the presence of multiple armed groups with limited capacity but strong ties to the state.

The book's pivotal contribution is a set of comparative ethnographic analyses of six neighborhoods in Río de Janeiro (Rocinha and Rio das Pedras), Medellín (Comuna Uno and Comuna Trece), and Kingston (Back Bush and Denham Town). Chapter 2 explores patterns of armed violence in the three countries, and chapter 3 describes the evolution of armed dominance in the six neighborhoods. Two conclusions stand out. First, criminal activity and violence from organized groups emerge as a result (at least in part) of states' and local elites' lack of capacity to incorporate the working class and the poor into the political system. Second, localized armed regimes in the six neighborhoods are not fixed, and they vary significantly with one another. Whereas some cases have experienced some shifts, due to the

nature of the city's armed groups and the ongoing civil war (Medellín) or the apprehension of gang leaders and changes in the security strategy (Rio de Janeiro), others remain very stable across time, particularly because of the arrangements between gangs and the major political parties in the city (Kingston).

The book describes how different types of micro-level armed regimes produce different outcomes in four dimensions: public safety, civil society, electoral processes, and policymaking. With regard to security, Arias finds that low levels of social violence characterize collaborative governance in the neighborhoods of Denham Town and Rio das Pedras, but rates of land theft are high, and there is strong informal control. In turn, ongoing disputes and conflicts between gangs, and between gangs and the police, led to public insecurity and higher levels of violence under divided governance (Comuna Uno; Rochinha), although criminal disorder and tiered governance regimes experience higher levels of social violence and restrictions on movement (Comuna Trece and Back Bush, respectively).

The most relevant conclusion on the security dimension is that Denham Town and Rio das Pedras “evidence high levels of security in public spaces” (136), suggesting that the presence of consolidated urban gangs is linked with higher levels of public safety. An important question arises regarding the specifics, however. The idea that collaborative governance goes hand in hand with high levels of security contrasts with some passages of the book pointing out that fear of crime and victimization appears to be common in Denham Town and Rio das Pedras (see pp. 120, 230–31). Thus, the above conclusion should be interpreted with care, as collaborative governance seems to come with low levels of violence but with other forms of criminal activity still prevalent. Otherwise, scholars and policymakers may equate high levels of public security with the absence of social violence, even when other forms of nonviolent crime are common and fear of victimization is widespread among the population.

Moreover, it is reasonable to think that consolidated urban gangs that impose control and prevent violence in the neighborhoods where they govern might cause violence in other neighborhoods in which they try to expand their territorial and functional control. Like much research on the wave of drug-related violence in Mexico, Bergman notes that drug cartels' efforts to expand their territorial control often fuel violence in other states, suggesting that the same criminal organization can produce two different micro-level armed regimes. Extensions along these lines—considering spatial dynamics and the role of the same gangs in different neighborhoods—would be a helpful way of building forward from Arias's theoretical and empirical contribution.

URBAN GANGS, POLITICS, AND CIVIL SOCIETY

Arias and Wolf both deliver original and overlooked lessons about the politics of organized crime and the role of civil society in contexts of limited public security. Arias shows that collaborative governance suppresses civil society. Indeed, “highly consolidated and politically connected armed groups dominate civil society. Armed actors have the resources to fund civil society, have the power to shut down independent organizations, and act as intermediaries between local civil society and the state. The result is a civil society guided by armed groups” (170). In some way, this qualitative evidence is consistent with Miguel García’s chapter on Colombia in the Gaviria-Mejía volume, which shows econometric evidence that a higher level of illegal activities, as measured by illegal crops, is negatively related to participation in elections and trust in state institutions (chap. 13).

According to Arias, neighborhoods under divided governance present “very dense civic networks,” but gangs often threaten civil leaders and keep informal control over the most representative organizations. In contrast, civil society is generally free from the control of urban gangs under criminal disorder and tiered governance settings, showing high and significant levels of mobilization, respectively.

Regarding elections, Arias illustrates how urban gangs use a variety of strategies to influence the electoral process under contexts of collaborative governance, including the nomination process, control of information during political parties’ campaigns, and voting. Put differently, “well-organized and well-connected armed groups ... lead the electoral process in the areas they control” (205). This contrasts with the somewhat limited or minimal influence of urban gangs on electoral processes in the other localized armed regimes.

Nonstate armed actors influence policymaking, too. Strong urban gangs under collaborative governance cooperate with the state and connect the local population and the state. Arias shows that members of society can get access to public goods through gangs that influence governments’ decisions. This suggests a vicious cycle in which gangs consolidate their power by influencing policymaking. Under divided governance, states have more control over policymaking, but there is evidence from Rio das Pedras and Comuna Uno that armed actors exert some influence on policy implementation. Furthermore, states tend to lead policymaking in contexts of criminal disorder and tiered governance, although urban gangs also benefit from public policy under tiered governance.

Taken as a whole, Arias’s book provides compelling evidence that strong urban gangs under collaborative governance maintain low levels of violence but undermine civil society and democracy, largely because elected authorities and political parties benefit from cooperating with them. In the conclu-

sion, Arias argues that violence plays an important role in democratic regimes in the Global South, highlighting that “the presence of violence does not signify the breakdown or the failure of political order so much as its realization in many contexts” (244).

However, it is unclear whether the concept of democracy is still appropriate for micro-level armed regimes with collaborative governance, where urban gangs can both suppress civil society and contaminate electoral processes. A key conclusion is that criminal governance does not imply violence and disorder per se. Yet from the empirical section of the book, it is hard to conclude that collaborative governance does not hinder democracy so much that it resembles a nondemocratic regime. Electoral democracy is often imperfect, but the influence of urban gangs on the electoral processes in neighborhoods under collaborative governance seems so determining that it makes me doubt the degree of free and fair elections at the local level. This is a fascinating line of inquiry, and I hope Arias’s book is a prelude to other efforts exploring whether collaborative governance subverts democracy at the local level.

Wolf’s *Mano Dura* takes a different stand by analyzing *mano dura* policies against gang criminality and NGOs’ advocacy strategies to contest these policies in El Salvador. As does Arias, Wolf stresses that electoral democracy cohabits with high levels of social and economic exclusion, as well as high rates of crime and violence. The book offers a description of gang policies, the Plan Mano Dura and then the Plan Súper Mano Dura, during the administrations of Francisco Flores (1999–2004) and Antonio Saca (2004–9), which included discretionary actions, violations of due process rights, and participation by the military forces in public security. The justification for this policy was that gangs were the main threat to public safety.

Wolf notes that “there had been no recent spike in gang violence and homicide figures had actually declined in the years prior to Mano Dura’s enactment,” and advances an electoral explanation of the security policy. She argues that “Mano Dura was a penal populist attempt to improve ARENA’s electoral advantage in the run-up to the 2004 presidential elections” (51).³ The new security policy “exploited anxiety about crime by depicting gangs as the main source of citizens’ insecurity and offered harsh punitive measures as the best response” (51–52).

The book details how the Plan Mano Dura failed to reduce gang criminality, which is perhaps not surprising, since there is good evidence that repressive policies do not improve public security (e.g., Rivera 2016), and instead, community-based strategies and welfare policies are more effective in reducing social violence in Latin America (e.g., Dammert and Malone 2006). What is novel here is that heavy-handed policies continued under the Saca administration, which launched the Plan Súper Mano Dura. Saca promoted an open consultation process to discuss public security and acknowledged the need for alternative measures to fight crime, but the consultation

seemed to be a strategy to secure and legitimate harsh measures and punitive policies against gangs. Indeed, “some prevention and rehabilitation initiatives were debated and subsequently adopted to placate critics of *Mano Dura*, but these were trivial and did not amount to a fundamental policy change” (53).

A sound contribution is the analysis of NGOs’ advocacy strategies to promote human rights. Wolf teaches us to pay attention to the strategies that civil society, specifically NGOs, use to contest *mano dura* antigang policies. A qualitative comparison of three NGOs, Fundación de Estudios para la Aplicación del Derecho (FESPAD), Homies Unidos, and the Polígono Industrial Don Bosco, reveals that they failed in promoting alternative security strategies. Wolf shows that NGOs’ advocacy strategies were shaped by their origins and ideology and that these attributes affected their degree of political influence.

FESPAD and the Polígono shared the official view that gang delinquents had to be prosecuted and gang members should leave the gang. This view enabled them to get access to policymakers and push for alternative policies that addressed the social roots of crime. Homies Unidos, instead, worked directly with gang members, with the main goal to help resolve their problems and keep them away from drugs and violence. Regardless of the NGOs’ views on gang criminality, Wolf concludes that the three NGOs failed to promote alternative gang control policies, mainly because of a lack of media attention or insufficient material resources and lack of organizational capacity.

The book’s approach has much to offer to the study of NGOs’ advocacy strategies, and it calls attention to a subject that normally has been overlooked in the literatures on human rights and criminality in Latin America. Given the global spread of the human rights idiom and the transnational dimension of gang criminality in Central America (UNODC 2012), one might wish for a broader analysis considering why Salvadoran NGOs did not attempt to transcend domestic politics to get support from foreign actors promoting democracy and human rights (see Hite and Ungar 2013). The lack of a transnational advocacy strategy to contest *mano dura* antigang policies may be endogenous to the NGOs’ lack of resources, but an in-depth analysis of this subject would help improve our understanding of NGOs’ advocacy strategies and their potential for strengthening human rights.

A second area for further research involves describing the link between urban gangs and organized criminal actors. Wolf rightly notes that some descriptions overemphasize criminal attributes of urban gangs in El Salvador, highlighting that they differ from organized criminal actors.⁴ A UN report is consistent with this, although it identifies increasing links between urban gangs in El Salvador and organized criminal organizations, particularly drug cartels (UNODC 2012). The descriptive chapter on the background of *mano dura* would have benefited from more attention to the connection between urban gangs and organized criminal actors and how these

links serve to justify *mano dura* policies as well as increase popular support for such policies.

There is much to learn about the impact of NGOs on gang criminality, beyond their influence on human rights. Wolf highlights that Homies Unidos' "goal was to empower gang youths to cooperate with one another to resolve their problems and envision a life without drugs and violence," and that its strategy "did not seek direct policy influence but could shape the policy context. The organization's approach largely relied on the implementation of gang outreach programs" (153). As such, it is not clear why Homies Unidos should be expected to influence law enforcement policy and specifically to persuade the government to replace *mano dura*. Perhaps a more productive line of inquiry would be to look at the effect of Homies Unidos' strategy on the number of treated gang members who leave the gang and are reintegrated into society. Hopefully, Wolf's work will motivate future studies on the subject.

CONCLUSIONS

The books under review approach the rule of law and governance from different disciplinary perspectives, addressing different questions and exploring multiple actors and dimensions of public security. The books of Bergman and Gaviria and Mejía paint a complex portrait of the relationship between illegal drugs and violence, as well as of the effectiveness of government policies with regard to the production, trafficking, and consumption of drugs, on the one hand, and public security, on the other. Bergman raises important questions about crime diversification and potential unintended consequences of legalization policies. Gaviria and Mejía's edited volume on Colombia explores a case that seems to be exceptional in many ways, but some accounts may resonate in other contexts.

The books of Arias and Wolf take a different stand by presenting rich and authoritative ethnographic comparisons of urban gangs and NGOs. Although their conclusions may lack external validity, both authors reveal how politics, crime, and nonstate actors interact in multiple ways, producing different pathways in terms of public security and governance. Drawing on these and other similar studies (e.g., Moncada 2016; Lessing 2018), further qualitative comparisons will help to better understand the politics of crime and the way interactions between political and organized criminal actors at the local level affect the quality of democracy.

NOTES

1. For example, dealers, *sicarios* (hitmen—the term is often used and well understood in the literature), and other specialists in violence would not have reason to exist and would be difficult to incorporate into the organization.

2. Survey data show that reported consumption of marijuana and cocaine in the previous year increased from .39 to 3.27 (541 percent) and .1 to .7 (300 percent), respectively (Gaviria and Mejía 33–34).

3. In Wolf's account, *penal populist* refers to an approach in which criminality arises from “willful antisocial behavior” (instead of social exclusion) and endorses imprisonment as a main anticrime strategy (51).

4. Specifically, “youths join these groups to fulfill a variety of individual social needs, not specifically to engage in criminal and violent acts. Antisocial behavior is a byproduct of gang affiliation, rather than a goal, and, as such, requires different responses. Street gangs are generally incapable of operating like organized crime groups, which require mature, professional members with organizational skills, well-defined leadership, and specialist group roles” (66).

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