

## 2. Organized Crime and the Drugs Trade

### *Key definitions: why organized crime and the drugs trade are important security sector issues?*

Organized crime refers to criminal networks involved in illegal activities for profit, including the illegal trade in drugs, people, arms, or environmental commodities, among others. It is a global problem, often transnational in nature, that causes corruption and fuels violence which undermines public safety and, in some cases, national security. Transnational organized crime also threatens economic stability and can cause significant damage both to, and through, the world financial system as a result of diversion, distortion and exploitation in legitimate markets and regulatory regimes. Organized crime groups—and in particular those involved in the drugs trade—can grow powerful enough to infiltrate and control politics or to confront state security forces with direct violence. Organized crime and the drugs trade are often associated with gangs, which can be violent and undermine public safety, especially in cities, and national security through armed conflict. In all of these cases, an effective security sector is necessary for a state to be able to provide public safety and national security in the face of powerful armed criminal actors. However, the security sector can only be considered effective in its fight against organized crime and the drugs trade if it acts within the rule of law and protects human rights in the process of providing security. Yet in many countries, security providers fail at this goal and themselves become a danger to the public and their safety. Because of the threat posed by organized crime and drugs, states may take aggressive action to try to curtail both: what are sometimes called militarized or securitized approaches, mano dura policies, or a war on drugs. This can take the form of domestic security policies that may use force inappropriately, or apply policies that result in high levels of arrest and incarceration. At the same time, organized crime and drugs trade are by their nature a transnational issue, which some states try to address by sponsoring aggressive security policies in countries where they believe the problem originates. This can distort domestic safety and security policies in favor of force structures, operational priorities, tactics and weapons that might not be appropriate for the context or align with national security priorities and oversight capacities. These risks and tradeoffs need to be taken into account when governments develop policies to confront the challenges of organized crime and the drugs trade.

### *Why security sector reporting on organized crime and the drugs trade is important*

Reporting about the security sector is essential to informing the public of the complexities of public policy choices about how to face the threat of organized crime and the drugs trade. There is a critical balance to be struck in describing the threat that organized crime and the drugs trade pose, against the negative consequences of overly aggressive and violent security policies. For example, aggressive use of force against organized criminal gangs in some contexts has resulted in violence and marginalization of the communities these criminal actors exploit for their activities. Moreover, heavy-handed security policies targeting the drugs trade has in some cases led to disproportionately high rates of incarceration and social dislocation, when a public health strategy might have been more successful. In the face of intimidating rates of violence and crime, public reactions often tend quickly to move towards these types of hardline and punitive approaches because they are perceived to have a deterrent effect. Reporting that emphasizes the security threats of organized crime and the drugs trade without explaining the dangers of aggressive security policies can skew public opinion in favor of aggressive policies that may ultimately be harmful to public safety and national security. Indeed, some security sector authorities actively seek the support of media and journalists to build support for such narratives. While it is not the role of journalists to argue for or against particular security policies, an independent analysis of a particular approach can help the public better understand the policy choices available. Journalists can report on how the security sector is protecting human rights and respecting rule of law in

their policies to curtail organized crime and the drugs trade both at home and abroad. While clearly within the public interest, such reporting can be especially dangerous for journalists because it can threaten organized crime interests that may have infiltrated government or the security sector. Journalists working on this type of reporting must therefore be especially attentive to their safety and those of their sources.

### *Key issues for reporting on organized crime and the drugs trade*

A law-and-order issue or a health issue? A common approach for countering the drugs trade is to introduce harsh penalties for drug users. Since drug use in almost all countries is both illegal and criminal, security policies intended to curtail drug use are often based on law enforcement approaches that emphasize harsh penalties for possession and personal use of drugs and often result in high rates of incarceration. These policies can have serious detrimental effects by burdening court and prison systems and creating dislocation in the lives of people who are otherwise not involved in criminal activity. Since imprisonment in most places is correlated with reoffending and high rates of drug use and addiction, so-called law and order policies may exacerbate the problem they aim to solve. For these reasons, alternative approaches have sought to treat drug use and addiction as health and rehabilitation challenges while focusing law enforcement efforts on the organized crime elements supporting the drugs trade.

#### → Journalists can ask:

- ✓ What are the experiences of different communities facing threats from organized crime and the drugs trade?
- ✓ What approach to countering the trade and use of drugs is the security sector currently applying?
- ✓ Is there evidence that these policies are counter-productive for victims, affected communities, or the security sector itself?
- ✓ What knock-on effects are current approaches having in court and prison systems?
- ✓ How do security policies intended to combat organized crime and the drugs trade affect potential victims of the trade and their communities?
- ✓ How are current security policies serving the interests of the communities most affected?
- ✓ Are public health approaches combined appropriately with security measures to counter the demand for drugs and illegal demand?

Appropriate use of force? Security policies to fight organized crime and the drugs trade have in many cases led to aggressive use of force. In some cases, this has meant that military forces have been deployed for domestic security operations, or police forces – and even private security personnel – have been equipped with tactics and weapons capabilities usually typical of the military. With insufficient control or accountability, these policies have sometimes resulted in security forces using excessive force which at times has proven deadly. Special units created to tackle organized, and especially violent, crime also have a troubled record of forming unaccountable internal cultures that encourage abuse. Political leaders under pressure to appear “tough on crime” have at times encouraged or promoted aggressive use of force against perceived criminal elements. This can create an atmosphere where abuses by the security forces are tolerated or condoned because they are seen to have tacit political support. At a minimum, human rights and rule of law, as well as the lives and well-being of the public, need to be protected by legal frameworks and institutional policies that carefully and clearly restrict the use of force in law enforcement operations. Training and internal control within the security sector must be focused on preventing abuse. Oversight mechanisms must be in place to ensure these rules are observed and that abuses are identified and punished.

## → Journalists can ask:

- ✓ Are security forces being deployed within the limits of the legal mandates in domestic operations?
- ✓ Does clear guidance or rules of engagement for the use of force in the context of such operations exist for every force?
- ✓ Are current policies on the use of force aligned with international standards?
- ✓ Is respect for rules and regulations within the force clearly demonstrated by leadership within security institutions?
- ✓ Are political authorities clear and vocal in their support for security tactics that respect the rule of law and human rights, even at the risk of appearing “soft on crime”?

**Box 11 Practical example: “How the Duterte government underreports drug war killings”**

In the Philippines, President Duterte was elected on a platform of a hardline “War on Drugs”, which reflected the aggressive campaign he had led as the mayor of a major city. With political support at the highest level for aggressive tactics, law enforcement began an increasingly violent crackdown that resulted in a large number of extra-judicial killings and other abuses by law enforcement. An in-depth 3-month investigation on the police killing of drug suspects by local journalists brought to light the breadth and systematic character of these extrajudicial killings. The Duterte government reacted negatively to the accusations and evidence presented in the investigation, mounting various prosecutions against the media outlet responsible for the reporting and personally against its chief editor, Maria Ressa. This example demonstrates how reporting on security sector responses to the drugs trade can play a vital role in uncovering and drawing public attention (both nationally and internationally) to vital matters of human rights abuse and rule of law related to abusive law enforcement. At the same time, it also shows how a government may choose to violate these principles in its security policies and suppress reporting on the same subject.

Sources: Rambo Talabong, “How the Duterte government underreports drug war killings”, September 2020, <https://www.rappler.com/newsbreak/in-depth/how-duterte-government-underreports-drug-war-killings>;

“Philippines’ Duterte: from war on drugs to war on media?”, Januray 2018, <https://www.scmp.com/week-asia/politics/article/2129536/philippines-duterte-war-drugs-war-media>;

James Griffiths, “Philippines journalist Maria Ressa found guilty of ‘cyber libel’ in latest blow to free press CNN Digital Expansion 2017”, June 2020, <https://edition.cnn.com/2020/06/14/asia/maria-ressa-philippines-cyber-libel-intl-hnk/index.html>

**Serving the national interest?** Organized crime and the drugs trade are often part of international networks. Consequently, the failure to address the problem in one place can contribute to security threats in faraway places especially in fragile contexts where security sector capacity overall may be weaker. For this reason, the development of security sector capacities to fight organized crime and the drugs trade is often sponsored by international actors who have a vested interest in stemming the trade in drugs or activities of organized crime. Support for this type of capacity building may dwarf the development of other, more relevant security capacities at the national level, and there is rarely sufficient attention paid to developing the management and oversight processes to ensure the protection of human rights, rule of law, and alignment with national security priorities. Internal and regional cooperation agreements or organizations might be involved in shaping how countries of origin, transit or destination shape their security responses to organized crime and the drugs trade (as well as other types of illicit trade).

→ **Journalists can ask:**

- ✓ What role does international support play in sponsoring domestic security policies and capacity development for countering organized crime and the drugs trade?
- ✓ How are these priorities defined and do they reflect the national context and security priorities well?
- ✓ How are funds provided for security sector capacity building used?
- ✓ What can investigations of programs, budgets and progress reports from source countries reveal about this type of assistance?
- ✓ What international or regional agreements, alliances or organization influence this kind of support?

**Box 12 Practical example: “Has Plan Colombia really worked?”**

In 2016, the BBC reported on a meeting between US President Barack Obama and Colombian President Juan Manuel Santos that was to mark 15 year of US assistance to Colombia in responding to its internal problem with drug trafficking. Known as Plan Colombia, this assistance aimed to end the trade in drugs and reduce violence related to it, in the context of Colombia's ongoing internal conflict. Plan Colombia heavily emphasized the training and equipping of Colombian police and military forces, with more two thirds of the funding supplied going directly to these objectives. The success of Plan Colombia is defended by both the US and Colombian authorities yet widely disputed in other quarters. The report presents eight unexpected consequences linked to the plan, together with both positive and negative views on each. This is an example of how security sector reporting can inform the public of efforts by one country to end the drugs trade in another and the unintended consequences for the security sector, public safety, and national security of countries that accept such assistance.

---

*Sources: Natalio Cosoy, “Has Plan Colombia really worked?”, BBC News, Colombia, February 2016, <https://www.bbc.com/news/world-latin-america-35491504>*

**Further resources on security sector approaches to organized crime and the drugs trade:**

- Organised crime, corruption, and the vulnerability of defence and security forces, by Transparency International. Available at: [http://ti-defence.org/wp-content/uploads/2016/03/1112\\_OrganizedCrime\\_Report.pdf](http://ti-defence.org/wp-content/uploads/2016/03/1112_OrganizedCrime_Report.pdf)
- Organized crime and gang violence in national and international law, by Pierre Hauck and Sven Peterke. International Review of the Red Cross. Available at: <https://www.icrc.org/en/doc/assets/files/other/irrc-878-hauck-peterke.pdf>
- Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, by Amnesty International. Available at: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>
- Regulating the Use of Force by Private Security Providers – A Guidance Tool for States, by DCAF. Available at <https://www.dcaf.ch/regulating-use-force-private-security-providers-guidance-tool-states>