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THE DRUG TRADE: THE POLITICIZATION OF CRIMINALS AND THE CRIMINALIZATION OF POLITICIANS

Moisés Naím *

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• PhD. Senior Associate, International Economics Program - Carnegie Endowment for International Peace, Washington D.C.

Introduction: More than drugs

Hashim Thaci is the head of a mafia-like Albanian group responsible for smuggling weapons, drugs and human organs through Eastern Europe. He also happens to be the prime minister of Kosovo.¹

In November 2008 William Klein, then the economic counselor at the U.S. embassy in Kiev, informed Washington that Dmitry Firtash, one of Ukraine's wealthiest oligarchs, was taking over one of the country's largest banks. In his cable, the U.S. diplomat described Firtash's extensive associations with top politicians and government officials. And with Seymon Moglievich, the leader of a well-known Russian criminal organization².

Through another cable obtained by WikiLeaks we learn that Nicaragua's president, Daniel Ortega, funded his electoral campaign with money from international drug traffickers and through suitcases full of cash sent by Venezuela's president Hugo Chavez³.

President Chavez is known for the use of his unlimited access to his nation's oil money to support his allies in other countries. In one well documented 2007 incident, a suitcase with US \$ 800,000 in cash was accidentally discovered by customs agents in Buenos Aires in a private plane arriving from Caracas with officials close to Argentina's President Nestor Kirchner and Chavez. The cash was either destined to fund the electoral campaign of the president's wife, Cristina Kirchner; a kickback on its way to the pockets of its corrupt beneficiary or a combination of both.⁴ According to the testimony in a trial held in the United States involving some of the participants in this event, one of the key players in the attempt to cover it up was Henry Rangel Silva, a Venezuelan General⁵. In November 2010, President Chavez appointed General Rangel Silva as the top commander of the Venezuelan armed forces.

Two years before, the US Treasury Department had officially designated General Rangel as a "drug kingpin", accusing him of "materially assisting narcotic trafficking activities".⁶ According to the United Nations Office on Drugs and Crime, Venezuela now accounts for more than half of all the cocaine shipments to Europe —often via Africa⁷.

African countries have become important transshipment points for drugs coming from the Andes and parts of Asia on their way to rich and drug-hungry European markets. Inevitably, several African rulers and their families as well as military officers, politicians and members of

¹ This grave accusation is not the gossipy, unfounded assertion of a rogue journalist. It is one of the findings of a December 2010 report of the Council of Europe. The Guardian, "Kosovo PM is head of a human organ and arms ring, Council of Europe reports" December 14 2010

² The Guardian, "US embassy cables: Ukrainian gas billionaire has close ties to Russian crime boss"; December 1, 2010

³ El Pais, "EEUU:Chavez y el Narcotrafico financian la Nicaragua de Ortega" December 6 2010

⁴ Hugo Alconada "Los Secretos de la Valija" Buenos Aires, Editorial Planeta, 2009

⁵ Ibid.

⁶ El Universal (Venezuela), "Brand-new General-in-Chief has been accused of drug trafficking"; November 15, 2010

⁷ UNODC " **World Drug Report 2010: drug use is shifting towards new drugs and new markets**", June 23, 2010. Also USA Today, "Venezuela drug trade booms"; July 21, 2010

the judiciary entered the narcotics trafficking business. In Guinea, for example, the country's biggest narcotics kingpin turned out to be the president's son⁸. In South Africa, Jackie Selebi, the former National Police Commissioner, was sentenced in 2010 to 15 years in prison after it was discovered that he was a leader of one of the country's main criminal syndicates⁹.

Police departments, the military, the courts and the media are increasingly the takeover targets of criminal organizations.

The Venezuelan military, for example, is far from unique in having some of its commanders colluding with drug traffickers. According to secret cables released by WikiLeaks, members of Burma's military junta enrich themselves with drug money¹⁰. In December 2010, the InterPress Service reported that "As military-ruled Burma prepares to unveil its new political cast, an enduring link between the junta and the country's notorious drug lords is poised to come under the spotlight. Among the candidates who won in the South-east Asian nation's first election in 20 years on November 7th, six are well known drug barons¹¹"

The intertwining of the state and criminal organizations is also evident in Afghanistan, where top government officials and provincial governors –including President Karzai's own brother—are routinely accused not just of colluding with drug traffickers but of actually leading these organizations.¹² In Bulgaria, Atanas Atanasov, a member of parliament and ex-chief of counterintelligence, observed that "Other countries have the mafia, in Bulgaria the mafia has the country"¹³.

These are not isolated examples. The point of all these vignettes is to illustrate that they are part of a broader trend whose manifestations are visible from Asia to Africa and from Eurasia to Europe or Latin America. Criminals are in power.

A lucid summary of this global trend was provided by Spain's special prosecutor for corruption and organized crime, Jose Grinda, while presenting a paper about the Spanish case to a meeting of experts convened in Madrid in 2010.¹⁴ Grinda outlined the multifaceted ways in which the Russian Mafia operated in Spain and how, during the decade in which he investigated organized crime in his country, he came to realize that it was often impossible to tell apart the criminal organizations from the governments of the countries in which they were

⁸ The New York Times, "Cables Portray Expanded Reach of Drug Agency" by Ginger Thompson and Scott Shane; December 25, 2010

⁹ BBC, "South Africa ex-police chief Selebi jailed for 15 years" August 3, 2010

¹⁰ The New York Times "Cables Portray Expanded Reach of Drug Agency" by Ginger Thompson and Scott Shane ; December 25, 2010

¹¹ IPS " Junta's Drug Exports to China test Economic Ties" by Marwaan Macan-Markar December 31, 2010

¹² The New York Times "Inside Corrupt-istan, a Loss of Faith in Leaders" by Dexter Filkins; September 4, 2010

¹³ The New York Times "Mob Muscles its Way into Politics in Bulgaria" by Doreen Carvajal and Stephen Castle , October 16, 2008

¹⁴ Jose Grinda Gonzalez "The Organized Crime and the Russian Mafia" paper presented at the the US-Spain Counter-Terrorism and Organized Crime Experts Working Group, Madrid January 13 2010

based. According to Grinda, Spain is constantly and severely challenged by criminal networks that often are mere appendices of the governments of Russia, Belarus, Chechnya and Ukraine, nations that he labeled “virtual mafia states”. Moreover, in these countries the government and the criminal organizations often worked together through “legal” business conglomerates with close ties to political leaders and top government officials and their families and friends.

After the meeting, the then U.S. Ambassador to Spain sent a secret cable to Washington (now publicly available through WikiLeaks) with the prosecutor’s analysis, noting that “Grinda’s main gripe is that the Russian state appears to be protecting or using certain high-level criminals... and that what he has read from 10-12 years’ worth of investigations on OC (organized crime) has led him to believe that *whereas terrorists aim to substitute the essence of the state itself, OC seeks to be a complement to state structures* (emphasis added). He summarized his views by asserting that the GOR’s [Government of Russia] strategy is to use OC groups to do whatever the GOR cannot acceptably do as a government”.

Two examples (among many offered by Grinda) of the use by the Russian government of criminals syndicates were a gun running operation to the Kurds using a mafia operative controlled by the Russian military intelligence which was aimed at destabilizing Turkey and the mysterious case of a ship [the *Arctic Sea*] believed to have been loaded with a cargo of sophisticated weapons that was “hijacked” in the high seas and disappeared for several days. Grinda asserts that this was part of a joint operation by Eurasian security services and organized criminal groups”¹⁵

But the central message of Grinda’s analysis is that in the nations that he calls “mafia states” the interlock of criminals and political leaders is vast, deep and permanent. According to Grinda, “*one cannot differentiate between the activities of the government and OC [organized crime] groups*”¹⁶ .

His conclusion is uncannily similar to a report of the Council of Europe: “*The signs of collusion between the criminal class and the highest political and institutional office holders are too numerous and too serious to be ignored*”.¹⁷ This report was about Kosovo. Grinda was discussing his experience in Spain. Yet, both conclusions are perfectly – and disturbingly - applicable to too many other countries in the five continents.

From this last observation flows a sobering and important corollary: Fighting drug trafficking is no longer about drugs. It is about government. The main focus of the fight should not be about stopping addicts from using drugs. It should be about stopping criminals from taking over governments around the world. Yes, drug use is a problem. But one that pales in comparison to the threat posed by the proliferation of mafia states.

¹⁵ Ibid. For an interesting analysis of the role of organized crime in Russia and its neighboring countries see also Thomas de Waal : “Mafiosi in the Caucasus” in The National Interest Online December 22, 2010.

¹⁶The Guardian: “WikiLeaks cables: Russian government ‘using mafia for its dirty work’”. December 1. 2010.

¹⁷ The Guardian,” Kosovo PM is head of a human organ and arms ring, Council of Europe reports” December 14 2010.

Illusion and reality in global crime

In my book *Illicit*¹⁸ I alerted the reader to three assumptions that are as common as they are wrong. The first is that with respect to international crime there is nothing new. The assumption is that illicit trades, smuggling, black markets and crime are part of the human experience and, therefore, "there is nothing new under the sun". The second mistaken assumption is that smuggling --of drugs, weapons, people, human organs, dirty money or any other contraband-- across national borders is a criminal activity that should therefore be conceptualized as such and fought with the usual crime-fighting tools: law enforcement, the courts and punishment through fines or incarceration. The third wrong assumption is that, like crime in general, illicit trade is an "underground" phenomenon that only involves a small community of deviants that operates at the margins of society¹⁹.

The reality is very different. There is plenty that is new about crime --not least its ability to seize the opportunities spawned by the technological, economic and political revolutions that exploded in the 1990s and continue today. Criminal networks --especially those which already operated in multiple countries-- were "early adopters" of the innovations in communication and transportation of the 1990s. And they also were the "first movers" into the new markets opened by the economic and political reforms that many countries implemented after the fall of the Berlin Wall. Criminal networks were --and continue to be --at the forefront of globalization, of technology and politics.

It is, of course, true that criminals, smugglers and black markets have always existed. But never before have criminal organizations had the ability to operate at a global level with such ease and therefore reach a scale and scope in their activities that easily match those of the world's largest multinational corporations. And, if large multinational corporations are politically powerful, why assume that large international criminal organizations will not invest sizable parts of their immense revenues to gain political power? They will --and they do. Yes, crime and politics often go together. But now these associations have an immense capacity to impact business, society, geopolitics, international security and national politics. In the 20th Century the Italian mafia was large and powerful and it then expanded its operations to the United States. But it never acquired the global reach or the political influence, economic might or international diversification now common among some of the largest transnational criminal organizations based in Russia, China, Eastern Europe or Latin America²⁰.

One consequence of the criminal organizations' newly acquired potency is that the traditional tools to fight them are no longer adequate. As the opening vignettes to this text make abundantly clear, the leaders of these criminal cartels are no just mere criminals; they are also heads of state, top military officers, politicians, spy chiefs or the owners of some of the world's largest and best endowed business conglomerates. As Grinda, the Spanish prosecutor, explained, he often found himself not just fighting mafias but rather mafia *states*. And, as he also aptly noted, while terrorists aim to destroy the state, criminal organizations seek to take it over and use its resources and institutions to consolidate their power and expand their activities

¹⁸ Moisés Naím *Illicit: How Smugglers, Traffickers and Copycats are Hijacking the Global Economy*, Doubleday 2005

¹⁹ *ibid.* Pages 3 to 7

²⁰ See *Illicit* chapters 11 and 13 and Misha Glenny *McMafia: A Journey Through the Global Criminal Underworld*, Vintage 2009

at home and abroad. The asymmetry of a lone national prosecutor fighting a criminal organization which is not only transnational, wealthy, violent and ruthless, but that can also command the full support of a national government and its diplomats, judges, spies, generals, cabinet ministers and chiefs of police is jarring. Protecting society are overworked courts which have to rely on old legislation, unwieldy international treaties and the usual limitations of slow moving and resource constrained government bureaucracies. Confronting them are fast moving, highly motivated organizations with the money to hire the best legal and financial talent, acquire the most advanced technology and recruit the most powerful allies inside and outside government.

Another asymmetry stems from the fact that law enforcement agencies are inherently national, while the large and most dangerous criminal organizations tend to operate in multiple national jurisdictions. Governments are designed to function *inside* national borders, whereas smuggling organizations are designed to operate *across* them. For government agencies, national borders are straightjackets, while for smugglers borders are what allow them to exist, grow and prosper. Without national borders different prices for the same good or service (cocaine or a worker's salary, for example) would not exist. These price differentials are what in turn create the huge profit opportunities seized by the smugglers. In addition, borders also serve to shield criminals from another country's law enforcement agencies.

These asymmetries are very problematic and the tools we have to counter their effects (treaties, multilateral organizations, intergovernmental bodies, law enforcement cooperation, etc) are slow and unwieldy. The idea that progress in the fight against international criminal cartels requires an internationally coordinated response is now widely accepted. But how does a government coordinate its anti-crime efforts with another nation whose government leaders are also the leaders of a state-sponsored mafia? How do you collaborate with another nation's police department when it is headed by a kingpin?

In 2006, the heads of police of 152 nations met in Brazil for the 75th General Assembly of INTERPOL, the multilateral organization whose mission is "To ensure and promote the widest possible mutual assistance between all criminal police authorities..." In its opening speech INTERPOL's president exhorted his colleagues "to find systems to make sure that our borders and border control are on a firm footing...²¹". A noble cause --except that on that occasion it was being championed by a crime lord. The speaker was Jackie Selebi, then South Africa's Chief of Police, and who, as already noted above, is now in jail serving a 15 years sentence for his role in leading one of his country's criminal organizations.

This complexity is compounded by the reality that, in contrast to another common assumption, in many countries criminals are no longer "underground", they are not marginal members of society and most are not particularly deviant. In fact, the contrary is all too often the case. The leaders of criminal organizations are frequently well-known to the public and instead of living in hiding or "underground", they are regularly featured in the newspapers society pages or in the sports events of the popular teams they own. They are some of their nation's largest philanthropists who also control TV and radio stations as well as influential newspapers. They are members of their nation's political, military, business, cultural and media elites. And the "foot soldiers", who are not the members of the elite, are average members of society and not

²¹ INTERPOL: 75th General Assembly, Speech by INTERPOL President Jackie Selebi, Rio de Janeiro, 19 September 2006
<http://www.interpol.int/public/ICPO/speeches/75thGASelebi.asp>

necessarily criminal deviants. The millions that are actively involved in China's counterfeit industry, in Afghanistan's drug trade, that smoke marijuana regularly or the hundreds of thousands that every year hire criminals to smuggle them to Europe or the United States or the professional couple in Manhattan or Milan that employs an "illegal" worker" knowingly breaking the law don't fit any of the standard definitions of deviancy found in criminology texts. They are not deviants, but average members of a vast social group.

In the first section, I concluded that the main threat to society stemming from the global narcotics trade is not the health of drug users or the consequences of their individual behavior on others, but the more ominous consequences that result from the widespread capture of governments by criminal organizations. Therefore a main goal of any initiative aimed at curbing the drug trade should not be reduced to containing the production and consumption of narcotics. It should aim at containing the proliferation of mafia states and neutralize those that already exist. What this section highlights is that these criminal organizations have acquired unprecedented power, that they are deeply embedded in their societies and that those who fight them do so with enormous disadvantages. This is an asymmetric war in which honest governments are on the weaker side of the battle.

What to do?

The list of policy prescriptions related to the fight against drugs is as well known as it has been hard to transform into an effective global action plan that yields lasting results. The usual recommendations include all or some of the following:

- Approach drug use as a public health issue and not as a "war" on drug consumers.
- Spend more on prevention and less on interdiction and incarceration. Shift public funds from policing, courts and prisons to clinics, hospitals and education. Make "harm reduction" the priority.
- Selectively deregulate and decriminalize individual use while attacking the networks that transport and distribute large volumes and the harder drugs.
- Go after the funding and disrupt the finances, logistics and infrastructure of the criminal networks.
- Target the leaders and kingpins as well as the "facilitators" (lawyers, accountants, and experts in finance, logistics, trade and information technology)
- Unify what continues to be highly fragmented and poorly coordinated national and international anti-drug trafficking efforts.
- Develop more effective multi-country initiatives and invest in multilateral approaches that aim to match the networks international mobility and scope of operations. Create "global networks" of anti drug experts, magistrates, law enforcement agencies and policy leaders.

Different countries have adopted these measures with varying degrees of intensity, effectiveness and success. But despite the widely accepted rhetoric that recognizes that a global problem cannot be fought with purely national solutions, the bulk of the efforts continues

to have a substantially national orientation. Also, while there is increasing recognition that the global criminal networks now pose threats to the functioning of democracy, to the financial sector, to the survival of entire industries, to citizen safety, human rights or that they can even become dangerous sources of geopolitical instability, the work of police departments and other law enforcement agencies continues to be divorced from the activities of the agencies in charge of national security. Needless to say, in many countries some of the standard prescriptions listed above --especially those in favor of abolishing prohibition-- are politically untouchable even by leaders that in private are ready to accept that the current approach is not working and is even harmful to their society.

But the most dangerous lag in our collective understanding is that criminal enterprises have now become governments and that some governments have taken over criminal organizations not to dismantle them but to use them for their financial, political and military advantage.

Criminals are becoming politicians and government officials. And top government officials and political leaders are doubling as the heads of vast --and often international-- criminal enterprises.

This "inconvenient truth" may lie at the heart of the slow progress and frequent failures that characterize the efforts to contain the growth of international criminal organizations in general and drug trafficking in particular. Progress will require that publics everywhere become more aware of the immense threat posed by the criminalization of governments. But such an awareness will be hard to generate while so many aspects of the approach to curb drug use remain as controversial as they are today. In many countries the mere suggestion of abolishing prohibition in order to reduce incentives, and allow governments to concentrate their limited resources on battling the most harmful aspects of the drug trade elicits accusations of being soft on crime or worse.

Perhaps the way in which the once controversial "inconvenient truth" regarding global warming became more accepted and eventually found its way into serious debates, public policies and even global treaties may show a possible trajectory that the inconvenient truth regarding the growing criminalization of governments may also follow.²²

Al Gore's movie and book, his two Oscars and the Nobel Peace prize alone would have not created the groundswell of political support that led governments everywhere --but especially in the United States-- to initiate actions to respond to what had been long seen as a highly speculative, ideologically driven and scientifically controversial possibility. New data and better science about global warming and its climatic consequences were the indispensable complements that led to Al Gore's spectacular success at energizing a hitherto lethargic and largely indifferent public. On the other hand, science alone or the consensus among specialists might have also been insufficient to motivate the public to pay attention and governments to act. It was the combination of better data, more science and an effective public campaign what led to shifts in public opinion and eventually --and slowly-- to policy changes. These same ingredients are needed to spark the reactions that will lead to more effective initiatives against the threats posed by the criminalization of governments.

Stopping the proliferation of criminal governments and not drug consumption per se should be the priority of our efforts.

²² Al Gore, **An Inconvenient Truth: The Planetary Emergency of Global Warming and What We Can Do About It** (Rodale, 2006)