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The Global Fix: The Construction of a Global Enforcement Regime

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In this issue of *Crime & Globalisation*, Michael Woodiwiss and Dave Bewley-Taylor track the history of the concept of organized crime and its metamorphosis into a 'transnational' phenomenon allegedly posing a serious threat to global world order. They show how the United States has dominated the construction of a global enforcement regime by interlinking concepts of drugs prohibition and combating organized crime. The "limited and blame-shifting approach" to organized crime pioneered by the US, the authors argue, has steered attention away from corporate criminal activities towards conspiracies of criminal organisations.

This "dumbed down" version of what constitutes organized crime was embraced by the international community with passage of the 2000 UN Convention Against Organized Crime; a treaty viewed by Washington as a natural extension of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Such an understanding takes no cognisance of the criminogenic aspects of the current neo-liberal globalisation process, nor does it help meet the security needs of developing countries, particularly in relation to the increasing urban crime problems of the booming shanty towns of the South.

A first version of this briefing was presented to a seminar on Global Enforcement Regimes organized by the Transnational Institute in April 2005.¹ The seminar looked at the emerging new Washington Consensus on how to fight, as a major global security threat, the underground "axis of evil" of drug trafficking, transnational organized crime and international terrorism. A body of multilateral agreements have already been put in place "to fight the scourge".

At the UN and G8 levels, conventions against transnational organized crime and regulations to counter money laundering are accepted, while the UN Security Council has set in motion a global programme against international terrorism. The pattern is remarkably similar to that of the US internationalisation of the war on drugs. Drug trafficking and related issues like organized crime and the laundering of illicit proceeds are

first labelled as national security threats and this is then extended internationally. At European Union level, a similar process is taking place in order to harmonise security policy.

These agreements are reached at inter-governmental level (UN, G8, EU) and presented as a fait accompli before national parliaments. Furthermore, there are barely any mechanisms in place to evaluate the effectiveness or adverse effects of policy implementation. The emphasis is almost always on coercive and law enforcement measures and not on addressing root causes, which would result in unwelcome scrutiny of the current world order, and may even require a true internationalisation of many countries' real security interests.

Increasingly, the current security paradigm is being questioned. Many are unconvinced as to effectivity and point to the likely adverse effects on civil liberties, human rights and national sovereignty in the field of criminal justice. No-one doubts international co-operation is needed to address global security issues, but the effectiveness of the global enforcement regime currently under construction and whose interests are ultimately served is questioned. The problem is not to do with reaching consensus on transnational security problems being addressed at a transnational level. The problem lies with who is setting the agenda, and how transnational security policies are subsequently shaped.

The most striking aspect of the US approach is its exclusive concern with arresting and punishing harmful people rather than a more strategic approach that reduces the opportunity for harmful activity, Woodiwiss and Bewley-Taylor argue. Thus a flawed approach to organized crime has been fully internationalised. While the UN's crime prevention agencies have been perpetuating a misleadingly simple analysis of organized crime with the notion that 'bad guys threaten democracy and civilisation', other parts of the organization have produced studies that could contribute to a better understanding of transnational organized crime by looking at the mismanaged globalisation process.



¹ Global Enforcement Regimes: Transnational Organized Crime, International Terrorism and Money Laundering, Transnational Institute, 28-29 April 2005. For a report of the proceedings and other papers on the issue see: <http://www.tni.org/acts/enforce.htm>

During the 1960s there was the beginnings of a conservative intellectual revival in the United States that has evolved into the free market ideology now usually known as neo-liberalism. By the 1970s the work of Austrian economist Friedrich von Hayek came to be revered where once it had been ignored and others such as Milton Friedman, Jude Wanniski produced best selling polemics and prominent op-ed pieces in the newspapers. These argued in essence the equation 'Free Market = Freedom of the Individual' and claimed that any departure from this equation was no less than *The Road to Serfdom* to quote the title of Hayek's most influential book.²

Capitalism was not only efficient it was moral, according to the thinking of Alan Greenspan, the man who as Chairman of the Federal Reserve System would be largely responsible for the direction of US national monetary policy from the Reagan era to the 21st century. In a 1966 article that attacked government regulatory agencies such as the Pure Food and Drug Agency, the Securities and Exchange Commission, and those involved in welfare provision, Greenspan made the following claim:

*Capitalism is based on self-interest and self-esteem; it holds integrity and trust-worthiness as cardinal virtues and makes them pay off in the market place, thus demanding that men survive by means of virtues, not of vices. It is this superlatively moral system that the welfare statist propose to improve upon by means of preventive law, snooping bureaucrats, and the chronic goad of fear.*³

American big business was quick to climb aboard and put hard cash in support of the updated versions of laissez faire and social darwinism, and contributed to the setting up of such new right wing think tanks as the Heritage Foundation. The American right had a packaged message that had

enduring appeal. Government, they repeated endlessly, was the problem not the solution in all areas except defence, street crime, and, the main subject of this paper, proscribed drugs. Although the American right made gains during the 1970s it had to wait until the election as president of its most charismatic spokesman, Ronald Reagan, in 1980 to make real advances. Reagan ushered in a period of right wing dominance that persists to the present. While Friedman's monetarism greatly influenced the Reagan administration's economic policy, it should be noted that the economist's warnings about the dire consequences of drug prohibition policies were ignored. Instead Reagan emulated his predecessor, Richard Nixon, and massively expanded the nation's domestic and foreign anti-drug effort.

By the 1980s, the thinking behind International Monetary Fund (IMF) and World Bank policy was also dominated by neo-liberalism and neo-liberal principles dominate the management of the international economy to this day. This policy promotes reducing tariffs and trade barriers, deregulation and privatisation. Both financial institutions also claim that the way forward for Third World countries is export-oriented industrialisation. As a corollary to these positions, neo-liberals usually oppose labour and environmental standards in international trade deals and have little to say about crimes that affect working people in particular and the environment in general.⁴ Neo-liberals emphasise the positive outcomes in terms of wealth creation of the increasing economic integration of the world. They either ignore or find someone or something to blame for the downsides of 'Globalisation', because as they constantly reiterate, 'There is no alternative'.

Drug traffickers, arms traffickers, corporate fraudsters, kleptocrats, people traffickers, sweatshop operators and a host of other networked criminals have all profited by changes that have

¹ Michael Woodiwiss is a Senior Lecturer at the University of the West of England. Parts of this paper are taken from his most recent book, *Gangster Capitalism: The United States and the Global Rise of Organized Crime* (London: Constable & Robinson, 2005). His research was aided by a grant from the Nuffield Foundation. Dave Bewley-Taylor is a Senior Lecturer in American Studies in the School of Humanities at the University of Wales Swansea.

² Eric Hobsbawm, *Age of Extremes, The Short Twentieth Century*, (London: Abacus, 1994) 271.

³ Alan Greenspan, 'The Assault on Integrity', in Ayn Rand, (ed.), *Capitalism: The Unknown Ideal* (New York: The New American Library, 1966), 116.

⁴ See Jonathan Freidman, 'Neoliberal Globalization', *The University of Michigan Journal of International Affairs*, Issue 4, March 2004 at <http://www.umich.edu/ias/mjia/issue4/jf/friedman.htm> for a useful summary.

accompanied globalisation since the 1970s. This paper will argue that they have been allowed to do so because national and international organized crime control policies are woefully inadequate and the rights of people to be protected from crime have been subordinated to the rights of property. The situation now is best described as a global fix. This type of fix is not synonymous with bribery and corruption but it does, of course, involve both of these. The fix in this case involves worldwide networks of alliances, commitments and obligations, all mutually reinforcing, of such a nature as to move much of the world towards a condition of almost complete paralysis of law enforcement and observance. Crucial to this paralysis are the patterns of understanding that define the limits of debate about criminality and the meaning of terms like 'organized crime'. Precisely those things that need to be addressed become either inaccessible to thought or else are understood to be 'inevitable' – that is, beyond politics, unfortunate facts of human nature. So, for example, IMF and World Bank policies are considered almost exclusively as belonging to the realm of economics and therefore cannot be connected in anything like a meaningful way with the discussion of organized crime.

This paper argues that the current international response to transnational organized crime is inadequate, misdirected and in many ways counter-productive. This is largely because the international community has accepted an understanding of organized crime that closely resembles the limited and 'blame-shifting' approach of the United States to the problem. The international community, represented most prominently by the United Nations (UN), therefore seeks to control transnational organized crime using methods pioneered in the United States. The paper will briefly trace the 'dumbing down' of public and professional understanding of organized crime in the United States itself and will stress the impact of nation's moral crusade against such activities as gambling and drugs on this process. As a result of this dumbing down most Americans thought the problem was synonymous with a foreign crime group usually known as the Mafia by the 1960s. President Richard Nixon exploited this limited understanding to help push through the Organized

Control Act of 1970 which in many ways now acts as a model for other countries and the international community in its efforts to control organized crime. The authors argue that forceful action by the Nixon administration also accelerated the American war on drugs by strengthening a global drug prohibition regime based on a series of UN treaties. The paper then explores the close relationship and beneficial synergies that exist between the 1988 Convention and the UN Convention against Transnational Organized Crime, which was ratified in 2003. It concludes by detailing ways in which the structural adjustment programmes favoured by the IMF and the World Bank since the 1980s have contributed to the creation of conditions in many poor countries that will very likely exacerbate global organized crime problems. IMF and World Bank interventions in the developing world have often led to orgies of theft, violence and institutional madness and by an unfortunate irony this case is made best by a UN study.

The Genesis of Organized Crime

At the beginning of the 20th century there was no fixed understanding of organized crime in the American mainstream. Most 'serious' commentators used the term according to context and it was most often seen as synonymous with 'racketeering', a term that for most Americans meant illegal and fraudulent business activities such as selling illegal or stolen goods, insurance frauds, forgery and illicit gambling.

It was also widely understood that organized crime thrived in American legal markets because of a ideological rigidity that favoured the development of a poorly policed business system that left the door wide open to fraud, extortion and other types of organized criminality. In a 1907 book endorsed by President Teddy Roosevelt, for example, the sociologist Edward A. Ross argued that lawless and destructive business practices had created a need for a redefinition of ideas about crime. The typical new criminal of industrial society was, for Ross, one who prospered by destructive "practices which have not yet come under the ban of public opinion." Criminals from the poorer classes, he argued, had few opportunities to damage society. Big business



criminals, on the other hand, were “beasts of prey” who could “pick a thousand pockets, poison a thousand sick, pollute a thousand minds, or imperil a thousand lives.” Modern crime was based on betrayal rather than aggression, and monstrous treacheries exist on all levels of modern life: “Adulterators, peculators, boodlers, grafters, violating the trust others have placed in them.”⁵

By pointing out that many of the actions of businessmen were more destructive than more familiar forms of crime, Ross was attempting to broaden the definition of crime. Big business criminals robbed and killed on a much grander scale than ever witnessed before but, “... so long as morality stands stock-still in the old tracks, they escape both punishment and ignominy. “The man who picks pockets with a railway rebate, murders with an adulterant instead of a bludgeon, burglarizes with a ‘rake-off’ instead of a jimmy ... does not feel on his brow the brand of a malefactor.” “Like a stupid, flushed giant at bay, the public heeds the little overt offender more than the big covert offender.”⁶

America’s moral authoritarianism was just as rigid as the nation’s pro-business ideology and many commentators pointed out that organized crime thrived in American illegal markets as a result. America’s “high level of lawlessness,” “is maintained by the fact that Americans desire to do so many things which they also desire to prohibit,” as Walter Lippmann made clear in his famous ‘Underworld as Servant’ argument in 1931. “To the amazement of the older nations of the earth,” he continued, “we have ... enacted new legal prohibitions against the oldest vices of man. We have achieved a body of statutory law which testifies unreservedly to our aspiration for an absolutely blameless ... life on earth.” Lippmann pointed out that the main gainer from this situation was the American underworld. It flourished because it offered “something in return to the respectable members of society.” While ordinary criminals were wholly predatory, the “underworld has a different status.” “Its activities are in some degree

countenanced by the respectable; from among them it draws its revenues; among them it finds many of its patrons; by them it is in various ways protected.”⁷

The thinking of Ross, Lippmann and many others was not shackled by the kind of frozen images that dominate thinking on organized crime today. If their kind of thinking had continued to be influential then many more people would have understood that the key to understanding organized crime is opportunity. The chance to make large illegal profits with minimal risks encourages organized crime. It follows that groups or individuals that have partially or completely escaped effective regulation and control will tend to be engaged in organized criminal activity. Financiers, corporate leaders, those lower down the corporate hierarchies tended towards criminality because the risks were small and they were small in an America where property was clearly king. As Donald C. Stone, a historically conscious expert in public administration, put it in 1934, “With the centralization of business enterprise, with the dawn of big finance, and with the tremendously increased variety of business and social activities, rapacious manipulation and self-seeking avarice more easily victimize the rank-and-file of the citizens.” “The variety of rackets is endless,” he continued, “they thrive in small towns as well as large, wherever men try to get something for nothing.” He also illustrated a problem that has dogged those studying organized crime ever since: “the difficulty if not impossibility of drawing the line between legitimate practice and genuine rackets.”⁸ The unenforceable laws that attempted to prohibit alcohol, gambling, drugs and commercialised sex also made risks small for the host of politicians, police officers, and gangsters profiting from the newly created illegal markets. America had clearly become a land of criminal opportunity by the 1920s.

During the era of Franklin Roosevelt’s New Deal the acknowledged but undefined problem of organized crime was briefly understood as requiring more than extra police effort to arrest

⁵ Edward A. Ross, *Sin and Society: An Analysis of Latter-Day Iniquity*, (Boston: Houghton Mifflin, 1907) 29-30.

⁶ *Ibid.*, 26.

⁷ Walter Lippmann, ‘The Underworld as Servant,’ *Forum*, January and February 1931, excerpted in Gus Tyler (ed.), *Organized Crime in America*, (Ann Arbor: University of Michigan Press, 1967) 58-69.

⁸ Donald C. Stone, ‘Reorganization for Police Protection,’ *Law and Contemporary Problems*, Vol. 1, No. 1, December 1934, 452.

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and convict wrongdoers. The repeal of alcohol prohibition was a notable but rare admission in America that moral ideals are no match for human ingenuity and human nature. The restructuring of capitalism during the New Deal was the equally rare admission that capitalism needs protection from capitalists. Banking reform introduced by the Glass-Steagall Act, for example, diminished the opportunities for banking fraud. "Government by organized money," Roosevelt declared in a 1936 campaign speech, "was just as dangerous as government by organized mob."⁹

Roosevelt died on 12 April 1945 just months before the end of the Second World War. By that time the New Deal era of reform had ended and government activity had become far more deferential to the demands of big business and far less likely to seek to limit the damage of corporate organized crime. By the 1950s corporate officials and Wall Street financiers were now seen as socially responsible rather than as the greedy and corrupt capitalists who had almost led America into economic ruin a generation before. Many of the checks and balances introduced by the New Deal did remain in place for decades and to an extent kept the lid on organized corporate crime. They were slowly watered down, however, and eventually even removed. As the checks were weakened, corporate organized criminality became more institutionalised and destructive.

At the same time the problem of organized crime was redefined in ways that got corrupt business interests, graft-seeking police and politicians, and other professionals off the hook. These were now seen as deviant aberrations in the otherwise flawless American economic system. The system itself was usually described as one based on free enterprise ironically at a time when enterprise in America was becoming less

free. As corporate ownership became more concentrated, corporate dominance over the rest of society became less questioned.

Organized crime had to be seen as something external to America in the Cold War era and the idea of the Mafia dominating organized crime took root. The Mafia was said to be a major threat not just to America but to the rest of the world. "The Mafia," according to New York journalist Ed Reid, was "history's greatest threat to morality" and "the principal fount of all crime in the world, controlling vice, gambling, the smuggling and sale of dope, and other sources of evil."¹⁰ This limited focus also implied there could be no compromise contemplated in waging war against the activities that were thought

Organized crime had to be seen as something external to America in the Cold War era and the idea of the Mafia dominating organized crime took root

to be the lifeline of organized crime and in the control of the Mafia. Calls to legalise gambling or medicalise the problem of drug addiction were shouted down, if they were heard at all, condemned as capitulation to a foreign enemy. Organized crime was no longer seen as an out-

come of contradictory laws and inadequate oversight of business activity: rather it was now seen as a conspiracy of outsiders who were intent on undermining the country's moral policies and who had grown powerful enough to threaten.¹¹

The Mafia conspiracy theory explanation of organized crime allowed politicians such as Richard Nixon to claim that the only way to combat organized crime was repression. Nixon supported a series of measures in the 1970 Organized Crime Control Act that form the basis of not just American efforts against organized crime but now increasingly international efforts. The result had been the acceptance of the type of organized crime control regimes internationally that clearly have not come close to controlling organized crime in the United States. Many important out-

⁹ Roosevelt speech quoted in Arthur M. Schlesinger Jr., *A Life in the Twentieth Century: Innocent Beginnings, 1917-1950*, (Boston: Houghton Mifflin, 2000) 123.

¹⁰ Ed Reid, *Mafia*, (New York: Random House, 1952), 1.

¹¹ See Michael Woodiwiss, *Organized Crime and American Power: A History* (Toronto: University of Toronto Press, 2001) 227-65 for an analysis of this process.

and-out gangsters and others involved in organized crime have been arrested and convicted but other factors have undermined any positive benefits to be derived from the removal of these from society. In fact, since the 1970s, the moves to deregulate large areas of American business activity and intensify the war on drugs have opened up vast new areas of both corporate and gangster criminal activity. The scandals at Enron and other corporations testify to this, as do the proliferation of increasingly more violent street gangs and prison gangs. Despite mountains of evidence indicating the failure of American organized crime control efforts, the minds of government leaders across the world remain closed on the subject.

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This was not yet the case in the 1970s. Revelations about the role of International Telephone and Telegraph (ITT) in attempting to prevent the democratically-elected president of Chile, Salvador Allende, taking office in 1970 and many other multinational abuses shocked the international community represented by the United Nations to the extent of including corporate crime in its early deliberations over the problem of transnational organized crime. These deliberations considered the complexities of organized crime in ways that ran counter to America's misleadingly simplistic concentration on supercriminal organizations. Most significantly the international organization's early thought on the subject emphasised organized criminal activity and the involvement of otherwise respectable business institutions or persons in the problem rather than on the actions of distinct 'organized criminal groups'.

Discussions at the Fifth United Nations Congress on the Prevention of Crime in 1975, for example, were concerned about ways to curtail such illegal activities as bribery, price-fixing, smuggling, violation of regulatory laws by private companies, and currency offences such as transfer pricing involving the evasion or avoidance of tax¹² and the behaviour of transnational corporations as much as that of more conventionally understood organized criminal groups. In a section entitled, 'Crime as Business' which clearly recognized that much corporate crime was

organized crime, the Congress recommended further study of the following:

the variation that might exist in different countries regarding (a) the scope of the criminal law relating to "crime as business" and (b) the techniques used to control harmful forms of behaviour. For example, in some countries price-fixing was now regarded as criminal, whereas in others it was merely the subject of civil remedies. It was argued that it was also important to study value systems in relation to legislation, especially in respect of differences in the class structure of different societies. It was pointed out by several delegates that crime as business had its origins in class conflict, and that businessmen, managers, administrators and other economically powerful middle-class or upper class persons might tend to control the machinery of criminal justice so as to succeed in getting their own deviant and economically harmful behaviour defined as non-criminal.

The delegates making the latter point were in fact offering a prescient description of what happened with deregulation world-wide in the 1980s and 1990s.

Participants at the Congress also discussed what techniques might best be used to control crime as business. It was strongly argued by some participants that criminal law and imprisonment should be an integral part of business crime control rather than the trend towards decriminalization of many harmful business activities such as price-fixing and bribery. Criminal law and imprisonment would it was argued "have a definite deterrent effect in relation to businessmen-criminals, even though they might not be effective for other crimes."¹³

The United Nations had already showed its commitment to controlling the behaviour of powerful transnational business interests by establishing the United Nations Centre for Transnational Corporations (UNCTC) in 1974. The UNCTC began by investigating the activities and economic strength of transnational corporations concluding in 1985 that the 350 largest transnational organizations, about half of them

¹² On transfer pricing see Ingo Walter in *Secret Money* (London, Unwin, 1988) 16.

¹³ United Nations, *Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Report Prepared by the Secretariat* (Geneva, 1-2 September, 1975) 10-1.

based in the United States, had combined sales of \$2.7 trillion. This figure amounted to one-third of the combined industrial market economies and was far larger than the combined GNP of all the developing countries, including China. In the wake of the ITT revelations and clearly concerned about other possibilities for the abuse of such concentrated forms of power, the UNCTC also set out to elaborate codes of conduct for transnational corporations, most notably codes attempting to check corruption, ensure respect for human rights and for consumer and environmental protection objectives.

By the 1990s, however, the United Nations itself and the UNCTC in particular had come in intense criticism from the administrations of Presidents Ronald Reagan and George Bush (Sr.) and pro-business think tanks such as the aforementioned Heritage Foundation, accompanied by the US refusal to pay UN dues. To remedy what the Americans argued was UN 'waste and inefficiency' Bush's former Attorney General Richard Thornburgh was appointed Under Secretary General of the international organization in 1992. The following year, largely as a result of his efforts, the UNCTC was abolished and UN attempts to establish more effective controls over transnational corporations were largely abandoned.¹⁴ Thornburgh's role, according to Ian Williams in *The Nation* had been not just to cut the organization to the smaller size the United States wanted "but also to carve it into the shape the American right wants."¹⁵

From the 1990s discussion of the problem of organized crime under the auspices of the United Nations narrowed in ways that suited the worldview of the American right. It downplayed the criminal involvement of otherwise respectable business institutions or persons in the problem. Far from the concern showed in the 1975 meeting about the involvement of multinational corporations in harmful organized criminal activities, they were now threatened by 'crime multinationals'. These, according to the new line as presented by Boutros Ghali in 1994

and in the background literature to the Convention against Transnational Organized Crime 'poison', 'pollute', and 'infiltrate' legitimate business. This dumbing of organized crime discourse was no coincidence since by the 1990s the dominance of neo-liberal ideology was assured, affecting not just the World Bank and the IMF, but also the United Nations. The term 'neo-liberal', now represented the transference of the pro-market, anti-welfare, deregulatory and monetarist Reagan economic programme from its American homeland to the global arena. UN Secretary Generals Boutros Ghali and his successor, Kofi Annan, did little to impede neo-liberalism's global advance since they both wanted big business approval for UN policies and objectives. For these and other reasons analyses of organized crime that included multinational corporations in particular and misguided laws and policies in general as part of the problem were no longer acceptable. Transnational corporate criminality was therefore off the UN agenda by the new millennium, replaced, as we shall show, by a global commitment to support American dreams of a global drug prohibition regime and a hopelessly flawed understanding of transnational organized crime.

The 1970 Organized Crime Control

The 1970 Organized Crime Control Act gave Federal government officials new powers to fight the Mafia conspiracy. Organized crime control provisions in this act included: asset forfeiture; special grand juries; wider witness immunity provisions for compelling or persuading reluctant witnesses; witness protection measures; extended sentences for persons convicted in organized crime cases; and the use of wire-tapping and eavesdropping evidence in federal cases.

In the process of getting the Organized Crime Control Act passed, President Nixon articulated the law enforcement consensus on organized crime. He gave the Mafia conspiracy theory the seal of presidential approval in a message to Con-

¹⁴ Information on UNCTC from: Human Rights Sub-Commission 2000, *Relations between the United Nations and Transnational Corporations*, at <http://www.cetim.ch/20000/00FS04V4.htm>; Gerald Piel, 'Globalopolies', *The Nation*, 18 May 1992 at <http://www.globalpolicy.org/reform/gpiel.htm>; Friends of the Earth - International Forum of Globalization, *Towards a Progressive International Economy: A History of Attempts to Control the Activities of Transnational Corporations: What lessons Can Be Learned?* at <http://www.foe.org/progressive-economy/history.html>.

¹⁵ Ian Williams, 'Why the Right Loves the U.N.', *The Nation*, 13 April 1993 at <http://www.globalpolicy.org/reforms/williams.htm>.

gress on 23 April 1969. In it he described the Mafia's influence as "more secure than ever before," and warned that its operations had "deeply penetrated broad segments of American life." "It is vitally important," he continued, "that Americans see this alien organization for what it really is – a totalitarian and closed society, operating within an open and democratic one. It has succeeded so far because an apathetic public is unaware of the threat it poses to American life..."

He claimed that gambling was "the lifeline of organized crime" and would thus be the focus of the administration's efforts. Gambling, he elaborated, "provides the bulk of the revenues that eventually go into usurious loans, bribes of police and local officials, 'campaign contributions' to politicians, the wholesale narcotics traffic, the infiltration of legitimate business and to pay for the large stables of lawyers and accountants and assorted professional men who are in the hire of organized crime."

Nixon's position as president of the most powerful nation on earth allowed him to bring the US dream of a global drug prohibition regime closer to reality

In the same month as he made these claims, Nixon directed a group of presidential advisers to examine the effectiveness of the Executive Branch in combating organized crime. Nixon's advisers focused their study on the effectiveness of the federal anti-organized crime program in nine mainly North Eastern cities. After reviewing it with more than 100 federal, state and local state criminal justice and law enforcement personnel, they came to the damning conclusion that federal organized crime control was failing badly. The advisers' made many recommendations for improvement but their mandate restricted them to suggestions for structural and administrative changes in the Executive Branch. These they made but added the following comment which would have seriously undermined the Nixon line on organized crime had it been made public: "We would be negligent, however,

not to emphasize that organized crime flourish in today's legal and social environment. Even with administrative improvement, organized crime will continue to thrive so long as the community relies primarily on criminal sanctions to discourage gambling and the use of drugs."¹⁶

The Nixon administration paid no heed to the report's conclusions and recommendations, making sure that its findings were classified and destroying most copies. It then stepped up the war on first gambling and then drugs.

The Nixon administration's efforts against gambling were the final futile chapter in this part of America's program of moral reform. By the mid-1970s the increased federal effort against gambling had subsided with little accomplished despite the enormous expense involved in surveillance and prosecution.

The Nixon administration had meanwhile substituted drugs for gambling as the 'lifeline' of organized crime after a cynically devised escalation of the

country's drug control efforts. The intention was first to inflate the drug problem, second to blame crime on drugs, and finally give the impression of firm executive action by waging 'war' on drugs.¹⁷

Despite and in many ways, because of, the stepped-up enforcement, America's long-running war on drugs has continued to produce a world of institutionalised greed, chaos, corruption, betrayal and terror, which is far beyond that experienced during alcohol prohibition. Every president since Richard Nixon would rather tolerate corruption and trafficking on a massive scale than take part in a reasoned, well-informed debate that seriously considers alternatives to prohibition. Billions of dollars have been spent on enforcement but evidence of the corrupt and destructive consequences of drug prohibition continues to mount up.

¹⁶ All quotes taken from Executive Office of the President, President's Advisory Council on Executive Organization, *Organized Crime Strike Force Report*, Washington D.C., 19 November 1969, folder: Sourcebook, Organized Crime, Egil Krogh Files: Box 50, WHCF, (PACEO), Nixon Presidential Materials Staff, National Archives.

¹⁷ Ehrlichman testimony in *Federal Drug Enforcement*, Hearings before the Permanent Subcommittee on Investigations of the Committee on Government Operations, US Senate, 94th Congress, Second Session, July 27, 28, 29, 1976, Part 4, (US Government Printing Office, Washington DC, 1976) 794.

The United States, however, continued to invest in failed efforts at repression at home and persuade other countries to do the same. Since Nixon the line has been the same: Relentless enforcement at home should be combined with relentless enforcement abroad. Nixon's position as president of the most powerful nation on earth allowed him to bring the US dream of a global drug prohibition regime closer to reality.

Throughout his time at the White House Nixon made the war on drugs one of his highest priorities, regularly calling top-level meetings on the issue. These could include his cabinet, top administration officials, ambassadors and, even, on the 3 June 1971, the Chairman of the Joint Chiefs of Staff Admiral Thomas H. Moorer, plus General William Westmoreland, commander of US forces in Vietnam and three other top level military chiefs. The purpose of this latter meeting, according to the president's background briefing memo, was, "To indicate your (Nixon's) determination to attack drug abuse in a comprehensive manner." The memo advised Nixon in his closing remarks to "expect the fullest cooperation and support from all involved departments and agencies" or as a summary of the meeting put it, "President told group that ... Crapping around will not be tolerated." The contribution and reaction of the military chiefs was not recorded.¹⁸ One can speculate, however, that a kind of respectful bemusement and embarrassment was the likely reaction from men whose whole careers had been spent organising the nation's machinery of war to fight armed adversaries as opposed to the powders and pills that so concerned their commander-in-chief. They were also likely to be embarrassed because they were called in response to press reports about the large number of active servicemen known to be addicted to heroin.

Exporting the War on Drugs

Even before his first year of office was complete President Nixon showed that he had no inten-

tion of confining his war against drugs within American borders. On 29 September 1969 his national security adviser Henry Kissinger sent a memo to Secretary of State William Rogers and Attorney General George Mitchell that contained in it the essence of the stick and carrot approach of American drug control diplomacy as it exists until the present day:

The President is convinced that the problem of narcotics addiction in the US has reached proportions constituting a threat to our national stability. Most narcotics are grown and processed in foreign countries and smuggled into the US: this is particularly true of heroin. Under these circumstances, the President considers that any country facilitating, or in any way contributing to, international traffic in heroin is committing an act inimical to the United States.

Rogers and Mitchell were then directed "to study this problem on an urgent basis" and

recommend as soon as possible an action program that will make emphatically clear to those countries growing opium poppies that their non-medicinal cultivation must be stopped; and to those countries manufacturing finished heroin that their illicit laboratories must be closed... In your study you should consider methods of positive persuasion, including financial incentives for cooperation on the control of heroin traffic, as well as those of retaliation, in the event that any country refuses to cooperate in this program...¹⁹

In brief, from then on efforts to bully or bribe other countries into acceptance of an American-based global drug control regime would be intensified.²⁰

Nixon opened up many new fronts on the war on drugs. The first of these involved the use of US diplomatic power through the United Nations. John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs (BNDD), was

¹⁸ Egil Krogh, 'Meeting on Drugs with Top Administration Officials and Military Chiefs', Memo for: The President, 2 June 1971; 'Summary, Narcotic Meeting, State Dining Room, 3 June 1971', Egil Krogh Files: Box 4, WHCF, - 1971, Nixon Presidential Materials Staff, National Archives.

¹⁹ Henry Kissinger, 'Study of Means to Stop International traffic in Heroin', Memo for: The Secretary of State, the Attorney General, 29 September 1969, Egil Krogh Files: Box 30, WHCF, Folder: Heroin/Turkey - 1969, Nixon Presidential Materials Staff, National Archives.

²⁰ For a discussion on US efforts to develop and maintain the global drug prohibition regime see David R. Bewley-Taylor, *The United States and International Drug Control, 1909-1997 Continuum, 2001*

sent to a special session of the UN Commission on Narcotic Drugs (CND) in the autumn of 1970. His brief was to point out the perceived weaknesses of the 1961 UN Single Convention and initiate the first part of a United Nations plan which, in Ingersoll's words "could develop into an effective worldwide program."²¹ The 1961 Convention, itself largely the result of many years of US endeavour, established beyond doubt the prohibition of certain drugs for anything other than medical or scientific purposes as the dominant international policy paradigm. It also focused control efforts predominantly on producer countries and as such dovetailed neatly with America's habit of attributing the source of its own illicit drug problems outside US borders. The Convention's primary weakness, according to the American delegation, was the fact that it rested "essentially upon faithful cooperation by all parties in the context of their national decision rather than upon effective international measures."

The United States thus decided that the Single Convention had to be amended to "curb and, eventually prevent entirely" the illicit drug traffic. The proposed amendments had two basic objectives: firstly "to establish enforceable controls and appropriate international machinery to assure compliance, and, secondly, to provide inducements to Parties to perform faithfully all their treaty obligations." Ingersoll's delegation bluntly told the UN's Division of Narcotic Drugs (DND) that it "will be expected to pursue their present activities more vigorously but will have to assume new and important responsibilities." These new responsibilities were to include "a capacity for the planning and implementing of technical assistance programs to assist countries ... in the establishment and improvement of national drug control administrations and enforcement machinery, the training of personnel required for these services..."²² The hubris of these demands was staggering. Just two years

earlier America's premier drug law enforcement agency had had to be abolished due to endemic corruption.²³

To make sure their proposals for strengthening the global drug prohibition regime stayed high on the UN agenda, the Americans were prepared to pay. In 1971 they made an initial pledge of \$2 million to help establish the United Nations Fund For Drug Abuse Control (UNFDAC).²⁴ Other nations, foundations and private individuals were expected to feed into this fund. From then on the US made sure that, however starved of American contributions the UN might otherwise be, the funding for the international war on drugs would remain flush. Despite the US display of largess, other governments remained reluctant to contribute due to concern over the Fund's motives. Such concerns proved to be well founded. It quickly became clear that the enterprise was dominated by the US agenda with emphasis being placed on law enforcement and crop substitution schemes rather than demand-side strategies. By favouring projects that included Washington's allies, UNFDAC also became a forum for the pursuit of wider US foreign policy goals. Such a situation prompted the director of the DND, Vladimir Kusevic, to express his concern to Ingersoll: "Who could in these circumstances have any doubts that the Fund is in fact an American undertaking?"²⁵

Having used financial incentives to influence the direction taken by UN drug control agencies, Washington turned to unusually forceful lobbying to encourage member states to support its efforts to strengthen transnational legislation itself. This led to the UN plenipotentiary conference to amend the 1961 Single Convention in March 1972. As one academic has put it "American diplomacy had catalysed activity in favour of amendments to the Convention such as never before witnessed in the history of drug treaties. This time not only were regular diplomatic chan-

²¹ John E. Ingersoll, 'Delegation Report of the Second Special Session of the U.N. Commission on Narcotic Drugs', Memo to Egil Krogh, 2 November 1970, Egil Krogh Files, Box 31, Folder: International Trafficking – UN Commission, Box 31, WHCF, - 1970, Nixon Presidential Materials Staff, National Archives.

²² Commission on Narcotic Drugs, Special Session, Geneva, September 25 to October 3, 1970, *Preliminary US Proposals*, Talking Paper, Egil Krogh Files, Box 31, Folder: International Trafficking – UN Commission, Box 31, WHCF, - 1970, Nixon Presidential Materials Staff, National Archives.

²³ For an account of the scandal that led to the abolition of the Federal Bureau of Narcotics see Michael Woodiwiss, *Organized Crime and American Power*, 256-7; see also Douglas Valentine, *The Strength of the Wolf: The Secret History of America's War on Drugs*, (London: Verso, 2004).

²⁴ David Bewley-Taylor, *The United States and International Drug Control, 1909-1997*, Continuum, 2001, 167.

²⁵ William B. McAllister, *Drug Diplomacy in the Twentieth Century: An International History*, Routledge, 2000, 238-9

nels used, but ambassadors were specifically chosen for this purpose as well. They travelled from country to country trying to persuade governments to support the amendments and the Plenipotentiary Conference.²⁶ The resultant Amending Protocol was not as stringent as the US had hoped. Significantly however, it maintained the prohibitive ethos and supply-side focus of the

drug control regime as well as intensifying the international fight against illicit trafficking. For example, where Parties were concluding extradition treaties between each other, such agreements would now be deemed to automatically include drug-related offences, including trafficking. The Protocol also enhanced the powers of the International Narcotic Control Board (INCB

UN Drug and Crime Bodies

The central bodies of the UN associated with drug and crime policies include the Economic and Social Council (ECOSOC or Council), the Commission on Narcotic Drugs (CND or Commission), the Commission on Crime Prevention and Criminal Justice (CCPCJ or Crime Commission), the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB or Board.)

The UN Charter entrusts ECOSOC with international economic, social, cultural, educational, health and related matters. In order to perform these functions the Council established various functional commissions, including the CND. ECOSOC is a non-legislative framework for discussion and recommendation and initiates studies, drafts conventions and calls conferences on the illicit drugs problem.¹

The CND was formed in 1946 to advise ECOSOC "and prepare draft international agreements on all matters relating to the control of narcotic drugs."² As a formally constituted organisation of the UN, the CND now meets annually for a period not exceeding eight days. The Commission now comprises 53 UN member States, elected by ECOSOC. Because ECOSOC has 54 members, the CND cannot be larger than its parent body. Other non-members can, and do sit as observers, so that although CND meetings comprise as many countries as wish to attend, whether UN Member States or not, only the 53 official members can vote.

The body is crucial to all international drug policy making. It considers the changing nature and con-

trol of the illicit drug traffic, promotes international agreements for that control, plays an important role in the exchange of related information and maintains links with other international drug control organs.³

The United Nations Drug Control Programme (UNDCP) was created at the UN Office in Vienna in 1991 as the single body in charge of concerted international action for drug abuse control. Its formation was an attempt to resolve the confusion of having three co-located but separate UN bodies with differing but overlapping responsibilities for policy and implementation in the drugs field.⁴ As such the UNDCP has responsibility for coordinating and directing UN action against illicit drugs. It provides secretariat services for the Commission and the INCB, advises parties on issues concerning accession to and implementation of the conventions and establishes and usually executes projects in the field.

Another merger took place in 1997 when the UNDCP joined with the Centre for International Crime Prevention (CICP) to come under the umbrella of the United Nations Office for Drug Control and Crime Prevention (UNODCCP). Yet another change of name came about in September 2002 when the UNODCCP became the UN Office on Drugs and Crime (UNODC).

The CICP was established in 1997 as a successor of the Division for Crime Prevention and Criminal Justice. Since October 2002, the CICP has been renamed the UNODC Crime Programme. The Crime Programme is responsible for crime prevention, crim-

¹ Neil Boister, *Penal Aspects of the UN Drug Conventions*, The Hague, Boston, London, Kluwer Law International, 2001, p. 469.

² E/RES/1991/38 United Nations, Economic and Social Council, Terms of Reference of the Commission on Narcotic Drugs.

³ Brice De Ruyver, et al, *Multidisciplinary Drug Policies and the UN Drug Treaties*, Institute for International Research on Criminal Policy Ghent University, (IRCP), Maklu, Antwerpen/Apeldoorn, 2002, p. 149-150

⁴ Cindy Fazey, "The Commission on Narcotic Drugs and the United Nations International drug Control Programme: Politics, Policies and Prospects for Change", *International Journal of Drug Policy*, 14, 2003, p. 157

²⁶ Kusevic, Vladimir, "Drug Abuse Control and International Treaties," *Journal of Drug Issues*, Vol. 7, No. 1, 1977, 47. Also see Fisher, K, "Trends in Extraterritorial Narcotics Control: Slamming the Stable Door After the Horse Has Bolted," *New York University Journal of International Law and Policy*, Vol. 16 1984, 361 and William B. McAllister, *Drug Diplomacy in the Twentieth Century: An International History*, Routledge, 2000, 236-7



inal justice and criminal law reform. The Crime Programme assists countries in the elaboration, ratification and implementation of international criminal law Conventions and protocols, such as the United Nations Convention against Transnational Organized Crime and the recently adopted United Nations Convention against Corruption.

The Crime Programme pays special attention to combating transnational organized crime, corruption and illicit trafficking in human beings through 'global programmes'. The Global Programme against Corruption targets countries with vulnerable developing or transitional economies by promoting anti-corruption measures and making public-sector actions more transparent. The Global Programme against Trafficking in Human Beings develops joint strategies against human trading. The Global Programme against Transnational Organized Crime maps the latest trends of organized criminal groups and "highlights their potential worldwide danger so that preventive action can take place."

The 40-member UN Commission on Crime Prevention and Criminal Justice (CCPCJ) or Crime Commission is the ECOSOC body that oversees the UNODC Crime Programme. The CCPCJ formulates international policies and recommends activities in the field of crime control. The Commission also provides substantive direction for the periodic UN Congresses. The Commission, which arose from a ministerial meeting held in Versailles in 1991, was preceded by a more technically focussed Committee on Crime Prevention and Control, formed in 1971 to replace an earlier expert advisory committee and tackle a broadened scope of UN interest in criminal justice policy.

The UNODC was mandated to address terrorism prevention issues in 1999 by the General Assembly and the Terrorism Prevention Branch (TPB) was established that year. However, in 2001 in the aftermath of the September 11 attacks, the center of counter-terrorism activity shifted to the Security Council, and the agenda changed from preventing terrorism to countering terrorism. The Security Council adopted Resolution 1373, which imposed unprecedented legal obligations on UN member states to comply with measures designed to counter terrorist financing, travel, recruitment, and supply. To monitor enforcement of these measures, the council created the Counter-Terrorism Committee (CTC). The TPB now focuses on the provision of substantive input for the work of the CTC and technical assistance to requesting countries for the ratification and implementation of terrorism conventions and protocols.⁵

The TPB is part of UNODC's Division for Treaty Affairs (DTA), which also hosts the secretariats of the CND and the Crime Commission (CCPCJ). Since the merger of the UNDCP and the CICP into what is now the UNODC there is a tendency among UNODC officials to also propose a merger of the two ECOSOC governing bodies of the Office, the CND and the CCPCJ. However, the member states apparently are not very eager to do so. Some critics claim that the merger of the drugs and crime programmes within the UNODC is shifting drug control policies too much to repression at the expense of public health approaches.

The DTA also hosts the secretariat of the INCB, which is the independent and quasi-judicial control organ for the implementation of the drug control treaties. The creation of the Board was outlined in the Single Convention and ultimately established in 1968 although it had predecessor bodies dating back to the League of Nations.

The Board is independent of Governments, as well as of the UN, with its 13 individual "experts" – principally pharmacologists, pharmacists, lawyers, police officers and medical doctors – serving in their personal capacities. They are elected by ECOSOC and can call upon the expert advice of the WHO.

The Board has the authority to assess worldwide scientific and medical requirements for controlled substances based on estimates from member states and subsequently allocate quotas among parties concerning licit cultivation, production, manufacture, export, import, distribution, trade in, use and possession. Parties are obliged to comply with the Conventions provisions and report annually to the INCB on this matter. It examines the reports and if there is perceived to be non-compliance or other problems, the Board can bring them to the attention of ECOSOC, the CND and the Parties themselves.

Recent years have seen the INCB assume a wider role, reporting on trends in drug trafficking and illicit use, monitoring precursor chemicals in line with the provisions of the 1988 Convention, and commenting on policy developments among UN Member States. While recent INCB reports have been critical of developments in some Member States, it can only "request explanations" and "call upon governments to adopt remedial measures". The Board has no formal power to enforce provisions and, some would argue, has been increasingly exceeding its mandate.

⁵ See: David Cortright, *A Critical Evaluation of the UN Counter-Terrorism Program: Accomplishments and Challenges*, paper presented at Global Enforcement Regimes seminar hosted by the Transnational Institute (TNI), April 2005, available at: <http://www.tni.org/crime-docs/cortright.pdf>

or Board) with regard to trafficking. Established by the Single Convention, the Board's role is to monitor national compliance with the drug control treaties. The amendments to the Single Convention included the redefinition of the Board's functions to include explicit reference to the prevention of "...illicit trafficking" and empowered the INCB to advise Parties on their efforts to reduce their illicit drug trade.²⁷ (see Box – UN Crime and Drug Bodies)

The second of Nixon's new fronts on the war on drugs involved the use of US diplomatic power directly to ensure the compliance of other countries at the bilateral level. On 14 June 1971 he called in top State department officials and ambassadors to South Vietnam, France, Turkey, Thailand and Luxembourg. These five countries were described in the background memo to the meeting as "directly involved in the illicit international drug traffic" and the purpose of the meeting was to stress "the need for a tougher stance abroad." According to the summary of this meeting, the President stated that he considered the "Ambassadors' most important diplomatic mission" to be "discussions with those countries on the drug problem." He then "ordered the Ambassadors to convey to their host governments that the US means business", concluding with the blunt point that "stopping the drug traffic is more important than good temporized relations."²⁸ From then on the State Department pushed American ambassadors to deliver results on international drug control. If it was considered that they weren't doing this they were replaced.

To complement the high level work of the ambassadors, US drug control agents were expected to do much more at operational level. As Ethan Nadelmann has explained in *Cops Across Borders* (1993) they also had to act as drug enforcement diplomats and advocates:

... to push for structural changes in drug

enforcement wherever they were stationed, to lobby for tougher laws, to train local police in drug enforcement techniques, to sensitize local officials to US concerns in this area, and so on...²⁹

During the Nixon era, a small overseas complement of American narcotics agents grew into the "first global law enforcement agency with operational capabilities," Nadelmann concluded. Nixon's administration more than doubled the corps of drug control officers assigned to United States embassies and missions abroad and their numbers have since continued to expand. By 1976, the DEA's overall budget was \$161.1, with more than ten percent of its 2,141 agents stationed overseas, in 68 offices in 43 countries. Today, the agency has more than 5,000 agents and a budget of \$2,150.9 million.³⁰

The Nixon administration also secured the passage of the Narcotics Control Trade Act of 1974, which would have a damaging international impact in the decades that followed. Essentially the terms of this new law meant that those drug producing or drug-transit-countries that failed to co-operate with the United States drug prohibition policies would be subject to various sanctions, including the withdrawal of American aid and increases in duties and tariffs. In other words, small countries had to comply with American demands on drugs or be economically squeezed.

Other countries could thus be bullied to make futile, often cynical, drug-control gestures on America's behalf. American consumers continued to pay the top prices and the effort only revealed that plants that could be processed into drugs grow everywhere and that foreign drug enforcers accept bribes just as enthusiastically as their counterparts in the United States. Under Nixon, drugs as well as organized crime were redefined as national security threats, and were repeatedly said to warrant an approach based

²⁷ See J. Sinha, *The History and Development of the Leading International Drug Control Conventions*, Report prepared for the Canadian Senate Special Committee on Illegal Drugs, 2001, 31

²⁸ Egil Krogh, 'Meeting on Drugs with Top State Department Officials, Top Administration officials, CIA Officials and Ambassadors to South Vietnam, France, Turkey, Thailand and Luxembourg, 14 June 1971' Memo for: The President, 11 June 1971; 'Meeting with Ambassadors and State department Officials on International Narcotics Trafficking, 14 June 1971', Memo for: The President's File, 26 July 1971, Egil Krogh Files: Box 4, WHCF, - 1971, Nixon Presidential Materials Staff, National Archives.

²⁹ Ethan A. Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement*, (University Park, Pennsylvania: The Pennsylvania State University Press, 1993), 141.

³⁰ *Ibid.*, 14. For DEA staffing and budget figures see the DEA website at <http://www.usdoj.gov/dea/agency/staffing.htm>.



mainly on repression at home and the continued export of failed policies abroad.

To institutionalize the latter part of this process the Bureau of International Narcotic Matters (INM) was created in 1978 in the State Department. INM existed first and foremost as a 'policy shop', representing the US in international dealing with drugs, with the DEA and other drug enforcement agencies. It also helped organize crop eradication and other anti-drug measures and prepares the annual International Narcotics Control Strategy Report on global drug production, traffic and what it terms drug abuse. This report and the drug control certification process that INM managed from the late 1980s decided whether other countries were taking measures in line with prohibition policies. Essentially the INM helps manage the effort to persuade or bully other countries into attempting to stop their citizens supplying the richest market in the world. Mainly through the INM the State Department spent tens of millions of dollars each year on crop eradication or substitution programmes. They also used the United Nations and other international organisations to spread the gospel of US drug control policy, holding it up as a model for other countries to follow.

All the INM's work continues to this day but in the early 1990s its remit was expanded to include money laundering, arms or other contraband, human trafficking and other forms of transnational crime. Accordingly its name was changed to the Bureau of International Narcotics and Law Enforcement (INL) in 1995. Today, the INL's main task is to work towards the implementation of America's International Crime Control Strategy. It developed this with other agencies in 1998 "as a roadmap for a coordinated, effective, long-term attack on international crime." In the pursuit of this aim American diplomats work incessantly through multilateral and bilateral forums to define what the INL calls "global norms for effective criminal laws" which are in effect American norms. The INL also "actively" encourages "foreign governments to enact and enforce laws based on these norms."³¹

It is also perhaps significant that during the mid-to-late 1990s the UN drug control apparatus also began to evolve in a remarkably similar way to that of the INM. September 1997 saw the United Nations Drug Control Programme (UNDCP) and the Center for International Crime Prevention (CICP), itself later responsible for the United Nations Convention against Transnational Organized Crime (UNTOC), brought together by the UN Secretary General under a single umbrella, the Office for Drug Control and Crime Prevention (ODCCP). The arrival in May 2002 of the Italian Antonio Maria Costa as the new Executive Director of the ODCCP did nothing to halt this trend. Mr Costa simplified the merged agencies into what is currently known as the UN Office on Drugs and Crime (UNODC). Moves are also now underway to dissolve the still separate UNDCP and CICP and reorganize them into a single unified UNODC structure. Furthermore, a consolidated 2004-2005 budget has been presented to integrate drugs, crime and terrorism into single operational unit. It seems likely that such moves to incorporate terrorism into the mix played a role in getting US to double its contribution to the UNODC Major Donors Fund in 2003 to \$25m.³² The timing of the merging of the drugs and crime operations combined with the relationships between Washington and both Kofi Annan and Mr Costa also suggests US influence. (see UN Drug and Crime Bodies)

Like all UN Secretary Generals, Mr Annan has usually been keen to maintain good relations with the US. This was especially so during his early months in office. It has also been said that even before Mr Costa took up his post in the UN, he was seldom seen around the corridors of the UN in Vienna without the US Assistant Secretary of State Rand Beers advising him at his shoulder. Additionally, as recent events at the UNODC with regard to so-called harm reduction policies demonstrate, Mr Costa is certainly not beyond the reach of US economic suasion. Recent years have seen UN agencies, including the UNODC, engage with policies or make supportive statements relating to so-called harm

³¹ Information on the Bureau for International and Law Enforcement Affairs taken from the State Department's website at http://www.state.gov/www/publications/statemag_dec99/bom.html, accessed on 15 November 2003.

³² See Martin Jelsma and Pien Metaal, *Cracks in the Vienna Consensus: The UN Drug Control Debate*, Drug War Monitor; January 2004, Washington Office on Latin America, pp. 9-10. Retrieved from http://www.wola.org/publications/ddhr_un_brief.pdf 16/02/04

reduction. This is an approach to illicit drug use that does not rest entirely on abstinence. Rather it accepts the continuation of some drug use while attempting to reduce the harm of such use to both the individual user and society at large. In November 2004 Mr Costa met with the head of the INL, Robert Charles. At the meeting Charles threatened to cut US funding to the UNODC unless Mr Costa could assure him that the UNODC would abstain from any involvement in or support for harm reduction interventions, including needle exchange programmes. The US government is the biggest donor of the UNODC. Accordingly, the very next day, Mr Costa wrote a mea culpa letter to Mr Charles making the required promises to secure continued US funding.³³

*I am glad that we were able to meet yesterday and had the chance to discuss a number of important matters... Indeed, we have achieved, and will continue to achieve much together... On the general issue of "harm reduction," I share your concern. Under the guise of "harm reduction," there are people working disingenuously to alter the world's opposition to drugs. These people can misuse our well-intentioned statements for their own agenda, and this we cannot allow. Accordingly, as we discussed in our meeting, we are reviewing all our statements, both printed and electronic, and will be even more vigilant in the future.*³⁴

Such an episode is reminiscent of an account of the work of an agent from the BNDDs predecessor agency. When recounting his operations abroad, Federal Bureau of Narcotics (FBN) agent Charles Siragusa recalled that, "The police overseas almost always worked willingly with us. It was their superiors in the government who were sometimes unhappy that we had entered their countries. Most of the time, though, I found that a casual mention of the possibility of shutting off our foreign aid programs, dropped in the

proper quarters, brought grudging permission for our operations almost immediately."³⁵

Towards the 1988 United Nations Convention

To provide the models that Nadelmann refers to, American government officials needed the rest of the world to accept American-inspired analyses of drugs and organized crime 'threats' and also needed to maintain the false perception that American drug control and organized crime control methods work. The intention was always to gain an international acceptance of the need for collaboration along the lines prescribed by the United States.

The INM first made a significant impact in the early 1980s as the US belief that the control of drug production at source was essential led it to intervene more directly into the affairs of producer countries. It was charged with managing and ensuring the enforcement of new US laws that required source countries to achieve "the maximum reduction in illicit production determined to be achievable." The intention was to do this mainly by crop eradication at first, but also later to get other countries to enact legislation concerning the extradition of drug traffickers, money laundering and the refining of raw materials. If the source countries were seen to have failed to meet American requirements in these areas they were faced with a range of punishments; a cutoff of all economic assistance (with the exception of counterdrug and humanitarian aid) and discretionary trade sanctions such as the removal of trade preferences and the suspension of import quotas. Countries could also expect a more difficult task in obtaining development loans. Failure to meet the grade set by Washington requires the US to vote against funding by multilateral development banks including the World Bank.³⁶ Most developing



³³ See TNI Drug Policy Briefing Number 12, March 2005, The United Nations and Harm Reduction. Available on <http://www.tni.org/policybriefings/brief12.htm>

³⁴ Letter of 11 November 2004 available from <http://www.colombo-plan.org/www/images/pubs/pdf/unodcnov2004.pdf>

³⁵ Charles Siragusa, *The Trail of the Poppy*, (Englewood Cliffs: Prentice Hall, 1966, 212).

³⁶ Coletta A. Youngers and Eileen Rosin (Eds) *Drugs and Democracy in Latin America: The Impact of US Policy*, Lynne Rienner, Boulder, London, 2005, p. 372 and *Annual Drug Certification Process: Time for a Change*, Washington Office on Latin America, www.wola.org/publications/Citizen_Action_Certification.pdf. These punishments can be waived in the interest of national security, but as Youngers and Rosin note, this does not "remove the sting of humiliation for having received" what is effectively a failing grade by Washington. For more on the national interest waiver, see David R. Bewley-Taylor, "Certification meets NAFTA: more schizophrenia in the misguided war," *International Journal of Drug Policy*, 9 (1998), pp. 417-426.

countries therefore have little choice but to comply with American demands.

The international strategies Americans have forced on producer countries have shown little sign of succeeding despite the claims of US officials. Eradication campaigns have characterised drug control in the Andean countries, for example, for the past two decades. These usually involve the spraying of herbicides or the use of military force to oversee the manual eradication of crops. The first of these methods has often had damaging environmental consequences, perhaps even catastrophic in the long term, since the chemical war on drugs has contributed to the deforestation of the Amazon basin and the high Andean forests. The second involving the more environmentally-friendly direct removal of plants has often been violently divisive, given the peasant farmers economic dependence on the illegal cash crops.³⁷

A recent book by Robin Kirk also details American complicity in grave human rights abuses by the Colombian military excused and perpetuated by the continuing fruitless efforts against the drug trade. Kirk writes that the Colombian military began accepting more money and advice from the American government in the name of the war on drugs from 1990 and then directed the system more against people they suspected of "subversion". "A new navy intelligence network based in Barrancabermeja began to recruit professional killers and paramilitaries as a 'hunter-killer' squad that collected information used to murder ... peasant leaders, human rights defenders, and people who made the mistake of getting in their way. Called Network 7, its commander, Colonel Rodrigo Quinones, was later linked by government investigators to at least fifty-seven murders, including the sidewalk execution of the secretary of the main human rights group in the region. Network 7 also set up paramilitary groups that used the name MAS to threaten and kill in the surrounding countryside." In response to details of human rights atrocities such as these, US officials rejected proposals to put human rights conditions on aid, arguing that

they would be counterproductive and that Colombian officers would eventually behave better once they followed the good examples of their American counterparts. One high ranking State Department official put it like this to an unconcerned Congressional committee, "Denying aid or imposing conditions impossible to meet defeats the goals of improving human rights. In the real world, the perfect is the enemy of the good."³⁸

Despite such objections the Clinton administration and Congress did make human rights an important part of US-Colombian relations. In 1997 the State Department issued a very detailed human rights report, criticizing abuses by both the Colombian armed forces and right wing paramilitaries. The same year the 'Leahy amendment' first appeared as part of the Foreign Operations Appropriations Act, prohibiting aid to any foreign military or police unit that includes members involved in human rights violations. Named after its co-sponsor Senator Patrick Leahy, the amendment initially applied only the State Department's International Narcotics Control program but was soon broadened to include all security assistance programs funded through the Foreign Operations Act and all training programs authorized under the Defence Department Appropriations Act. American funding was also made available to strengthen key human rights institutions, both governmental and non-governmental, and rule of law programmes.

However, the Washington Office on Latin America (WOLA), in their book *Drugs and Democracy in Latin America: the Impact of US Policy*, (2004) provide evidence that suggests that while US efforts to support human rights and rule of law initiatives in Colombia are important, these efforts are subordinate to broader security concerns and that US funding for these programs is extremely modest compared to the much larger security assistance program.³⁹

"The State Department," according to WOLA, "has relied on a narrow, legalistic interpretation

³⁷ Francisco Thoumi, *Illegal Drugs, Economy and Society in the Andes* (Washington, DC: Johns Hopkins University Press, 2003), 169-170. See also: Jelsma, Martin, *Vicious Circle: The Chemical and Biological War on Drugs*, (Amsterdam: Transnational Institute, 2001) at: <http://www.tni.org/archives/jelsma/viciouscircle-e.htm>

³⁸ Robin Kirk, *More Terrible than Death: Violence, Drugs, and America's War in Colombia* (New York: Public Affairs, 2003) 241-2.

³⁹ Coletta Youngers and Eileen Rosin (eds.), *Drugs and Democracy in Latin America: the Impact of US Policy*, (Lynne Rienner: Boulder 2004), p. 133.

of the conditions in which any cases or actions consistent with the conditions, no matter how minimal, constitute compliance. As a result, the State Department is able to argue that Colombia is complying with the letter of the law, even though its own annual human rights report documents continuing collaboration between the Colombian armed forces and the paramilitaries, and even though impunity for human rights crimes remains nearly absolute."⁴⁰

WOLA also illuminate the subordination to the US of a nation involved in the war on drugs: "Currently it is the Congress of the United States that determines how much money goes for the war in Colombia and what the conditions are for war 'assistance,' it is the Environmental Protection Agency that determines the benefits of glyphosate, it is the Department of State that says whether human rights are being complied with or not, it is the Bureau of Political Affairs that says whether Colombia is or is not a regional or global threat. In this cycle of determinants, the only one who doesn't express an opinion is the Colombian Congress and it abstains voluntarily from doing so ... the blow to Colombian democracy is obvious."⁴¹

Despite some improvement in the human rights situation, violations are still high in Colombia at the time of writing. American politicians remain as reluctant as they have been since the Nixon era to confront these and other catastrophic results of drug prohibition campaigns.

For most of the years between the 1980s and the present, successful eradication campaigns in some areas were marked by the so-called 'balloon effect', where huge fields of coca emerge in one region after being eradicated in another. Increased American and home country effort

has perhaps seen the balloon effect coming under control with increased spraying but there is now an 'atomization' of drug farms into many smaller plots, often in isolated areas that would be almost impossible to detect. Growers have also adapted to the new conditions by creating coca plants that are more resistant to chemicals, adaptable to different climates, and yield more cocaine from fewer plants."⁴²

Crop substitution programmes in Asia and Latin America – whereby farmers are encouraged to grow alternative cash crops, such as sugar beet, coffee, or potatoes – have also failed. Growers are often far away from markets for legitimate crops and the cash return does not compensate for their effort. Opium and coca, by contrast, are profitable crops even for the most exploited farmers. There is no need, for example, to pay for transportation since the traffickers come to them.

It was clear by the mid-1980s that US international efforts to stem the flow of drugs from producer countries had

failed. A 1984 congressional report, for example, noted that "in most of the major producing countries, illicit narcotic production, manufacture and traffic had dramatically increased"⁴³ Instead of re-examining drug control policy the Reagan administration used the INM and other agencies to globalise the failed policy of prohibition ever further. Because of the new intensified American effort most governments across the world expanded and stiffened their penalties for drug trafficking and related activities. Many governments decided to adopt American-inspired legislation permitting the seizure and forfeiture of drug trafficker assets and international organisations, notably Interpol and the United Nations' drug control organs, promoted American-inspired model legislation and drug prohibition policies.

Interpol and the United Nations' drug control organs promoted American-inspired model legislation and drug prohibition policies

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⁴⁰ Ibid, p. 129.

⁴¹ Colectivo de abogados 'José Alvear Restrepo', Plan Colombia No (Bogotá: Colectivo de abogados, 2003) in Coletta Youngers and Eileen Rosin, *Drugs and Democracy in Latin America: the Impact of US Policy*, (Lynne Rienner: Boulder 2004), p. 136.

⁴² Juan Forero, 'Hide-and-Seek Among the Coca Leaves', *New York Times*, 9 June 2004; see also: *Super Coca?* TNI Drug Policy Briefing 8, September 2004 available at <http://www.tni.org/policy/briefings/brief8.htm>

⁴³ Michael Woodiwiss, *Crime, Crusades and Corruption: Prohibitions in the United States, 1900-1987*, (London: Pinter; 1988), 216.

Most important of all was the successful negotiation of the United Nations Convention against Illicit Traffic in Narcotics and Psychotropic Substances in 1988. In the same year that the US congress reported on widespread increases in the production, manufacture and traffic of illicit drugs, UN member states undertook moves to strengthen international legislation against drug trafficking. As with the 1972 Amending Protocol, Washington significantly influenced the process. David Stewart, Assistant legal advisor to the State Department and a member of US delegation to the International Conference where the convention was adopted notes in no uncertain terms "The US participated actively in the negotiation of the Convention, and many of its provisions reflect legal approaches and devices already found in US law."⁴⁴

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The Convention, which is essentially an instrument of international criminal law, has at its core Article 3: "Offences and Sanctions." As the UN Commentary to the Convention notes, the treaty deviates from the earlier drug conventions by *requiring* Parties to "legislate as necessary to establish a modern criminal code of criminal offences relating to various aspects of illicit trafficking and ensure that such activities are dealt with as serious offences by each State's judiciary and prosecutorial authorities."⁴⁵ As such the 1988 Convention significantly extended the scope of measures against trafficking, introduced provisions to control money laundering and seize the assets of drug traffickers, to allow for extradition of major traffickers and improved legal co-operation between countries. Lobbying by drug producing states at the International Conference helped to ensure that it also included the criminalisation of possession by drug users. (See Box UN Conventions) And although the convention did allow for the treatment or rehabilitation of addicts as an alternative to a penal sentence, the widespread acceptance the Convention can be seen as a significant stage in the internationalisation of American drug prohibition policies.

Indeed, rather than risk American disapproval many countries quickly became parties and the Convention entered into force in November 1990.⁴⁶ It has also been argued that many nations were willing to go along with US wishes in the multilateral arena because they saw it "as a way of avoiding further unilateral action by the United States."⁴⁷

For some nations, particularly those in Latin America, such a strategy backfired. While it may have been hoped that the 1988 Convention would reduce US involvement in the formulation and implementation of drug policy within sovereign states, the convention actually gave another stick to the Americans to beat producer countries with. As part of the certification process each country that received INM assistance in the previous two years was required to submit a report on the extent to which it had "met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances." This included action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction.

By July 2005, 173 countries were Parties to the 1988 convention and as a result found it harder to simply pay lip-service to American prohibitionist dreams. It was the global equivalent to the Volstead Act being passed to enforce alcohol prohibition in the 1920s and just as doomed to produce nothing more than violence, corruption and overriding failure. The United Nations own statistics demonstrated continued failure very clearly. In 1986 world opium production was around 2,000 tons. By 1994 this had trebled to over 6,000 tons. There were an estimated 141 million 'drug abusers' globally, including 8 million heroin addicts, 30 million amphetamine users and 13 million cocaine users.⁴⁸ Because of prohibition these were paying inflated prices for drugs

⁴⁴ Stewart, David P., "Internationalizing the War on Drugs: The UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances," *Denver Journal of International Law and Policy*, Vol. 18, No. 3, 1990, 387.

⁴⁵ United Nations Commentary on the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Done at Vienna on 20 December, 1988, New York, United Nations, 1998, 48.

⁴⁶ Richard Hartnoll in Coomber, *The Control of Drugs and Drug Users: Reason or Reaction?* 235-6.

⁴⁷ P. Green, *Drugs, Trafficking and Criminal Policy*, Waterside Press, Winchester; 1998, 36 cited in Neil Boister, *Penal aspects of the UN Drug Conventions*, Kluwer Law International, 2000, 50.

⁴⁸ UN statistics available from <http://www.undcp.org>.

that remained cheap to produce. A multitude of growers, smugglers, distributors, corrupt officials, and professionals – such as lawyers, accountants and bankers – were sharing the resultant profit. There was a need to explain this failure, which involved dumbing down international discourse on organized crime. In the process the Americanization of international law enforcement was continued.

Organized Crime Becomes Transnational

The most prominent populariser of a new understanding of organized crime was Claire Sterling, an American reporter based in Italy. Sterling had originally become known during the 1980s publicizing material that probably originated from her sources in the American intelligence community. Parts of the CIA certainly liked her claim that the Soviets controlled global terrorism at a time when President Reagan was ratcheting up Cold War tension with 'evil empire' rhetoric. There were links between Soviet agents and terrorist groups, just as the CIA often kept undesirable company, but Sterling's thesis was wildly overstated. However, the support of such notables as Secretary of State Alexander Haig and CIA chief William Casey did help boost the sales of her book called *The Terror Network: The Secret War of International Terrorism* (1981).⁴⁹

By the end of the Cold War Sterling, like her sources in intelligence, was looking for new conspiratorial threats and found them in the world of organized crime. She argued in *Octopus: The Long Reach of the International Sicilian Mafia* (1990) that the Sicilian Mafia controlled the world's supply of heroin in co-operation with terrorists and various other crime organizations such as the Colombian drug 'cartels'. Four years later she updated her work on organized crime by producing *Thieves' World: The Threat of the New Global Network of Organized Crime* (1994). This claimed that the Sicilian and American Mafias, Colombian drug cartels, Chinese Triads and Japanese Yakuza had joined with the Russian Mafia to mount a full-scale attack on

Russia and Europe to plunder both. Both these books fit Richard Hofstadter's description of conspiracy theories, notably their tendency to jump from the undeniable to the unbelievable and their claims that nebulous forces threatened the whole of civilization. Few serious researchers find her work credible. Unsurprisingly, however, the American intelligence community lauded her. In many ways Sterling was the founder of mainstream transnational organized crime analysis, influencing high level American opinion on the subject. She helped give US government officials a line that could be sold to the United Nations. Given the authority of the United Nations, more and more nations have chosen to adopt an approach to the problem of organized crime that was as conveniently blame-shifting as the American approach has proven to be.

The American intelligence community certainly thought highly enough of Sterling to invite her to chair a panel on Russian organized crime at a Washington DC conference of high level American law enforcement and intelligence community personnel in September 1994. Conference organizer Arnaud de Borchgrave introduced her by praising *Thieves' World* and making the questionable claim that her previous book, *The Terror Network*, had been "vindicated ... by the miles upon miles of files pouring out of the archives of former Communist intelligence services."⁵⁰

Sterling was invited because her outlandish theories closely reflected those of the American intelligence community's at the time. The title of the conference – *Global Organized Crime: The New Empire of Evil* – and the speeches delivered, were classic conspiracy theory, involving not only jumps from the undeniable to the unbelievable, but also mythical statistics and claims that outside forces threatened the future of civilization. The executive summary of the conference set the tone:

The dimensions of global organized crime present a greater international security challenge than anything Western democracies had to cope with during the cold war. Worldwide

⁴⁹ For Sterling's connection with the CIA see John Ranelagh, *The Agency: The Rise and Decline of the CIA*. (New York: Touchstone Books, 1987), 697-8.

⁵⁰ Linnea P. Raine and Frank J. Cilluffo, *Global Organized Crime: The New Empire of Evil*. (Washington DC: Center for Strategic and International Studies, 1994) 106.

alliances are being forged in every criminal field from money laundering and currency counterfeiting to trafficking in drugs and nuclear materials. Global organized crime is the world's fastest growing business, with profits estimated at \$1 trillion.

The keynote speaker at the conference was FBI Director Louis Freeh who stressed that “the ravages of transnational crime” were the greatest long-term threat to the security of the United States and warned that the very fabric of democratic society was at risk everywhere. CIA Director R. James Woolsey followed up by noting that “the threats from organized crime transcend traditional law enforcement concerns. They affect critical national security interests ... some governments find their authority besieged at home and their foreign policy interests imperilled abroad.”⁵¹

Woolsey's speech included the most revealing indication that the new shared understanding of organized crime was designed to fit with a neo-liberal worldview. He singled out President Boris Yeltsin's efforts to counter “the threat from organized crime” towards Russia's privatisation process for praise. Russia was then undergoing a wide-ranging reform effort to transform its economy from a communist to a capitalist model. Yeltsin, according to Woolsey, was protecting this “positive transformation” by signing various new laws, which brought Russian organized crime control methods more into line with American methods. However, the reality of the Russian privatisation suggests that the process was itself corrupt from the beginning rather than being one that was threatened and imperilled by Woolsey's estimate of the 5,700 organized crime groups then operating in Russia. The way privatisation was organized by Yeltsin's government resulted in rampant corruption and a system of capitalism that enriched a new breed of Russian robber barons on a spectacular scale. As Joel M. Ostow put it, the government securities and loans-for-share schemes, in particular, proved to be “a gargantuan government-sponsored pyramid scheme that predictably collapsed and in

doing so put the savings of millions of ordinary Russians into the pockets of those robber barons.”⁵² Russian privatisation therefore proved to be economically, politically and socially disastrous to the vast majority of the population and immensely enriching to a few. These few were mostly brutal and corrupt, but always well-placed individuals. The corrupt implementation of neo-liberal inspired reforms was therefore more responsible for the creation of a new hybrid of gangster capitalism and the thousands of Russian organized crime groups were more a symptom of mismanaged privatisation rather than a cause of privatisation's problems.

The message that came from the New Empire of Evil conference and from a co-operative media was that this new global threat of organized crime required a tougher and more collaborative international response. More specifically the threat required more thorough information sharing between police and intelligence officials in different countries and improved methods of transcending jurisdictional frontiers in pursuing and prosecuting malefactors.

By the early 1990s American diplomats had already been pushing hard. Two months after the Washington conference, the United Nations held the World Ministerial Conference on Organized Transnational Crime in Naples. It is clear from studies of the background to this conference that it represented a coincidence of interests between the US, the member states of the European Union and the internal politics of the UN itself.⁵³ It provided an international forum for the global conspiracy theory of organized crime.

The UN conference was attended by high-level governmental representatives from 138 countries. The rhetoric and analysis was essentially the same as that employed by Freeh, Woolsey and Sterling. According to the UN's press release, participants at the conference recognized the growing threat of organized crime, with its “highly destabilizing and corrupting influence on fundamental social, economic and political institutions.” This represented a challenge demanding

⁵¹ Ibid., ix.

⁵² Joel M. Ostow, Book review of Andrei Shleifer and Daniel Triesman, *Without a Map: Political Tactics and Economic Reform in Russia*, (Cambridge MA: The MIT Press, 2001) in *Comparative Political Studies*, Vol. 36, No. 3, April 2003, 345-351.

⁵³ Adam Edwards and Peter Gill (eds.), *Transnational Organized Crime: Perspectives on Global Security*, (London: Routledge, 2003) 8-9. Martin Elvins' contribution to this volume, 'Europe's response to transnational organized crime,' 28-41 is particularly relevant.

increased and more effective international cooperation. "The challenge posed by transnational organized crime," the document continued, "can only be met if law enforcement authorities are able to display the same ingenuity and innovation, organizational flexibility and cooperation that characterize the criminal organizations themselves."⁵⁴ This was essentially the same analysis as that of American politicians and government officials since the 1960s.

United Nations Secretary-General Boutros Boutros-Ghali, set the tone of the conference and gave probably the best exposition of the new conventional wisdom on organized crime with his opening address. Organized crime, he began, "has become a world phenomenon. In Europe, in Asia, in Africa and in America, the forces of darkness are at work and no society is spared..." It "scoffs at frontiers" he continued, "and becomes a universal force. Traditional crime organizations have, in a very short time, succeeded in adapting to the new international context to become veritable crime multinationals." It "undermines the very foundations of the international democratic order. Transnational crime poisons the business climate, corrupts political leaders and undermines human rights. It weakens the effectiveness and credibility of institutions and thus undermines democratic life."

Boutros-Ghali concluded with what was already becoming a familiar call to international action:

*We also know, however, that when the States decide to take effective, voluntary steps to combat transnational crime, and when they decide to cooperate with each other and harmonize their efforts, legitimate society regains all its power and strength. It is on behalf of this effort to promote the rule of law and to combat transnational crime that we are meeting here in Naples.*⁵⁵

Boutros-Ghali was followed by series of speakers echoing the same themes: the threat posed by organized crime to societies and governmental institutions across the globe and the need for more international cooperation to meet this threat. The seriousness of the perceived threat was emphasized in the language of many of the speeches. For example, Elias Jassan, Secretary of Justice in Argentina, described organized crime as "a new monster... the Anti-State" and Silvio Berlusconi, Prime Minister of Italy, described crime organizations as "armies of evil" who could be defeated "only by international collaboration."⁵⁶ Melchior Wathelet, Deputy Prime Minister and Minister of Justice of Belgium, claimed that no region of the world "was safe from the large criminal networks" and favoured the proposal to elaborate a binding legal instrument along the lines of the precedent set by the 1988 anti-drug treaty.⁵⁷ There was no significant dissent from this line at the conference; discussion of organized crime at the highest international level had been frozen by images that effectively excluded discussion.

Many speakers at Naples implicitly or explicitly emphasized the success of US-approved organized crime control strategies. This deferential consensus was most clearly reflected in a background document for this conference, which singled out a key part of the 1970 Organized Crime Control Act, the Racketeer Influenced and Corrupt Organizations (RICO) statute, as an example of "dynamic" legislation able to "adapt itself to ... developments." The document then elaborated,

*... In the United States, the RICO statute is generally considered to be the starting point of a new process of awareness of organized crime by the United States Government and its criminal justice system. Its effectiveness has been demonstrated in the many indictments and convictions of members of organized crime groups that have resulted since the legislation was passed.*⁵⁸

⁵⁴ United Nations, Background Release, *World Ministerial Conference on Organized Transnational Crime to be held in Naples, Italy*, From 21 to 23 November, 17 November 1994.

⁵⁵ United Nations Background Release, *Statement by the Secretary-General on the Occasion of the World Ministerial Conference on Organized Transnational Crime*, Naples, 21 November 1994.

⁵⁶ All quotes taken from United Nations Background Release, *Proposed Formulation of Global Convention Against Organized Crime Discussed at World Ministerial Conference*, 22 November 1994.

⁵⁷ All quotes taken from United Nations Background Release, *Proposed Formulation of Global Convention Against Organized Crime Discussed at World Ministerial Conference*, 22 November 1994.

⁵⁸ United Nations Economic and Social Council, *Appropriate Modalities and Guidelines for the Prevention and Control of Organized Transnational Crime at the Regional and International Levels*, Background Document, E/CONF.88/5, 19 September 1994.

In the newsletter that reported on the conference the UN Crime Prevention and Criminal Justice Division illuminated the new line on transnational organized crime with a series of graphic profiles of organized crime networks which included maps to locate such criminal groups as the Sicilian and US Cosa Nostras, the Camorra, 'ndrangheta, and United Sacred Crown from mainland Italy, Triads from China, Colombian Cartels, Japanese Yakuza and the Russian Mafia. The maps and profiles were accompanied with unsubstantiated and nonsensical claims such as "the worldwide business of all the world's Mafias amounts to 1 billion United States dollars" and gave the impression that these clearly identifiable "armies of evil" threatened the world. Significantly in the 'Size and structure' sections of the profiles, only the United States was credited with any success with the information that 20 out of 25 US Cosa Nostra bosses were in prison along with 300 New York soldiers.⁵⁹

The main result of the conference was to put the elaboration of the United Nations Convention against Transnational Organized Crime (UNTOC) at the centre of discussion. This process culminated in December 2000, when representatives of more than a hundred countries met in Palermo, Sicily to sign up to the Convention in principle, and 23 September 2003 when it came into force, having been ratified by the required number of states. The UNTOC defined an "organized crime group", as "a structured group of three or more persons existing for a period of time and having the aim of committing one or more serious crimes or offences established in accordance with this Convention in order to obtain, directly or indirectly, a financial or other material benefit...".⁶⁰ The UN chose not to explain this significant departure from the organisation's previous thinking on the subject which considered the problem of organized crime in terms of *activity* rather than distinct groups of people and emphasised the need to curb the activities of transnational corporations.

Nations that ratify the UNTOC Convention commit themselves to the type of American measures deemed to be effective in combating orga-

nized crime by the UN. Articles 12 to 14, for example, commit states to adopt measures as may be necessary to enable the confiscation and seizure of the proceeds of crime derived from offences covered by the Convention. Article 20 commits each state, if "permitted by the basic principles of its domestic legal system" to "take the necessary measures to allow for the appropriate use of controlled delivery and, where it deems appropriate, for the use of other special investigative techniques such as electronic and other forms of surveillance, and undercover operations, by its competent authorities in its territory for the purpose of effectively combating organized crime." 'Controlled delivery' had been defined earlier as meaning the "technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence." Most controlled deliveries would consist of illegal drugs. Article 26 on 'Measures to enhance cooperation with law enforcement authorities' commits states to take "appropriate measures to encourage persons who participate or who have participated in organized crime groups." Under this article states "shall consider providing for the possibility in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention." Such witnesses would be covered by protection measures outlined in Article 20.

The main problem with these US recommended strategies is that they are exclusively concerned with arresting and punishing harmful people rather than a more strategic approach that reduces the opportunities for harmful activity. These methods have been in use in the United States, locally and nationally, for decades. Although they have helped secure many important convictions, they have not significantly affected the extent of organized crime activity in any measurable way while other factors have actually exacerbated American organized crime problems.

⁵⁹ United Nations Crime Prevention and Criminal Justice Newsletter, *The World Ministerial Conference on Organized Transnational Crime, Naples, Italy, 21-23 November 1994*, Numbers 26/27, November 1995, 23-8.

⁶⁰ The UN Convention against Transnational Organized Crime (Document A/55/383) is available on <http://www.odccp.org/palermo/theconvention.html>

The present system of worldwide drug control is regulated by three international conventions: the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. As of July 2005 178 states are parties to the Single Convention, or are parties to the Convention as amended by the 1972 Protocol. The number of parties to the 1971 and 1988 Conventions is 177 and 173 respectively.

The bedrock of what Ethan Nadelmann labeled in 1990 the global drug control regime¹ is the Single Convention. This US-instigated convention² largely replaced the previous international agreements that had been developing piecemeal since the early years of the twentieth century. As a general obligation, parties, subject to the provisions of the convention, are obliged to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs. The Convention pays particular attention to 'plant based' or 'organic' drugs such as opium, heroin, coca, cocaine and cannabis. It places more than one hundred illicit substances in four schedules, that is to say lists of drugs or preparations that are under the Control of the Convention, with drugs being grouped according to their perceived dependence creating properties.

Constructed as a companion instrument to the Single Convention on Narcotic Drugs, the 1971 Convention came about as a result of a growing global concern for the harmful effects of psychotropic substances, including synthetic drugs such as amphetamines, barbiturates and LSD. In a similar fashion to that of the 1961 Convention, psychotropic substances are also categorized in four schedules. Classification is determined according to dependence creating properties, the potential level of abuse and the therapeutic value of the substances. Any substances included in the four schedules must be licensed by the governments for manufacture, trade and distribution with supply or dispensing only being possible under legal authority.

The 1988 Convention was designed to deal with the growth of international trafficking in illegal substances in the 1970s and 1980s, since the earlier international instruments only dealt with the issue in a limited fashion. Due in large part to US endeavour, it provides comprehensive measures against drug trafficking, including provisions on money laun-

dering, asset seizure, agreements on mutual legal assistance and the diversion of precursor chemicals. In a similar manner to its sister treaties, annexed to the 1988 Convention are two lists, in this case termed tables rather than schedules. These tables list substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances.

The Convention also tightened the control regime considerably by moving it to incorporate drug demand. Both the 1961 as amended by the 1972 Protocol and the 1971 Conventions required application of criminal policy measures only on the supply side of the drug problem. While the 1988 Convention was mainly concerned with the illicit supply of drugs, one paragraph concerned itself with the individual drug user. Article 3 (2) requires each party to make the possession of drugs for personal consumption a criminal offence under their domestic law, and as the Commentary on the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances 1988 suggests, this "amounts in fact also to a penalisation of personal consumption."³ Inclusion of Article 3 (2) in the final version of the Convention can be seen as the product of successful lobbying by the organic drug producing states. Keen to redress what they perceived to be an imbalance within the existing conventions, these nations wanted to place more responsibility for the global drug problem with traditional consumers states.⁴

The United Nations Convention against Transnational Organized Crime entered into force on 25 December 2003 and, as of July 2005, 86 states are parties to the convention. It is a legally binding instrument committing States that ratify it to taking a series of measures against transnational crime groups. These include the creation of domestic criminal offences to combat the problem, and the adoption of new, sweeping frameworks for mutual legal assistance, extradition, law-enforcement cooperation and technical assistance and training.

The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime entered into force on 28 January 2004 and, as of July 2005, 77 states are parties to the Protocol. It addresses the problem of organized crime groups who smuggle migrants. Other protocols addressing the enslavement and exploitation of migrants and the illicit manufacturing and trafficking in firearms have not yet entered into force.

¹ Ethan A. Nadelmann, "Global Prohibition Regimes: The Evolution of Norms in International Society," *International Organization* 44 (4), 1990, p.503.

² David R. Bewley-Taylor, *The United States and International Drug Control, 1909-1997 Continuum*, 2001, p. 7 & 137

³ United Nations (1998) *Commentary on the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988*, Done at Vienna on 20 December 1988, United Nations Publications, New York. E/CN.7/590. p. 80

⁴ Neil Boister, *Penal aspects of the UN Drug Conventions*, Kluwer Law International, 200, p. 124.

The United Nations Convention against Corruption will enter into force in December 2005, as of September 2005 30 states are parties to the Convention. A chapter of the Convention is dedicated to prevention, with measures directed at both the public and private sectors. These include model preventive policies, such as the establishment of anticorruption bodies and enhanced transparency in the financing of election campaigns and political parties. The Convention also requires countries to

establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. Countries are bound by the Convention to render specific forms of mutual legal assistance in gathering and transferring evidence for use in court, to extradite offenders. Countries are also required to undertake measures which will support the tracing, freezing, seizure and confiscation of the proceeds of corruption.

Having successfully internationalised a flawed approach to organized crime, Washington, via the UNTOC Convention, also hoped to strengthen the global drug prohibition regime. This was implied when an attachment to a draft of the convention put the "illicit traffic in narcotic drugs or psychotropic substances and money-laundering," as defined in the 1988 UN convention, at the top of its list of serious crimes.⁶¹ The hope was made explicit when Rand Beers announced that the new convention would go to the Senate for review and ratification in February 2001 as a 'follow-on' to the 1988 drug convention.⁶² (see Box – UN Conventions)

Had American drug control policies actually worked there may have been some logic to the international community's adoption of these policies but, as we have seen, the evidence suggests otherwise. Meanwhile, the war on drugs internationally, according to the UN's own admission, has failed in equal measure to the American version. Recent UN estimates, show the use of prohibited drugs has increased significantly over recent decades and drug prices generally have fallen sharply. The UNODC estimated in 2003 that the total number of drug abusers was around 200 million people, equivalent to 3.4 percent of the global population or 4.7 percent of the population aged 15 and above. These figures included 160 million for cannabis, 34 million for amphetamines, 8 million for Ecstasy, and around 14 million each for cocaine and heroin.⁶³ Given the immense cost of this cru-

sade and avalanche of crime and corruption that accompanied it, the comment of Senator Robert Wagner in 1931 on the prohibition of alcohol is worth recalling. "Why heap more sacrifice upon the altar of hopelessness?"

The explanation for nation states continuing their involvement with an international drug control regime based upon prohibition, as we have seen, owes a great deal to US endeavour. Additionally, as Harry G. Levine argues, "Governments of all types, all over the world, have also found drug prohibition useful for their own purposes."⁶⁴ For example, as witnessed in the US during the Nixon Presidency, it provides a rationale for the expansion of police powers. Furthermore, the process of demonising illicit drugs allows governments to construct a simplistic, and hence politically safe, focus for policies targeting a wide range of complex and ongoing social problems like poverty and crime. Drugs, to quote the title of a book by the Scandinavian authors Nils Christie and Kjetil Bruun, can therefore be regarded as "The Useful Enemy."⁶⁵

Crucially, however, regime adherence relies heavily on the status of the UN organisation itself. The image of the UN as a benevolent body has been crucial to the functioning of the global drug prohibition regime. As Inis L. Claude, Jr. observed as long ago as 1966 "While the voice of the United Nations may not be the authentic voice of mankind, it is clearly the best available facsimile thereof, and statesmen have by general consent

⁶¹ Other crimes in the list included: traffic in persons, counterfeiting currency, stealing of cultural objects, stealing of nuclear materials, terrorism, the illicit manufacturing of firearms, the illicit traffic in motor vehicles and corruption of public officials and officers of private institutions. United Nations, General Assembly, Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, *Revised draft United Nations Convention against Transnational Organized Crime*, (A/AC.254/4/Rev4), 19 July 1999, 52-3. These crimes are not specified in the final version of the convention.

⁶² U.S. Department of State, 'Crime Convention will soon advance to U.S. Senate,' *International Information Programs* [online] at <http://usinfo.state.gov/topical/global/traffic/01021401.htm>, February 2001.

⁶³ Recent estimates quoted in Mark Tran, 'Drug War Just an Exercise in Futility,' *Guardian*, 11 June 1998, 19. United Nations Office for Drug Control and Crime Prevention, *Global Illicit Drug Trends 2003*, (Austria: United Nations Publications, 2003) reproduced on the *Drug War Facts* website at <http://www.drugwarfacts.org/druguse.htm>.

⁶⁴ Harry G. Levine, *Global Drug Prohibition: its uses and crises*, *International Journal of Drug Policy*, 14 (2003), pp. 147-148.

⁶⁵ Nils Christie & Kjetil Bruun, *Der Nuetzliche Feind: Die Drogenpolitik und ihre Nutzniesser [The Useful Enemy: Drug Policy and Its Beneficiaries]*, Bielefeld, Germany, AIZ Verlag, 1991 cited in Jurg Gerber & Eric L. Jensen, "The Internationalization of US Policy on Illicit Drug Control," in Jurg Gerber & Eric L. Jensen (Eds), *Drug War American Style: The Internationalization of Failed Policy and Its Alternatives*, Garland Publishing, 2001, p 8-9.

treated the United Nations as the most impressive and authoritative instrument for the global version of the general will."⁶⁶ By employing rhetoric stating that those drugs defined as illicit are a "danger to mankind" (1961 Single Convention) that the UN's ideals consequently "transcend the traditional concerns of the international community" (1988 International Conference on Drug Abuse and Illicit Trafficking) and thus "pose a serious threat to the health and welfare of human beings" (1988 Convention)⁶⁷ the supporters of the regime can exert considerable pressure on nations to conform to the established norms of behaviour regarding control policies. States that flout the principles of the regime and refuse or fail to abide by the norms and rules can be labelled as deviants. They thus risk condemnation by those members of the international community who do adhere to the recognised standard of behaviour. What have been called the "reputational effects" of non-compliance are important because by reneging on their commitments under a regime or even deviating from the spirit of the regime, nations are likely to damage their reputation and forfeit potential future gains from co-operation.⁶⁸ The practice of linking or "nesting" drug control with other issue areas makes cost and co-operation important concerns. Violating a particular agreement or norm of the regime can have consequences beyond the drug issue and may affect a state's ability to achieve goals elsewhere. States are thus willing to accept regime rules when they perceive the cost of compliance to be cheaper than non-compliance.⁶⁹

This issue of cost is of course heightened when

a hegemon is included in the equation. As noted above, Washington's energetic support for the drug control regime ensures that states are often keen to seek compliance. Today then the US arguably acts as a global enforcer for the prohibitionist elements within the UN drug control apparatus, particularly the INCB. It regularly attempts to counter its lack of formal powers by effectively shaming governments into fulfilling what it interprets to be their treaty obligations. In recent years the Board has viewed national domestic situations vis-à-vis the treaties from an increasingly strict interpretative position. This means that while the drug conventions legitimately permit Parties to read certain clauses in a relatively liberal fashion, hence the existence of the Dutch "coffee shop" system and other examples of de facto decriminalisation of illicit drugs, the INCB often remains critical of anything other than pure prohibition. Obviously, this is a stance very much in line with that of Washington and as such is sometimes bolstered by support from US administrations. Deviating from the regime can prove costly when US co-operation in other international issue areas is at stake.

It can be argued that the UNTOC Convention benefited from such a dynamic by virtue of being associated with the global drug prohibition regime. While it does not deal exclusively with the issue of proscribed drugs, the linkages between what is defined as organized crime and the illegal drug trade ensures a coincidence of purpose with regard to illicit trafficking and the 1988 Convention. Beyond this, the process of conceptualising transnational organized crime in

⁶⁶ Inis L. Claude, Jr., "Collective Legitimization as a Political Function of the United Nations," in Frederick Kratochwil and Edward D. Mansfield, *International Organization: A Reader*, HarperCollins, 1994, p. 196. (First published in *International Organization*, 20 (1966), 267-279)

⁶⁷ UN Conference for the Adoption of the Single Convention on Narcotic Drugs, Volume II, New York, UN Publications, 1964, 300, Declaration of the International Conference on Drug Abuse and Illicit Trafficking and Comprehensive Multidisciplinary Outline on Future Activities in Drug Abuse Control, New York, United Nations, 1988, iii and I. United Nations (1998) Commentary on the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, Done at Vienna on 20 December 1988, United Nations Publications, New York, E/CN.7/590. The UN has in recent years toned down rhetoric associated with drug control and dropped terms like "evil" and "scourge" from its vocabulary. This appears to be in line with a small deviation from the supply-side mindset so long associated with international control efforts. Nonetheless, even without such emotive phraseology the organization's image remains important for regime adherence. Also see Robin Room, "The Rhetoric of International Drug Control," *Substance Use and Misuse*, 34(12), 1689-1707, 1999.

⁶⁸ Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton University Press, 1984, 94.

⁶⁹ See David R. Bewley-Taylor, *The United States and International Drug Control*, op. cit., 171-174. Also see Peter Andreas who notes that "Open defection from the drug prohibition regime would...have severe consequences: it would place the defecting country in the category of a pariah 'narcostate,' generate material repercussions in the form of economic sanctions and aid cut offs, and damage the country's moral standing in the international community." "When Policies Collide: Market Reform, Market Prohibition, and the Narcotization of the Mexican Economy," 127-128, in H. Richard Friman and Peter Andreas (Eds), *The Illicit Global Economy and State Power*, Rowman and Littlefield Publishers, Inc, 1999.

the run up to the Palermo Convention deployed similar semantic techniques to that of the global drug control regime. In this way it was able to rally widespread support from the international community. The language of universal threat so evident at the 1994 World Ministerial Conference on Organized Crime is remarkably similar to that found in various UN drug policy documents as discussed above.

The Criminogenic Effects of Globalisation

Just as early 20th century American business interests had managed to divert the reform element in society away from corruption in the system towards attempting to eliminate aspects of the personal behaviour of individuals, American diplomats and bureaucrats had successfully achieved an equivalent diversion at the United Nations. The UN's early analysis had been out of line with the dominant neo-liberal agenda, the new emphasis on comic book supercriminal organizations allowed it to get back in step. The international organisation now recommends that every country should set up rat traps on the American model at the same time as the neo-liberal and morally hypocritical conditions that breed organized crime problems continue to worsen.

While the UN's crime prevention agencies have been perpetuating a misleadingly simple analysis of organized crime that amounts to the idea that combinations of bad guys threaten democracy and civilisation, other parts of the organization have produced studies that could contribute to a better understanding of organized crime on a global scale by encouraging an examination of the contribution of mismanaged globalisation to the problem.

In 2003, for example, the United Nations Human Settlements Programme (UN-Habitat) released the findings of its study, *The Challenge of the Slums*. Around 924 million people now live in slums and the study documents the massive population shifts in recent years from rural to urban areas that accounts for this rapidly increasing number. It demonstrates the rapidly deteriorating condition of the urban poor and offers an authori-

tative explanation for such a vast and massively destabilising global trend. Armed conflict in Asia, Africa, Latin America and parts of the former communist world has of course displaced millions of people in the period since the end of the Cold War, neo-liberalism, however, has already displaced and continues to displace many millions more.

The report's conclusions are worth quoting at length:

Much of the economic and political environment in which globalisation has accelerated over the last 20 years has been instituted under the guiding hand of a major change in the economic paradigm – that is, neo-liberalism. Globally, these policies have re-established a rather similar international regime to that which existed in the mercantilist period of the 19th century when economic booms and busts followed each other with monotonous regularity, when slums were at their worst in Western cities, and colonialism held global sway. Nationally, neo-liberalism has found its major expression through Structural Adjustment Programmes (SAPs), which have tended to weaken the economic role of cities throughout most of the developing world and placed emphasis on agricultural exports, thus working against the primary demographic direction moving all of the new workers to towns and cities. These policies, as much as anything else, have led to the rapid expansion of the informal sector in cities, in the face of shrinking formal urban employment opportunities.⁷⁰

The study makes the case that the primary direction of both national and international interventions during the last 20 years has actually increased urban poverty and slums and increased exclusion and inequality.

The urban historian Mike Davis has estimated that there may be more than quarter of a million slums on earth. The five great metropolises of South Asia (Karachi, Mumbai, Delhi, Kolkata and Dhaka) alone contain about 15,000 distinct slum communities with a total population of more than 20 million. The building blocks of this slum planet, he writes, "are both utterly interchangeable and spontaneously unique" from the

⁷⁰ UN-Habitat, *The Challenge of the Slums. Global Report on Human Settlements 2003* (London; 2003), 6.



chawls of Mumbai, the *kampung*s of Jakarta, and the *iskwaters* of Manila to the *favelas* of Brazil and the, appropriately termed, *villas miserias* of Argentina. Most slum settlement, however, has tended to involve large-scale corruption and organized crime. "National and local political machines," Davis continues, "usually acquiesce in informal settlement (and illegal private speculation) as long as they can control the political complexion of the slums and extract a regular flow of bribes or rents. Without formal land titles or home ownership, slum dwellers are forced into quasi-feudal dependencies upon local officials and party big shots. Disloyalty can mean eviction or even the razing of an entire district."⁷¹

"The urban poor", the UN-Habitat report contends, are trapped in an informal and 'illegal' world – "in slums that are not reflected on maps, where waste is not collected, where taxes are not paid and where public services are not provided. Slum dwellers mostly exist outside of the law. If they come into contact with government at all they are more likely to be hindered in their attempts to provide the fundamentals of life – shelter and livelihood – rather than helped. They live in a state of permanent insecurity and illegality and business crooks and gangsters move into these ungoverned vacuums."⁷² In Rio de Janeiro, for example, drug traffickers have moved to a position of total dominance over other community institutions in many *favelas* and violence is as much a way of life in reality as the award-winning film *City of God* depicted in fiction. In 2003, for example, Rio's police killed 1,000 people during operations and homicide is now the chief cause of death for the city's young men with an annual rate of 205 murders per 100,000 people. As one community activist put it, "tyrannical young men now settle the most basic disputes on a whim and a gunshot."⁷³

In Rio de Janeiro drug traffickers have moved to a position of total dominance over other community institutions in many favelas

The market-driven globalisation process has led to rapid and uncontrolled economic change across the developing world. This in turn has bred corruption and violence in many countries that had before been relatively stable, with traditions, customs and rules that served to some extent to protect the most vulnerable in the population. These traditions, customs and rules have now broken down in many places to be replaced by many and varied forms of collective brutality and exploitation.⁷⁴

For every one thief or exploiter in the slums, there are dozens of exploited, and most of these are children. The World Health Organization estimates that there are 10 to 30 million street children in the world today. Apart from the large numbers in Latin America and Asia, there are growing numbers of street children in Eastern Europe, especially in Moscow. More than one million of these become prostitutes each year, according to the charity Free the Children. They help feed the demand from men in affluent countries for sex tourism – the business of making arrangements to travel to other countries to have sex with children. Children are usually 13 to 17 years old, but can be as young as five.

When parents cannot pay off debts to landlords themselves, children are also forced into bonded labour. In New Delhi, for example, the problem is so severe that an organisation exists to work for the liberation of slave children and child labourers. The South Asian Coalition on Child Servitude (SACCS) physically rescues such children who are taken from their parents, often forced to work 18 hours a day and are sometimes beaten and sexually abused. SACCS chairperson, Kailash Satyarthi, reports that, "You will also see children working in most of the street restaurants or street hovels. If you visit a mid-

⁷¹ Mike Davis, 'Planet of Slums: Urban Involvement and the Informal Proletariat', *New Left Review*, 26, Mar/Apr 2004, 14-16.

⁷² UN-Habitat, *The Challenge of the Slums*, 6-7.

⁷³ Gareth Chetwynd, 'Deadly setback for a model favela', *Guardian*, 17 April 2004. On the issue of Rio's *favelas* see also: *A Pointless War: Drugs and Violence in Brazil*, TNI Drugs & Conflict Briefing Nr 11, November 2004 at <http://www.tni.org/reports/drugs/debate11.pdf>

⁷⁴ For an analysis of processes that have led to millions of people being trapped in conditions akin to slavery see Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley: University of California Press, 2004).

dle class Indian home, you will see children working as domestic labor. A young girl will be cleaning housing and serving tea. Children work in retail industries, in plastics and metal industries... You will find child labor in all automobile workshops... You will also see a large number of children begging in the streets of Delhi, but few are begging for themselves. The money does not go into their pockets ... gangsters force children to do this."⁷⁵

Child labour under conditions akin to slavery does not simply affect local economies. In the carpet industries of India, Pakistan, Nepal and Morocco, for example, it helps supply a global market, according to reports and studies by charities such as the Anti-Slavery Society. The Society claims that sources for child labour might be local but can also be obtained from areas that are even poorer "by purchasing or coercing children from Bihar in north-east India to Uttar Pradesh; or from small villages in Nepal to Kathmandu; or from outlying villages to small towns in Pakistan; and even children trafficked from other countries, such as children imported from west Nepal to Uttar Pradesh." The low cost of many carpets in the west can thus be explained by the widespread use of 'unfree' and illegal labour. "Ever growing populations and seemingly never growing economies give enormous impetus to mass migration, economic asylum seekers and the return of the slave trade as unscrupulous groups traffic in human beings," concluded Robert Stern, a former US State

Department counter-terrorist officer.⁷⁶

Structural adjustment programmes, explosive population growth, and unprecedented mass migration have thus created huge concentrations of people leading to huge problems or potential problems. "How long," warns Stern, "will the third world be content to watch us live high on the hog (satellite television and the internet assure they know how we live) while their children starve?" "Increasingly," he continues, "the world is divided between haves and have-nots and the have-nots are not going to be content to stay that way..."⁷⁷

Sadly, Stern's former bosses in the George W. Bush White House and their corporate media cheerleaders project global problems in much simpler good versus evil terms. At this time, according to Fox News and other news organizations, many of the world's problems boil down to Al Qaida, presented as a ubiquitous, well-organized terror network run by an evil mastermind, Osama Bin Laden. This is as far removed from the messier reality of terrorism as the notion of a few mafia-type organizations running organized crime in America and elsewhere once was. All such simple-minded notions distract attention away from the need to address more fundamental faults in the international political economy if a safer, saner world is to emerge. If these faults are not addressed then criminally inclined corporations, warlords, gangsters and entrepreneurs will continue to prosper.

⁷⁵ Camile Colatosi, 'Children in the Global City', *AGW – A Globe of Witnesses*, at <http://thewitness.org/agw/colatosi.012502.html>.

⁷⁶ Robert H. Stern, 'The Demographic Bomb', *Crime and Justice International*, November/December 2003, 40.

⁷⁷ *Ibid.*

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In this issue of *Crime & Globalisation*, Michael Woodiwiss and Dave Bewley-Taylor track the history of the concept of organized crime and its metamorphosis into a 'transnational' phenomenon allegedly posing a serious threat to global world order. They show how the United States has dominated the construction of a global enforcement regime by interlinking concepts of drugs prohibition and combating organized crime. The "limited and blame-shifting approach" to organized crime pioneered by the US, the authors argue, has steered attention away from corporate criminal activities towards conspiracies of criminal organisations.

This "dumbed down" version of what constitutes organized crime was embraced by the international community with passage of the 2002 UN Convention Against Organized Crime; a treaty viewed by Washington as a natural extension of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Such an understanding takes no cognisance of the criminogenic aspects of the current neo-liberal globalisation process, nor does it help meet the security needs of developing countries, particularly in relation to the increasing urban crime problems of the booming shanty towns of the South.

The most striking aspect of the US approach is its exclusive concern with arresting and punishing harmful people rather than a more strategic approach that reduces the opportunity for harmful activity, Woodiwiss and Bewley-Taylor argue. Thus a flawed approach to organized crime has been fully internationalised. While the UN's crime prevention agencies have been perpetuating a misleadingly simple analysis of organized crime with the notion that 'bad guys threaten democracy and civilisation', other parts of the organization have produced studies that could contribute to a better understanding of transnational organized crime by looking at the mismanaged globalisation process.

Founded in 1974, TNI is an international network of activist-scholars committed to critical analyses of the global problems of today and tomorrow. It aims to provide intellectual support to those movements concerned to steer the world in a democratic, equitable and environmentally sustainable direction.

The Crime and Globalisation project examines the synergy between globalisation and crime. It looks at the criminogenic effects of globalisation, on the one hand, and new discourses about an underground "axis of evil" of drug trafficking, transnational organized crime and international terrorism, on the other. The project aims to stimulate critical thinking about mainstream discourses, which turn a blind eye to the criminogenic effects of globalisation, while seeking to make links between the 'criminal underworld' and political terrorism.

As regards the criminogenic effects of globalisation, the project is concerned with the number of people being forced to "migrate into illegality" due to impoverishment and marginalisation. It is also concerned with the rise in corporate or white-collar crime as economies become more and more deregulated.

As regards the 'axis of evil' of drug trafficking, transnational organized crime and international terrorism, currently being constructed as the new major global security threat, the project is concerned with the body of multilateral agreements put in place 'to fight the scourge'. These are being adopted on the basis of vague definitions, scant information and tenuous links, and have serious consequences for civil liberties, human rights and national sovereignty.