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# **A Pointless War**

## **Drugs and Violence in Brazil**



*Drugs and Democracy Programme  
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In the early morning of Good Friday 2004, 60 armed gang members with automatic assault weapons, dressed in black and bulletproof vests, left the hillside slum of Vidigal in Rio de Janeiro. They descended to one of Rio's main inner-city avenues, hijacked several cars – killing a woman who did not surrender her vehicle rapidly enough – and drove up-hill to the nearby Rocinha favela, where they launched an attack on a rival gang to wrest control of one of the most lucrative 'boca de fumo' – as the retail selling points of marijuana and cocaine are commonly known – that nets some US\$ 3.5 million a month for the gang that commands it. Although clashes like these are not uncommon in Rio's 700 plus favelas, this time the violence made international headlines

The attack and the ensuing police incursion continued well into Monday when more than 1,200 militarised police stormed the slums attempting to halt the dispute, which left 10 people dead among innocent bystanders, gang members and police. Meanwhile, random shoot-outs between the gangs and police cut Rio in two during the Easter weekend, given that both favelas straddle and overlook the main roads dividing the city's richest districts and the city centre, including the fashionable beaches of Copacabana and Ipanema. While the affluent south worried how to reach their workplaces the coming week, many residents of Rocinha – one of Latin America's largest shanty-towns with around 150 thousand inhabitants – were unable even to reach their modest shacks that weekend.

While the shooting was still going on, the Deputy Governor of Rio State, Luiz Paulo Conde, proposed to ring several slums with a three-metre wall, indicating that the violence might have come too close for comfort for Rio's well-off. The proposal was severely criticized – for only creating 'social apartheid' when what was needed was investment in poor communities – and quickly withdrawn. Nevertheless, it demonstrates an inherent attitude among authorities. They have simply abandoned the favelas, creating a power vacuum that is filled by

gangs which have found a profitable source of funding in the illicit drugs industry.

The levels of violence in Rio are comparable to a war zone. Guns kill more young people below the age of 18 each year than in better-known areas of conflict like Sierra Leone or Colombia. In the Israel-Palestine conflict, for example, 467 minors died as a result of gun-related violence between 1987 and 2001, while firearms killed 3,937 young people in the same period in the state of Rio alone, according to a study of youth involved in territorial drug faction disputes.<sup>1</sup> Moreover, many inhabitants of favelas are, in fact, living in occupied territories dominated by self-appointed gang lords, while the state is largely absent in procuring security and adequate social and housing conditions.

Brazil is the second-largest single-country market for cocaine in the world after the US, and drugs fuel the country's tremendous social and criminal violence problems. In Rio, some 10,000 people are alleged to be active in local drug distribution. According to a study by the International Labour Organisation (ILO), many of those are children.<sup>2</sup> They come from the poorest of the poor. Most enter and remain in drug gangs to gain prestige and power and earn money for goods they cannot otherwise obtain. They end up inebriated by the adrenaline of everyday life in drug trafficking, enjoying the shoot-outs with police or rival groups as well as demonstrating strength and fearlessness. The bond with the gang is an important factor and, after a while, it is almost impossible to leave the social network because they know too much and have become known to rival groups and the police. Some enter as young as eight years old. Most die within a year of entering the gang.

Adding to the problem is widespread police corruption and outright collaboration with drug gangs, as well as excessive police violence. The fight against violence in Brazil is characterised by an indiscriminate and abusive violence and disrespect for human rights on the part of police forces operating with impunity,



<sup>1</sup> Child Combatants in Organized Armed Violence, Luke Dowdney, ISER/Viva Rio, Rio: 2002.

<sup>2</sup> Children in Drug Trafficking: A Rapid Assessment, Jailson de Souza e Silva and André Urani, International Labour Organization, International Programme on the Elimination of Child Labour (IPEC), Geneva: 2002.

according to sociologist Geraldo Tadeu Moreiro Monteiro.<sup>3</sup> While between 1997 and 2003, the police force increased by 45%, the number of arrests decreased by 31% between 2001 and 2003. At the same time, the number of deaths as a result of 'resistance to arrest' increased by 236% between 1998 and 2003, Monteiro calculated. On average, victims had 4.3 shot wounds of which 61% were in the head. Summary executions seem to be the preferred method of the police in Rio. The 'war against crime' only results in an escalation of violence and the conclusion seems clear that it cannot be left to the security forces without a thoroughgoing reform of the police. As a result of the failure of the police to address the violence, the military are now being sent into the favelas.

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Not only are Brazil's urban centres subject to high levels of violence. In the North-East, in the so-called 'marijuana polygon' in the States of Pernambuco and Bahia, the levels of violence are sometimes even higher due to brutal land disputes and conflicts related to the illicit cultivation of marijuana. According to the Labour Prosecution Office of Pernambuco State, there are 40,000 rural workers in marijuana plantations and many are forced to work there by criminal gangs. Among these, 10,000 are youngsters. It is clear that the illicit drug industry is not the root of the problem, but it is also clear that current drug control policies boost the violence that accompanies social conflicts in Brazilian society.

In this issue of *Drugs & Conflict*, the background to the drugs-related violence in the North-East marijuana cultivation area, as well as in the favelas in Rio, is described by Jorge Attilio Iulianelli and Paulo Cesar Fraga, while Luiz Paulo Guanabara looks at the new drug law that is being evaluated in congress. Although the new law is a step forward for making a clear distinction between a drug trafficker and a user, the question remains whether that will effectively address the problem given the limited scope of the new law.

It would be wrong, however, to limit the problem to poverty and inequality in which some might find subsistence in the illicit drug industry. In 2000,

a Parliamentary Commission of Inquiry (CPI) into the drug trade showed in a large number of cases the involvement of people who could certainly be classified as 'white collar'. The report recommended indicting three members of the national Congress, several state lawmakers, businessmen, lawyers, former judges and former police officials and a handful of mayors. Moreover, the illicit drugs industry is not the only crime plague in the country. According to Gilson Dipp, member of the Supreme Court, in his condition as president of a financial crime commission, stated that more criminal money is made through corruption, fraudulent schemes and diverting public resources than as a result of drug trafficking.<sup>4</sup> Most of these financial crimes go unpunished and seriously hamper Brazil's development.

Reluctantly, but increasingly, Brazil is dragged into the US-inspired militarised 'war on drugs' on the continent. Brazil is an important transit country for drugs produced in neighbouring Colombia, Bolivia and Peru on their way to the US and Europe. One of Rio's key drug bosses, Fernando Beira-Mar (Seaside Freddy) was captured in Colombia in what authorities described as a guns-for-drugs pipeline involving FARC guerrillas. Brazil is involved in the Colombian conflict through the sharing of intelligence and an escalation of military and police activities at the border aimed at stopping drug and arms trafficking and preventing a spill over into Brazil of Colombia's violence. Military and police forces are strengthened in a futile attempt to monitor the endless Colombian and Peruvian borders through the likes of 'Operation Cobra' and 'Operation Timbó'.

The System for Amazon Surveillance (*Sistema de Vigilância da Amazônia - SIVAM*) that uses radar stations, air reconnaissance and satellite support to monitor air traffic, maritime movement, border activity, and intercept communications, was completed recently. While originally designed to save the Amazon rainforest from diverse types of environmental abuse, it will now also be used to stop drug flights from entering Brazil and provide real-time information to border units.<sup>5</sup> Legislation passed both chambers of Congress allowing

<sup>3</sup> As forças de insegurança, Geraldo Tadeu Moreiro Monteiro, *O Globo*, 23 July 2004.

<sup>4</sup> Crime organizado ataca o poder público, *Jornal do Brasil*, 26 August 2004.

<sup>5</sup> Sivam já abastece a PF com informações, *Folha de São Paulo*, 2 November 2003.

the armed forces to take on police tasks in the fight against drugs. In July, a so-called shoot-down law (*Lei do Abate*) was passed that authorised Brazil's air force to shoot down any unidentified aircraft suspected of smuggling drugs.

The constitutionality of the law is being questioned. Brazil forbids the death penalty for criminal acts and though the government argues otherwise, some legal experts and commentators maintain that the statute amounts to a de facto execution of drug traffickers. "The ethical and juridical problems raised by the regulation of the shoot-down law are much greater than the benefits this extreme measure can bring," the influential daily *O Estado de São Paulo* said in an editorial. "This penalty will be applied beyond the reach of justice, by administrative decision of the commander of the air force, who will have life and death power over crew members and passengers of irregular flights."<sup>6</sup> Former anti-drug secretary Wálter Fanganiello Maierovitch's suggestions to investigate suspicious airplane purchases and seizing the plane, the drugs, and the pilot upon landing, were disregarded. Instead, according to Maierovitch, the government decided to kill the mule and not the trafficker.<sup>7</sup>

Brazil's system to survey its borders and the Amazon basin parallels the military infrastructure which the US Southern Command has built in the region through the installation of Forward Operating Locations (FOLs) in Ecuador, on Aruba and Curaçao and in El Salvador, complemented by domestic military bases and radar sites in the Caribbean and the Andean region. Originally designed to interdict drug trafficking in the region, its scope has been broadened to counter-insurgency and counter-terrorism and other far-reaching US foreign policy goals such as securing access to natural resources, especially oil.<sup>8</sup> Despite Brazil's reluctance to get involved, it seems only a matter of time before the systems are integrated.

Militarisation of the drug war, especially in poor neighbourhoods and rural areas, will backfire, however, unless enforcement programmes are designed carefully in combination with comprehensive policies that address social segregation

and the extreme levels of inequality in Brazil. In the region, Brazil will only be dragged more into a drug war that has failed to show any significant results. Cocaine is still abundantly available while prices fall. In contrast, it has produced environmental devastation through the fumigation of coca fields with herbicides that might affect the Brazilian Amazon, and is fuelling the cruel internal conflict in Colombia and social unrest in Peru and Bolivia.

Clearly, a different drug control approach is badly needed. This should be a challenge for the centre-left government of president Luiz Inácio 'Lula' da Silva, which, since it came to power in January 2003, has mainly continued the policies of its predecessors in this area. The issue is closely linked to the issues of hunger and poverty reduction to which Lula has committed Brazil. Brazil has shown leadership at the WTO trade negotiations to build a coalition for reform of the current global economic order. In his speech to the 59<sup>th</sup> United Nations General Assembly, Lula said: "A powerful and all-encompassing invisible cogwheel runs the system from afar. It often revokes democratic decisions, shrivels the sovereignty of States, and imposes itself on elected governments. It demands that legitimate national development projects be renounced."

He might as well have been referring to the current global drug control regime that has failed to address the problem in a humane way and is used to impose policies that feed conflict and misery. Brazil should only follow its own example. It has successfully resisted the opposition of the large pharmaceutical companies and the US government to its harm reduction policies for injecting drug users when it marketed domestically produced low-cost medication, thereby circumventing the patents that prevented an effective public health policy against HIV/AIDS. Brazil's harm reduction policy has been hailed as one of the most successful worldwide. In coalition with other reform-minded nations, Brazil could help construct a harm reduction policy in the area of drug control, comprising the complete chain from production to consumption - a policy in which the cure is not worse than the disease.



<sup>6</sup> A Lei do Abate, editorial in *O Estado de São Paulo*, 21 July 2004. Ironically, abater not only means shooting down but also to slaughter.

<sup>7</sup> Pena de morte no Brasil, Carta Capital, 21 July 2004.

<sup>8</sup> See: Forward Operating Locations in Latin America: Transcending Drug Control, TNI Drugs & Conflict No. 8, September 2003.



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*Cultivation of marijuana*



*Submedio São Francisco*

**B**razil does not have a history of traditional harvesting of coca, unlike other countries in the Amazon-Andean region such as Peru, Bolivia and Colombia. Although marijuana has begun to be harvested by indigenous cultures like the Guajajara tribe in Maranhão, this is not an ancestral or long-standing practice. Further, employment in today's marijuana plantations follows an agribusiness model, as observed in the Submédio São Francisco region. Small producers are introduced into plantation areas, or are pressured into giving up their land for marijuana crops; they receive the necessary inputs and are guaranteed that that the harvest will be purchased. This relationship is established by businessmen and the managers of agricultural activity to work with small producers and farmers. As, for example, in the case of fruit exports in that same region, the payments they receive for their activities are generally higher than those they would get if they were not integrated into the agribusiness production system.<sup>2</sup>

Some of the biggest problems in Brazil are the high concentrations of wealth and gaping social inequalities. In the case of rural peasants, we can add the highly unequal distribution of land. This implies a need to develop the civic consciousness of the subaltern classes – in terms of validating their rights – both in the country and the city. The subaltern classes are those that carry out manual labour, the heavy labour – bringing this social sector in the country closer to that in the city.<sup>3</sup>

In Brazil, exploitation of the subaltern classes in rural areas gains force in the unequal land distribution and exploitation of the peasant masses, whether by the plantations or by agribusiness. Both forms of exploitation, as registered in the latest report of the Pastoral Land Commission, or *Comissão Pastoral da Terra*, have a murderous effect on the peas-

ants.<sup>4</sup> Violence in the countryside, in the form of murder of peasants, is a constant reality in Brazilian agriculture – and this is also true in the agribusiness regions. A discussion of the Brazilian countryside must include this alarming data.

The area of Brazil is 8,300,000 km<sup>2</sup>, more than 80% of which is made up of rural lands. The country has the most unequal land distribution on the planet: 1% of the total registered real estate occupies 45% of registered land, while 89.1% of registered real estate is squeezed onto 20% of registered land. This concentration explains, to a certain extent, the high number of social agricultural conflicts in Brazil. In addition, we must consider the exploitation of child and juvenile labour in the countryside. Even more appalling is the fact that, at the beginning of the 21<sup>st</sup> century, we still have slave labour on many farms in Brazil.

From this illustration of the peasant context in Brazil, we can make some observations on the economic circuit of substances considered illegal in rural spaces. We began with a look at the current context in these rural spaces. Now we must identify a certain historical trajectory in the presence of substances considered illicit. Finally, we will return to the present.

## A Brief History

There is an historic presence of substances currently considered illicit in the rural areas of Brazil. In the case of marijuana, there are records dating back to the 18<sup>th</sup> century. Other native substances later qualified as narcotics go back even further; such is the case, for example, with *santo daime*, a root from the Amazon ayahuasca vine which can be made into a tea. There are also records of the presence of coca in the Amazon region predating the 16<sup>th</sup> century.

<sup>1</sup> Philosopher, researcher with CAPES, professor of Philosophy of Education at Estácio de Sá University, co-ordinator of the Rural Workers and Rights Program of KOINONIA – Ecumenical Presence and Service. He was co-editor, with Ana Maria Motta Ribeiro, of *Narcotráfico e violência no campo*. Rio de Janeiro, DP&A, 2000.

<sup>2</sup> In the case of marijuana, in comparison with daily rates for onions, the difference is quite expressive: while the onion pays R\$ 7 – R\$ 10 (or about US\$ 2 – US\$ 3.30), marijuana pays between R\$ 20 – R\$ 100 (or US\$ 6.60 – US\$ 33).

<sup>3</sup> Marques, Maria Inês Medeiros, "O conceito de espaço rural em questão", in *Terra Livre* 18. (19), São Paulo, USP, jul./dez. 2002, pp.95-112.

<sup>4</sup> Comissão de Pastoral da Terra (CPT), *Relatório Anual da Violência no Campo*. Goiás: CPT, 2004.

We will concentrate here on the historical presence of *cannabis sativa*, or marijuana, linked to the process of colonisation and the system of slavery in Brazil. We know that hemp was used in the ropes and sails of ships that brought Iberians from Europe to conquer America and its native peoples. Hemp plantations in Europe – brought from India and disseminated for the utility of the plant's fibres in manufacturing resistant cloth – is a phase of mercantilism and industrialisation. On the other hand, we note that recreational *cannabis* use has historical roots among peoples of African origin in Brazil.

Marijuana cultivation in the country became especially prevalent in the Northeastern region. *Cannabis* plantations spread quickly from a specific zone within the Northeast around Maranhão to the central areas of the Northeast. The most significant growth occurred in the region that later would come to be known as Submédio São Francisco, including the states of Bahia, Pernambuco, Sergipe and Alagoas. This extensive area maintained cultivation, as well as recreational and medicinal uses, long before criminalisation of this plant and its cultivation was in place. This shows the importance of *cannabis* in rural and Northeastern societies. There are reports of historical use of the plant in at least one indigenous tribe that now lives in Maranhão state, the Guajajara. Currently, there are records of *cannabis* plantations among the Tuxá, in Bahia state; however, there is no evidence to support claims that this tribe did or did not cultivate and have ancestral uses for the herb.

There are abundant testimonies of marijuana cultivation among people of African origin, or Afro-Brazilians. Medical reports from the beginning of the 20<sup>th</sup> century are marked by racism and elitism; they identify the use of *cannabis* as a defining element in the underdevelopment of North-eastern *sertão* populations. At any rate, continuous reports of *cannabis* plantations predate criminalisation.

### The *ayahuasca* plant

The *ayahuasca* plant (*Banisteriopsis caapi*) is traditionally used in religious cults among the Amazon-Andean peoples. In Brazil, *daime* was qualified as a narcotic drug by the Federal Narcotics Council (Conselho Federal de Entorpecentes, COFEN) in 1984, and included on the list Dimed (*Divisão Nacional de Vigilância Sanitária de Medicamentos* National Division for the Sanitary Monitoring of Drugs of the Ministry of Health). It was taken off the list in 1986, a move ratified in 1992. Other amendments allowed the use of *daime* (*ayahuasca*) for religious purposes. In 2002, a new amendment prohibited the drinking of *ayahuasca* by minors under 18 years of age, even in religious cults and even if they are accompanied by their parents. Also in the United States, *daime* was considered a narcotic until 2002. From then on, religious uses of the drug were permitted in that country.

Likewise, reports indicate that these plantations continued uninterrupted, in spite of government eradication policies<sup>5</sup>. Evidently, the objective of eradicating marijuana production – mainly through policies applied between 1940 and 2004 – has not been achieved.

In Brazil, the presence of illegal substances in the countryside is not restricted to cannabis. Nor are the uses restricted to personal and collective recreational use. There are also records of medicinal uses of *cannabis* for treatment of asthma in the Submédio São Francisco region, and ritualistic uses among the Guajajara, according to anthropological records.<sup>6</sup> In the case of cocaine, the evidence is much more recent, beginning in the 1970s, especially in the Amazon. In the 1980s, there are reports of suspected cocaine use in the interior of São Paulo, in the Ribeirão

<sup>5</sup> In Brazil, eradication is carried out by burning the product. As far as we know, there have never been fumigation operations. These incinerations count on the local labour force regulated by the federal police. According to rural workers in the Submédio São Francisco, this is carried out with violent physical coercion, characterised by forced and degrading labour.

<sup>6</sup> Henman, Anthony (ed), Diamba, saramamba, Rio de Janeiro, Ground, 1986.



Preto and Bauru regions. There are not many records on opiates, although an External Congressional Commission on marijuana noted in 1997 the possible presence of heroin in the Submédio São Francisco region. This brings us to an exploration of the presence of substances qualified as illicit in rural areas in Brazil.

## Substances Qualified as Illicit in Rural Areas

Illicit substances in the countryside in Brazil are present in both the productive circuit – cultivation – and in the commercial circuit – distribution and consumption. In both cases, questions related to the commercialisation process are significant. In the following section we will offer qualified information on the economic processes, or circuits, and how they combine with elements of local culture, often amounting to tragic dramas in the lives of the subaltern populations. Rural populations are made vulnerable in this process: firstly, in the way that illicit agribusiness is organised and secondly, in repression by police forces and the judicial system.

Cultivation of marijuana is mainly consigned to *cannabis sativa*, which is produced for national consumption. But we come across some problems in analysing police data on marijuana seizures. When looking at this data in terms of marijuana seized, we find two possible conclusions: either most of the marijuana consumed in Brazil comes from outside the country – there have been reports since 2002 that much of the drug consumed in São Paulo, for example, comes from Paraguay – or that federal police reports on eradication efforts do not, in fact, correspond to a dev-

astation of the cultivation areas, as they boast. Effectively, as can be seen in a table by the Federal Police Department, the major area of cultivation is still the Northeast. And between 2000 and 2003, we see a constant drop in the quantity of plants eradicated.

In another study, we presented some data on the area of cultivation in the Bahia and Pernambuco region.<sup>7</sup> There are no empirical studies that quantify the areas of marijuana plantations in the Brazilian Northeast. There are, however, estimates for the Submédio São Francisco (SMSF) region – where the four states of Bahia, Pernambuco, Alagoas and Sergipe intersect. But here, information from the federal police, who estimate that there are 3,500 hectares of cultivatable land, apparently do not correspond with estimates by the Labour Prosecution Office<sup>8</sup> of Pernambuco state, who say that there are 40,000 agricultural workers employed in this work – 10,000 of whom are children and young

*There are 40,000 agricultural workers employed in this work – 10,000 of whom are children and young adults*

adults. In our study we estimated that there could be up to 118,000 hectares of marijuana plantations in the region, using data by the United Nations Office on Drugs and Crime (UNODC) on quantity of marijuana seized, production and cultivatable lands. This estimate was considered incorrect by the superintendent of the federal police, Dr. Wilson Dalmázio, in a seminar organised by the International Labour Organization (ILO) in which we both participated.

In 2003, in the Northeast, 7,630 kg of marijuana were seized, especially in the capital cities, and 1.8 million of cannabis plants were eradicated, mostly in the SMSF, but also in Maranhão, Rio Grande do Norte and Paraíba states. The federal police and the National Anti-drug Secretariat – which has recently changed its

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<sup>7</sup> Lulianelli, Jorge Atilio Silva, *Por uma sociologia da Cannabis*, on [www.mamacoca.org](http://www.mamacoca.org), 2003.

<sup>8</sup> The Labour Prosecution Office (Ministério Público do Trabalho) is one of the branches of the Public Prosecution acting under the Attorney General and has branches in different regions in Brazil. In this case, we are referring to the Labour Prosecution Office of the 5th Region. In this text the references will always be to this section of the Ministry.

name, due to pressure from the Health Ministry and sectors of civil society, to the National Drug Policy Secretariat – have argued that the operations to eradicate marijuana plantations have been successful. In effect, there is a decrease in the number of marijuana plants eradicated between 1999-2003, falling from 3 to 1.8 million (see Table 1, page 16).

Furthermore, it is true that cities with particularly high homicide rates, such as Floresta (Pernambuco state), have been able to reduce these rates (see Table 2, page 16). By 2001, the homicide rate had returned to around what it was in the second half of the 1980s, about 50 per 100,000 residents. The importance of these facts must not be underestimated. But neither should the presence of a labour force estimated at 40,000 people, combined with vast unemployment in the region and payments for activities of illicit plantations. These lead us to believe that cannabis plantations will continue to exist in the SMSF region, and other regions of the Northeast. They are fed by an historical tradition and a significant demand for consumption. According to the Brazilian Drug Observatory in research in 2001, 6.9% of the population of Brazil consumed marijuana in the country's major capital cities.<sup>9</sup>

In addition to plantations, there are other modalities of substances qualified as illicit in other rural areas of Brazil, including three priority areas. Firstly, the Northern region, which is particularly important because it shares borders with major coca producers, such as Peru and Colombia, and because of the strategic nature of the Amazon region.

Second, the Mid-western region has seen increases in violence against peasants, perpetrated by a new social actor, agribusiness. In addition to the plantation – where peasants continue to be murdered – agribusiness also has the effect of increasing violence and violent death among peasants, according to a study by CPT.<sup>10</sup> Professor Carlos Walter argues in that study that there was an increase in the intensity of aggressions and homicides carried out by agribusiness against the peasants in the region. The major transport roads are located here, mainly to bring marijuana from Paraguay, but according to the federal police, there is evidence of significant consumption of these products.

There are reports of marijuana plantations along the borders between Paraguay and Brazil, in the Mato Grosso region, in the Midwest of Brazil. We should point out that in this region there is also intense cultivation of other crops, mainly soy. The area has seen a recent increase in the scale of marijuana production (referring once more to the federal police claim that the product comes from Paraguay). In other words, the region in which violence has increased in the country – as a result of agribusiness, according to the CPT report – is also the area where production and circulation of marijuana has increased.

Third and finally, in the South-eastern region, in the interior of São Paulo, Ribeirão Preto and Bauru, there are reports that workers on sugarcane plantations are encouraged to take illegal drugs in order to increase their productivity.<sup>11</sup> According to data by sugarcane

*There are reports that workers on sugarcane plantations are encouraged to take illegal drugs in order to increase their productivity*

<sup>9</sup> Research conducted by Cebrid, 2001 and released by Senad, in 2002, on their website (<http://www.senad.gov.br>). This research indicates that the Northeastern region is the second biggest consumer of marijuana in the country: 1.2% of the general population consumes marijuana.

<sup>10</sup> Comissão de Pastoral da Terra (CPT), Relatório Anual da Violência no Campo, Goiás, CPT, 2004.

<sup>11</sup> In this last case, there are interviews with three sources: a professor at the public university of Rio de Janeiro that does research in the region (Feb., 2003); a person linked to the Migrants Pastoral (Oct., 2003); and a rural union leader from the region (May, 2004). The three sources gave information on the existence of crack and cocaine consumption by sugar cane plantation workers, and suspected the involvement of sugar cane plantation owners in the distribution of these substances, to increase the productivity of the peasants.

plantation owners, productivity in this region has more than tripled in the past ten years.

Two relevant studies examine the case of the Amazon. The first is by Argemiro Procópio, a professor at the University of Brasília. His work looks at indicators of trafficking routes throughout the area, including clandestine airstrips and cocaine laboratories. According to the study, the absorption of the local labour force in activities related to trafficking is much more lucrative for subaltern classes than licit economic activities in the region. Although he does not support his claim with much data, he argues that Brazil is the second largest cocaine consumer in the world.<sup>12</sup>

Another study is the result of work by a group of academics entitled *Globalisation, Drugs and Criminalisation*, under the co-ordination of economist Michel Schiray.<sup>13</sup> This group undertook a comparative analysis of Brazil, China, India and Mexico. In Brazil, Professors Alba Zaluar (UERJ), Lia Osório Machado (UFRJ) and Sandra Goulart, and Professors Ronaldo Araújo (Goeldi, Belém-PA) and Christian Geffray worked on this research. Research in the North of Brazil – the Amazon region in particular – was carried out by Osório, Araújo and Geffray. They analysed different regions and thematic areas. Osório evaluated Acre and the economic-financial impacts commerce in substances considered illegal in that state. Araújo and Geffray analysed the organisational formation of the commercial operations in Acre, Rondônia and Amapá.

Osório highlights a network of high financial investments, which reveal the immense gap between the agricultural and savage reality of the cities analysed compared to the volume of money circulating and the quantity of banking agencies in the region. This alone is proof that the financial banking sector approves of

or supports the functions of the illicit economic activity. After all, the banks do not question the origin of huge amounts of money deposited with them, even though the economic reality of the region does not correspond.

Araújo, on the other hand, analysed criminal operations of Hildebrando Pascoal and former governor Orleir Cameli, two characters in the proceedings of the Congressional Hearings Commission on Narco-trafficking held at the end of the 1990s. Their arguments sought to unveil the mystery of the intensity of violence applied by these criminal groups. Geffray points to the need for a more detailed investigation on different cycles within the drug economy. He divides the process in two cycles, the lower cycle – wholesale – and the higher cycle – financial – for a better comprehension of the process.

### Work Conditions in Marijuana Plantations

This section presents some data from research we conducted between 1997 and 2003 on the situation of rural workers on marijuana (*cannabis sativa*) plantations in SMSF. The studies were conducted at different times, using different methodologies: open interviews with agricultural workers who plant *cannabis* and suffer the effects of violence, both from repression by the state and by the plantation managers; open interviews with young people who have been lured into working in these areas and other youth who know people who have become involved; focal groups with peasants and young people.<sup>14</sup>

In the SMSF region, large-scale plantations began from the middle of the 1980s, especially from 1986 on. Coincidentally, this is the period of increased repression against mari-

<sup>12</sup> Procópio, Argemiro (ed), *Narcotráfico e segurança humana*, São Paulo, LTR, 1999. And Procópio, Argemiro, "O narcotráfico no espaço social rural da Amazônia", in Lulianelli, Jorge Atilio Silva and Ribeiro, Ana Maria Motta (eds), *Narcotráfico e violência no campo*. Rio de Janeiro, DP&A, 2000, pp. 135-176.

<sup>13</sup> Schiray, Michel and Fabre, Guilhem (eds), *Globalisation, Drugs and Criminalisation*, Final Research Report on Brazil, China, India and Mexico, Geneva, Unesco-Unodccp, CD-Rom, 2002. Also available at: [www.unesco.org/most/globalisation/drugs\\_1.htm](http://www.unesco.org/most/globalisation/drugs_1.htm)

<sup>14</sup> Focus groups are an interview method that works on an appropriate space, a soft approach with the group, and maintains the interviewee in the condition of a facilitator of the exploratory dialogue. More detailed descriptions can be obtained, among others, in Minayo: 1994.

juana plantations in Maranhão state, which affects the Guajajara tribe. In the same period, there was a crisis in the price of one of the main products of the region, onions, and the so-called manioc scandal, a series of incidents of financial corruption that occurred during the Collor de Mello government. To these factors, we can add the pauperisation of the peasants, the existence of family feuds or wars, mainly in the Pernambuco region (Belém do São Francisco and Floresta), battles for dominion and occupation of territory.<sup>15</sup>

Further, this region received large investments during the military governments for construction of hydroelectric plants. The construction of the Sobradinho dam expelled around 70,000 families in the region, contributing to the impoverishment of these peasants. The construction of the Itaparica dam resulted in the removal of nearly 7,000 families, but they were organised in the Polo Sindical (a union movement) and resettled in an irrigated area. However, it took the federal government 18 years to make good their promise of resettlement.

In the course of these 18 years, the majority of the peasants were relocated but did not have access to irrigated land and therefore could not continue to conduct agricultural activities. In response, the government subsidised them with a temporary maintenance fund. Until 1997, just 32% of the resettlement was functional. In 2004, 15% of the projects still were not functioning. One of the results of this process was that marijuana plantations grew up in areas of irrigated resettlement – though these cases are rare.

Among other conditions, such as the historical presence of *cannabis* plantations, the crisis in prices of local products – such as with

the onion crash in 1987 and the manioc scandal during the Collor de Mello government – unemployment among the peasant masses created a workforce ready to engage in this activity. The youngest people, especially, who did not have a tradition of agricultural work, were ready to be involved in this new, lucrative activity. Another element that helps explain the commercial scale of marijuana plantations that came about in the 1990s is that businesspeople associated with the plantations began to organise networks. As was noted in the National Congressional Commission of 1997, there was an association among the plantation agents in the SMSF region and the *Comando Vermelho* (Red Command), one of the major criminal gangs operating from Rio de Janeiro.

Marijuana plantations are generally formed on small rural properties. They are controlled by plantation managers, who provide agricultural inputs and finance the fieldwork, as well as maintain an armed

group for security. Security is, in general, carried out by men, both adults and young people, who are not from the same area where the plantation occurs. The agricultural workers are adults, youth, and children (there are reports on the involvement of children from 12 years of age who participate in these activities). At this time, we have not received information on the participation of women in these activities.

The agricultural workers are seduced into working in these activities in at least two ways. In some regions, according to the information we collected, people either seek voluntarily to be involved in plantation activities, or are invited to do so by someone that they know or are close to, such as friends or relatives. The youngest go, in general, with their parents. In other regions, a system of violent coercion brings people to the work. For

*A worker riding a bicycle in the area of the plantation may be kidnapped and forced to participate in the plantation activities*

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<sup>15</sup> These conflicts were not only about land, although they include occupation of territories. They were generated by "questions of honour" and still today they lead to many murders among the families.

example, a worker riding a bicycle in the area of the plantation may be kidnapped and forced to participate in the plantation activities. The period of planting the marijuana crops last about 90 days. The crops are irrigated three times daily.

Working conditions for these workers, including children, youth and adults, are precarious. Workers eat in the field, heating up their food with whatever means are available, or providing food by hunting. Water is quite rare in the region, and is consumed in unhealthy conditions. These workers live in a situation of insecurity: at any time, another group might want to occupy the plantation area, or there could be a police operation and they could run the risk of going to jail, or worse. Under these conditions and over many years, these people produced the biggest marijuana plantations in Brazil.

There also are reports of a plantation in the Petrolina region. According to these reports, in addition to the precariousness and insecurity experienced in other areas, there is an added risk of sexual exploitation of children this region. According to the Labour Prosecution Office of Pernambuco Ministry of Labour, the violent way the workforce is organised in Petrolina is a priority. In the majority of cases, the influx of labourers responds to a question of economic need. However, we should also be attentive to the presence of slave (forced) labour in the plantations.

### Socialisation Process

Three types of socialisation processes are playing a role in the SMSF region. The first model is that of worker socialisation, where work is considered a social value, a form of social integration. This social organisation becomes more evident if we consider the peasant traditions of agricultural families. Work on the marijuana plantation, then, becomes a legitimate, if illegal, activity. The legitimacy is expressed in affirmations by the

labourers: “at work we are humans, but in jail we are humiliated”.

A second type of socialization occurs by way of violence. Because of prohibitionist policies, the labourer finds himself trapped in an activity which requires systems of security and combat of the repressive apparatus of the state. To understand this violent socialisation, we first need to understand something about the way in which people are seduced into working on marijuana plantations, as well as police corruption and the role of family feuds. Three elements of this violent sociability can be distinguished:

Firstly, the subordination of workers. The illicit plantations radicalise workers regarding the subordination characteristic of exploitation by agri-businessmen and of peasant self-exploitation (which includes child labour). Secondly, there is violence related to territorial domination by armed groups in controlling the relocation of labourers to work on the plantations, the production of marijuana, and the product itself.<sup>16</sup> Thirdly, there is police repression, which implies two forms of violence: armed repression, with imprisonment or elimination of the labourer, and the coercion of labourers to work in the activity of eradicating marijuana plantation areas.

The third and final form of socialisation, we will note here, is something we are calling creative resistance (or alternatives to illicitness). This socialisation is promoted by social movements, especially rural union movements and by ecclesiastic communities in the region. In both cases, there is an effort to build a culture of peace and construct social mechanisms to overcome violence. This model of socialisation generates, in the heart of rural unionism, sectors favourable to changing policies that penalise peasant labourers. The discussions are guided by solidarity with the peasants in seeking to secure their social and economic rights.

In conclusion, the lethal effect of criminal violence has been quite similar in the region, if

<sup>16</sup> This notion of territorial domination of armed groups is being developed by Jailson Silva in relation to groups that control territories in the favelas of Rio de Janeiro. I use it here in free and analogical form.

not greater, than that of police brutality. Between 1997 and 1999, during and after the *Operation Mandacaru* and the *Operations Asa Branca* to eradicate marijuana crops, the homicide rate in the region's cities increased substantially. The situation in the city of Floresta is paradigmatic. In this city, homicides increased during this period, but then decreased in the period immediately following. However, these decreases were a result of the violence being pushed out into adjacent areas, where homicide rates increased – as in the case of Petrolândia, for example. The main victims of these homicides are young men, between 15 and 24 years of age.

### Conclusions and Recommendations



In relation to the workforce employed in marijuana cultivation we must call attention to the fact that, according to the rural workers themselves in the Submédio São Francisco, the reason people get into this line of work is because of the *necessity of economic subsistence*. Further, there are reports of abductions of agricultural workers by drug traffickers and field managers, who keep them for three-month periods to participate in cultivation and harvesting activities. This is forced labour, carried out during a certain period of time and with remuneration higher than the local average. We must also note that the federal police are involved in forcing rural labourers from SMSF to work in marijuana eradication activities.

It is not possible to make generalised statements about the effects of marijuana plantations, commerce and consumption of substances qualified as illicit in rural areas. However, our work has led us to draw out the following points:<sup>17</sup>

- Increase in the death of young people 15-24 years of age, in the countryside and in the cities.<sup>18</sup>

- Incrimination of peasants who are found in marijuana plantation areas, or who have acted as wholesale sellers of the product – even if they were forced. They may remain in prison for up to five years.
- Youth or child labour in marijuana plantations and in the commerce of drugs in the countryside: according to the Labour Prosecution Office of Pernambuco state, there are 40,000 rural workers in marijuana plantations just in the SMSF. Among these, 10,000 are children and young people.
- Forced labour in the marijuana plantations, criminal actions (by plantation managers), as well as the forced labour for eradicating planted areas, in federal police actions.<sup>19</sup>
- Death of union leaders: in the 1980s, Manequinha (Juazeiro) was killed and in 1997 Fulgêncio Manoel da Silva – a leader of the Movement of those Affected by Dams, and of the Union Movement of Rural Workers from the SMSF.

Finally, some ideas for possible alternatives. We must note that it is misleading to state that the growth in crime linked to the productive chain of substances qualified as illicit is a result of the absence of the state. The state is present in the form of repression, on one hand, and in the corruption of its agents, on the other. The state is also present to the extent that the financial system acts and grows in these rural areas, around transportation, commerce and consumption of drugs. These forms of state presence are also notorious in the areas of marijuana plantations.

The government's main public policy in relation to this agricultural activity, however, has been repression and eradication operations on marijuana plantations. The educational

<sup>17</sup> For this, I used part of the scheme that I used in the XVII National Assembly of the Pastoral Land Commission, Goiânia, May of 2004.

<sup>18</sup> Table 2 describes the incidence of death among young people 15 – 24 years old in some cities in the SMSF.

<sup>19</sup> The lawyers Rogério Rocco and Erika Macedo were the first to investigate the possibility of the use of juridical exclusion for rural workers on marijuana plantations. Erika Macedo, assistant for the Rural Workers and Rights Program at Koinonia, has elaborated a reflection on the theme of slave labour of cannabis planters in the SMSF.

and preventative actions of the state are few and are timid. Further, proposals for these actions occur within a criminalising – rather than enlightening – discourse. Alternative economic actions for the labourers are practically non-existent.

In 1998, during an operation of the National Anti-Drug Secretariat, *Operation Mandacaru*, the Submédio São Francisco region was offered *alternative development*. For this, a line of credit was opened for small producers. However, bank bureaucracies severely limited access to the credit, making this economic action innocuous. Not a single labourer was able to obtain credit. Alternative development is restricted by access to the alternative – as well as the process by which the alternative is generated.

In Brazilian legislation there is a disposition for the expropriation of land used for marijuana plantations – or any other illicit substances – for agrarian reform purposes. However, the situation of land distribution in the region where marijuana plantations occur – almost entirely composed of small producers, with problems in registering agrarian land and violence around their economic activities – make this alternative quite improbable. For this reason, recourse to the law is hardly ever used by the federal government.

Building real alternatives depends on creating farther-reaching measures. They must be articulated within the context of changes in national drug legislation and a wide national debate on agrarian reform. The debate on the question of the productive chain of substances considered illicit is insufficient. With regard to rural peasants, the central problem in Latin America, and in Brazil in particular, is that of social inequality. If measures are not taken to equalise the gap between the richest and poorest sectors in these regions, and

*These labourers do not demand personal and collective rights inherent to citizenship. For them, the law is nothing more than something to fear, not a tool to build their rights*

construct real possibilities for social inclusion, there can be no social processes in line with democratic rule of law.

Socially viable alternatives to repression and to social violence resulting from the illegality of certain substances cannot be constructed without discussing the possibility of social control of the production chain. The hypocrisy and fear disseminated in the social imagination by prohibitionist policies must be overcome. For peasants, seeking alternatives to penalisation of those in situations of forced labour, or of extreme necessity, as well as the decriminalisation of plantations are measures that would reduce social violence. As opposed to *cocalero* unions in Bolivia and

Peru, labourers from marijuana plantations in Brazil and labourers used in the commercial processes of other substances considered illegal do not have any formal organisation. These labourers do not demand personal and collective rights inherent to citizenship. For

them, the law is nothing more than something to fear, not a tool to build their rights.

For labourers being killed in violence perpetrated by those who plant and those who repress marijuana plantations, the question of how to guarantee order comes into play. There are many sectors that identify in the repressive and punitive action of the state an element that sets off a chain reaction of more social violence. Homicide is built into both the productive chain of marijuana and the repression of it and, on both ends, the violence is fruit of the prohibitionist drug policy. Current repressive drug control policy must be confronted and reformed. Until this occurs, measures must be taken to ensure the survival of the peasant classes, especially youngsters, who are currently being penalised for simply carrying out their daily labour in the fields.

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**Table 1: Historical series of seizures in regions of Brazil in kilogrammes**

<b>NORTHEAST</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004*</b>
Cocaine	85	176	204	482	524	19
Pasta base	23	7	8	18	15	X
Marijuana	6.844	7.332	8.202	8.203	7.630	643
Marijuana Plants (Unit)	3.452.196	3.080.496	2.807.320	2.259.103	1.858.340	117.102
<b>MIDWEST</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Cocaine	1.782	1.152	4.499	2.095	1.304	277
Pasta base	77	13	35	10	10	19
Marijuana	40.785	123.034	97.210	102.294	66.016	27.790
Marijuana Plants (Unit)	X	309	1.542	X	X	X
<b>SOUTHEAST</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Cocaine	2.231	1.696	2.478	4.780	5.099	418
Pasta base	X	X	64	5	3	X
Marijuana	12.939	18.221	15.490	48.028	50.531	4.128
Marijuana Plants (Unit)	10.006	X	321	289	X	X
<b>SOUTH</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Cocaine	899	689	497	825	1.257	230
Pasta base	0,5	X	4	12	3	X
Marijuana	8.616	10.630	25.639	33.709	40.786	7.406
Marijuana Plants (Unit)	4	12	5	18	X	X
<b>NORTH</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Cocaine	1.837	1.068	629	991	853	19
Pasta base	535	677	565	339	247	56
Marijuana	----	169	132	507	853	5
Marijuana Plants (Unit)	12	618.844	1.014.658	61.980,00	10	-

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**Table 2: Homicide rates among males in some cities of the Submédio São Francisco**

<b>City</b>	<b>Year</b>	<b>1980</b>	<b>1985</b>	<b>1990</b>	<b>1995</b>	<b>1997</b>	<b>1998</b>	<b>2000</b>	<b>2001</b>
<b>Paulo Afonso</b>		4,21	6,39	19,97	22,78	40,01	21,84	18,65	13,31
<b>Petrolina</b>		11,50	9,51	36,81	57,59	51,40	56,24	53,53	51,06
<b>Salgueiro</b>		19,78	22,98	19,33	28,49	42,22	57,85	31,02	26,87
<b>Floresta</b>		24,82	58,86	43,31	92,20	112,63	114,73	68,74	55,63
<b>Petrolândia</b>		21,09	17,91	59,60	43,67	31,08	52,87	80,52	71,58

\* 01/01 to 01/03/04. Source: Website of federal police [www.dpf.gov.br](http://www.dpf.gov.br). Organisation of the table by Érika Macedo and Jorge Atilio S. Iulianelli

• The region in which forced eradication of marijuana plants is carried out, is in the Northeast.

• Note the growth in destruction of marijuana plants between 2000 and 2003. We can observe that in this period there was a strong repression against plantations in Submédio São Francisco (NorthEast).

• Note the decreasing seizures in the year 2003. According to the federal police, this indicates a decrease in the intensity of economic activity. On the other hand, why can we not suppose that this signifies a diffusion of the plantation areas, to other localities lesser known to the police and less easily accessible to repression?



**A**ny discussion of drug policy in Brazil must begin with a definition of the drugs under discussion. As in the rest of the world, here there is a taboo around illicit drugs, and diverse psychoactive substances tend to be lumped together in this category. One of the dogmas in this line of thinking is that all these drugs are harmful to health in the same way. In the 70s, when the phenomenon of the use of these products in Brazil became more visible, 'drugs' meant cannabis, cocaine, opiates, hallucinogens, and some pharmaceutical substances, such as amphetamines.

Following the beginning of the dictatorship in 1964, the Narcotics Law (6368) was passed in 1976. It substituted the previous legislation, which was less repressive. In Article 12, this law established a minimum of three years in prison and a maximum of 15 years for those found guilty of drug trafficking. Article 16 set a sentence of six months to two years in prison for users of illegal drugs caught with or using the drugs.

The law served international interests on this subject, mainly those of the United States. When a US congressional committee came to Latin America to discuss the *drug problem* with local authorities in 1973, they set up a working group divided into four areas: prevention, treatment, rehabilitation, and control and repression. The Narcotics Law is divided exactly along these same lines, based on the ideas of this commission, and developed during an exceptional political state, in the middle of a military dictatorship.

While the state's repressive forces persecuted leftist subversives, the police persecuted a new gamut of drug criminals, defined in the 1976 Narcotics Law. With the new law in effect, police seizures of drugs began to increase, and at the same time, so did supply and demand. But what drugs were these? We should not forget that the criterion for making certain drugs illegal under Brazilian law is their capacity for causing dependence. In the end, the only difference between legal and illegal drugs is that the latter are illegal. After all, the biggest public health problems associated

with drug use in the country are related to alcoholic beverages and cigarettes. All drug laws that do not take this into consideration tend to be unrealistic.

We can affirm that drug consumption in Brazil is concentrated on two illegal plants: cannabis and coca. All products derived from these two plants are prohibited, including coca tea, clothes made from hemp, and medicines made with cannabinoids. Discrimination and a lack of economic vision keep the country from using hemp for industrial uses. In relation to the medicinal use of cannabis, we can say that the lack of resources in Brazil is more a political and ideological question than a scientific one; many countries in the world use cannabinoids for therapeutic ends, even the United States.

When the user goes to buy 'drugs' in the streets and *favelas* (urban shantytowns) of Brazil today, what he or she will find for sale is mainly marijuana and cocaine. In cities other than Rio de Janeiro, they are also likely to find that crack is available, but this substance is also a sub-product of coca. Crack is not sold in Rio because of a decision by those who control local drug sales, who do not want their workers using it.

Synthetic drugs are consumed by a small group, in general middle and upper classes. The economic dynamic of supply of these products is different from that in the poor regions and communities: its sellers are also from middle and upper classes and, in general, they are part of groups and urban tribes that go to raves and shows. There is little or no demand for heroin, and only occasionally does one hear of small seizures of this drug.

The fact that drug trafficking-related violence in Brazil is associated with the sale of two drugs leads us to conclude that a division of this market would imply a major weakening of the traffickers' power. If the country adopted a tolerant system like that in The Netherlands, where in cannabis consumption is regulated, there would be just one illegal substance left in the hands of criminals: cocaine (and derivatives like crack). With this, we would also correct a distortion - the lack of differentiation between



soft and hard drugs. We can not forget that many drugs that are illegal today were perfectly legal in the past: until 1938, for example, cocaine could be sold in pharmacies. The authorities, however, still lack the vision and political will to try new ways of dealing with the 'drug problem'.

## The New Drug Law

The bill to update the Narcotics Law was under discussion in Congress for more than ten years before it became the Anti-drugs Law (10.409), passed on 11 January 2002 by then-President Fernando Henrique Cardoso. When the President approved the law, he vetoed, totally or partially, 33 of its 59 articles – making it necessary to create a whole new law. On 20 January, nine days later, the government sent a bill to Congress proposing changes to the Anti-Drugs Law (PL 7134/02). The new law created the National System for Public Drug Policy (*Sistema Nacional de Políticas Públicas sobre Drogas, SISNAD*); it prescribed measures to prevent illegal use, attention and social re-insertion for users and those dependent on drugs; it established norms for repression on unauthorised production and illicit trafficking of drugs; and it defined drug-related criminal acts.

The objective of the proposed law is to strengthen measures against organised crime, assigning a cumulative character to the punishments. The minimum penalty for drug trafficking goes from three to five years in prison, and maintains the maximum punishment of 15 years. Other aggravating circumstances are now considered in trafficking cases, including the following: financing criminal activity; trafficking by police or other public servants; involvement of minors in criminal activities; formation of gangs to sell drugs. Each of these specifications comes with different punishments, and

the trafficker's maximum penalty can be increased due to an accumulation of infractions.<sup>1</sup> This formula has not worked anywhere in the world.

On the other hand, the bill proposes a differentiated system of treatment for drug consumers. They would no longer be sent to prison, but would instead be obliged to undergo educational measures and serve alternative sentences – such as community service and paying fines. If a person is caught in possession of drugs, the police officer would immediately communicate this to the competent judge and to the public prosecutor (*Ministério Público*). If this is not possible, the person would have to sign a contract that says he or she will appear

in court at a future date. If lucky, the user may only get a warning from the judge in the court to which he or she was sent by the police. The accused could go to prison, however, if he or she refuses to complete the alternative sentence as ordered by the judge.

In this sense, prison sentences have not been eliminated completely, contrary to media announcements. The relationship between the user and the arresting police officer remains unclear, however. The person must still be brought to the police station to sign the contract, after which he or she should be set free. If the consumer has to deal with the police, however, corruption is likely to occur: the police often extort money in return for the immediate release of the detained individual so that he or she does not have to comply with the alternative sentencing established in the new law, and so that family members or colleagues need not be informed that they were arrested for drug possession. This, despite the fact that the user would not have a criminal record once the alternative sentence is served.

It is worth considering the following question: how does the judge determine whether the

*The police often extort money in return for the immediate release of the detained individual so that he or she does not have to comply with the alternative sentencing established in the new law*

<sup>1</sup> Governo propõe endurecer penas de traficantes. Tânia Monteiro, Jornal Estado de São Paulo, 20 february 2002.

illegal substance was for personal consumption or for sale? The law does not establish quantities that differentiate consumption from trafficking. Other variables will be considered, such as the place and circumstances in which the arrest occurred, the social conditions of the person arrested, his or her personality and conduct, and whether or not they have a criminal record. Needless to say, these criteria can be very subjective. We believe this means that the outcome of drug law infractions in Brazil will reflect the same problem as the criminal justice system in general: in practice, only poor people go to prison.

The text of the law says that the consumer must undergo compulsory treatment. This has the effect of mixing justice with therapy and does not distinguish drug users from those who are dependent on drugs. Debates on this issue show that the measure is ineffective insofar as drug addicts almost never benefit from forced treatment. The further drug users are kept away from the justice system, the better for them and for their families.

This new bill, under debate in congress since May 2002, was taken off the congressional agenda in April 2003. At that time, it received a negative report from the Ministry of Health, which said parts of it conflicted with government policies on alcohol and other drugs – such as upholding the illegality of drug consumption and impeding the use of illicit substances in therapeutic environments. This raises another problem in the bill, the weak dividing line between users and traffickers. A trafficker is defined as someone who “*imports, exports, hands over, prepares, produces, manufactures, acquires, sells, makes available for sale, offers, holds in deposit, transports, carries, keeps, prescribes, administers, provides for consumption, even if free of charge, without authorisation or in disagreement with the law, a product that is capable of causing physical or psychic dependencies*”.<sup>2</sup> By including the expression “even if free of charge”, the text practically eliminates the difference between users and traffickers, since the

majority of drug consumption in Brazil happens in groups – as with people who get together to drink alcohol. In other words, the new law could be considered still more severe and repressive than the current law, which only punishes the owner of the illegal substance. Under the new bill, all members of the group could be suspected of trafficking.

The bill was not considered adequate by the Education and the Justice Ministries, nor by the National Human Rights Secretariat and the National Anti-drugs Secretariat. A working group was formed to present proposals for amendments. In February 2004, Congressman Aloysio Nunes Ferreira (PSDB-SP) affirmed in a speech before Congress that daring steps were needed before he would consider the bill an adequate response to the phenomenon of drug consumption in the country: “I am of the opinion that simple drug consumption should not be treated under criminal law.”<sup>3</sup> He summarised the position of many professionals working on these issues, saying: “Repressive responses to consumption are a by-product of the strategy inspired by the criminal policies of the United States in the world. But the statistics on this problem show that, in recent decades, there has been an increase in drug consumption and in the power of traffickers, with all the consequences this entails, including police corruption. For these reasons, I am in favour of decriminalising drug use.”

On 11 March 2004, Congress approved 7134/02, which at the time of writing is going through the Senate, where it will probably pass without major modifications. Congressman Paulo Pimenta (PT-RS), who presented the bill before Congress, said that “the good thing about this bill is the elimination of the possibility that users and addicts will be sent to prison”.<sup>4</sup> He made clear, however, that the user is not being decriminalised because “Brazil has signed international conventions that prohibit the elimination of this crime”. Pimenta explained that the new document only modifies the types of sentences that can be applied

<sup>2</sup> Correio Web (<http://noticias.correioweb.com.br>). Projeto de lei sobre drogas segue modelo americano e não mexe no lucro do narcotráfico. Brasília, domingo, 14 January 2004.

<sup>3</sup> Discurso do deputado Aloysio Nunes Ferreira. Câmara dos Deputados, 11 February 2004.

<sup>4</sup> Uma grande mudança que nada altera. Sergio Seibel, Folha de São Paulo, 11 May 2004.

to the user, so that prison sentences are not the main form of punishment. "In order to prevent the guilty party from getting out of the sentences established in the bill, we hereby establish the possibility of condemning the user under articles 330 of the criminal code in effect." In other words, if the user does not comply with alternative sentencing, new penal measures will be applied, including prison sentences.

Although one member of Congress went so far as to say that this pseudo-decriminalisation of users was "practically making drugs legal", the new law is not very different from the military dictatorship-era Narcotics Law: the make-up has been touched up, but the emphasis on the justice system and police as the main way to deal with the criminalised plants and sub-

stances remains unaltered. On 21 February 2004 in the Opinion Session in the Rio daily *O Globo*, Rogério Rocco – a lawyer – stated: "The legislative branch has a few curious virtues, and one of these is to guarantee major changes in legal texts that, in fact, don't really change anything."<sup>5</sup>

With regard to the question of whether Brazil has autonomy to decriminalise the user, it is true that the country has signed the United Nations' drug control conventions. One of the fundamental principles of the Brazilian Constitution, however, is respect for privacy, for individual freedom – a sphere in which the state should not be allowed to intervene. Punishment for drug users goes against a guiding principle of criminal law, by punishing acts that do not effectively put at risk a public good. These

<sup>5</sup> Nada de muito novo. Rogério Rocco, *O Globo*, 21 de fevereiro de 2004.

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## Harm Reduction

Harm reduction came about in Brazil because of high levels of HIV infection among intravenous drug users. The first actions occurred in the city of Santos in São Paulo state in 1989. Local authorities sought to implement a needle-exchange programme as a sanitary measure to contain the epidemic among intravenous drug users and promote their health. The programme proposed by the municipal government was considered criminal by the Santos state public prosecutors, however, based on an interpretation of an article of the Narcotics Law that makes it a crime to facilitate the use of drugs in any way. Doctors involved with the programme began to do their preventative and educational work clandestinely, as at that time 60% of intravenous drug users were infected with HIV. They saw the programme as more than a health question; they saw it as a humanitarian question.

During the 90s, harm reduction firmed up as a government public health policy. The Ministry of Health today supports more than 200 programmes spread out over the country, with the unexpected support of the United Nations Office on Drugs and Crime (UNODC) - in general hostile to harm reduction strategies. There are two main harm reduction networks in Brazil, the Brazilian Association for Harm Reduction (*Associação Brasileira de Redutores de Danos*, ABORDA) and the Brazilian Harm Reduction Network (*Rede Brasileira de Redução de Danos*, REDUC).

The new Drug Law incorporates harm reduction as one of its policies. In relating the attributes of the National System for Public Policies on Drugs (*Sistema Nacional de Políticas Públicas sobre Drogas*, SISNAD), the law specifies in article 9 that this system should "regulate the activities that aim to reduce harm and social and health risks". And in article 20 it states that, "Activities to treat users and those dependent on drugs and their family members, for the effects of this law, are those which aim to improve the quality of life and the reduction of risks and harms associated with drug use."

are so-called “crimes without victims”, such as, self-inflicted wounds, prostitution, and suicide, which in general are not punished under criminal legislation in the world. In other words, criminalising or penalising drug users is an affront to the Brazilian Constitution.

Further, the federal Supreme Court has recognised that norms contained in international conventions are incorporated into internal laws by decree of common law. Therefore, these can be altered if a decision to do so is taken by the competent legal body – in this case, the national Congress.

Unfortunately, the new Drug Law is not founded in these directives and sustains a situation of vigilance on illegal drug users, who if caught in possession of drugs by the police will be

penalised one way or another. In other words, the authoritarianism and intolerance present in the 1976 Narcotics Law continues to be the basis of the new law. As Rocco says in the article mentioned above, “As the bill does not go far enough in treating the legalisation of production and sales of drugs, after the final approval of this bill, Brazil will continue to struggle with increases in violence generated by trafficking, and users will remain the favourite targets of corrupt police.”

Brazil can play an important role at the international level to challenge repressive approaches to drug users and to help build support for a policy based on harm reduction principles. During 2004 the Brazilian Health Ministry demonstrated its willingness to promote its strategies also within the politically difficult environments of the UN Commission on Narcotic Drugs (CND) and the Inter- American Drug Abuse Control Commission (OAS/CICAD).

At the CND session in Vienna in March, Brazil tabled a controversial resolution on HIV/AIDS and harm reduction which generated tense debates. It was a significant signal that Brazil had managed to get all Latin American and Caribbean countries (the GRULAC group) behind the initiative. The text of the resolution was subsequently watered down considerably under pressure from the US, Russia and several Asian countries. Direct references to the importance of needle exchange programmes and other harm reduction services, as well as the plea to support the strengthening of drug user organisations, were left out of the finally adopted version.

At the 35th CICAD session in Washington a month later, the Health Ministry presented an overview on how Brazil’s harm reduction approach has brought about a significant decrease in new cases of HIV infection among injecting drug users. The delegation explained the government’s intention to expand harm reduction programmes in prisons, and stressed the need to guarantee that drug users participate in designing and implementing public policies. A continued active attitude of Brazil internationally can contribute significantly to strengthen the harm reduction trend visible in several Latin American countries like Argentina and Uruguay, and can help to improve the climate of the global policy debate more generally.

**T**hroughout the 1980s, Brazil has gone through a phenomenon classified by experts as an epidemiological transition. In the beginning of this period, infectious-parasitic diseases were the leading cause of mortality in the population. By the end of the 80s, these had fallen to second place, after external causes or violent deaths. At the beginning of the decade, violence was the fourth cause of death. Aside from being a public health problem, the changes in these indicators brought changes in the behaviour of the population and in inter-institutional, cultural and social relations. Violence has become more visible in Brazilian society.

A paradoxical aspect of this phenomenon is that increases in violence, most notably criminal violence, intensified at the end of the military dictatorship and the beginning of the transition to democracy. Coincidentally, it was in 1989 – the year of the first free presidential elections since 1960 – that external causes (violence) became the leading cause of death. In other words, the period of the military regime, which maintained its power through a constant and indiscriminate use of extreme violence – such as arbitrary and illegal persecutions and imprisonment, torture of political and common prisoners, assassinations of leftist political leaders and/or those opposed to the regime – had lower rates of violent death than the civilian government administrations that followed. As we will see further on, in the 1990s there was a new upsurge in these indicators.

The fact is that the same system of domination by elites was prevalent under both the military and civilian governments. The re-establishment of open elections was not capable of generating effectively democratic institutions in which the people trusted and which could be controlled by society.<sup>2</sup> Analyses point out that, far from legitimate uses of violence and the construction of a consensus, security forces resorted to abuse of power and torture in order to control certain sec-

## Death Squads

Beginning in 1958, there are records of death squads among the police whose objective is to 'reduce' crime rates by killing criminals. From 1964, with the creation of Scuderie Le Cocq, an elite police group, efforts to eliminate criminals were intensified, generally poor people from the periphery. At times, these police groups united with the political police to persecute leftist militants. They then became untouchable by the justice system, and those who made moves to denounce their actions or incriminate them came to be seen as enemies of the regime. This group inspired other groups, some paramilitary and others not, which in the following decades proliferated in the peripheries of the main urban centers, principally Rio de Janeiro and São Paulo, with support from the conservative media and from the population. Aside from killings, they were also involved in extortion and trafficking activities.<sup>3</sup>

tors of the population. Further, corruption also became characteristic of police action – a practice that existed in the authoritarian period and intensified after the end of the dictatorship, representing an institutional continuity.

Increases in homicides have corresponded with increases in drug trafficking activities in urban (and rural) Brazil. In the period from the end of the 80s until today, drug trafficking has gradually incorporated itself into the day-to-day reality of many cities in the country, and has become the fastest growing criminal activity in the country. São Paulo, Recife, Belo Horizonte and, most notably, Rio de Janeiro are increasingly characterised by the reality of drug trafficking in their territories.

It is important to highlight that homicide and

<sup>1</sup> Professor and Researcher, Santa Cruz State University (Bahia state).

<sup>2</sup> Pinheiro, P.S., "Violência, Crime e Sistemas Policiais em Países de Novas Democracias", in *Tempo Social, Rev. de Sociologia da USP*, 9(1): 43-52, May 1997.

<sup>3</sup> Coimbra, C., *Operação Rio: O mito das classes perigosas*, Intertexto/Oficina do Autor, Niterói/Rio de Janeiro, 2001.

criminality rates associated with drug trafficking increased in a context marked by serious economic crisis. After a period of huge growth during the 1970s, the 80s came to be known as the lost decade. This was due to the weak performance of the Brazilian economy, high unemployment rates, significant cuts in public investment and the elimination of public social programmes.<sup>4</sup> Here, we are not attempting to show a direct correlation between unemployment rates and increasing poverty with increases in criminal activities. We are trying to help the reader understand that this conjuncture, together with other cultural, political and social factors, corresponds to an environment that is propitious for increasing violence.

Rio de Janeiro became, in the context of the framework explained here, a case deserving special attention. This is because drug trafficking in the city became more organised, coming out of the traditional ghettos inherent to illicit activities, extending its influence over areas formerly outside of its dominion and promoting conflicts in these areas. From 1998, homicides came to be the main cause of death in the municipality, for the broad age range of 10 – 49 years. The indicators show that in the city of Rio de Janeiro between 1983 and 2002, the rates of homicide increased 444% (Figure 1).

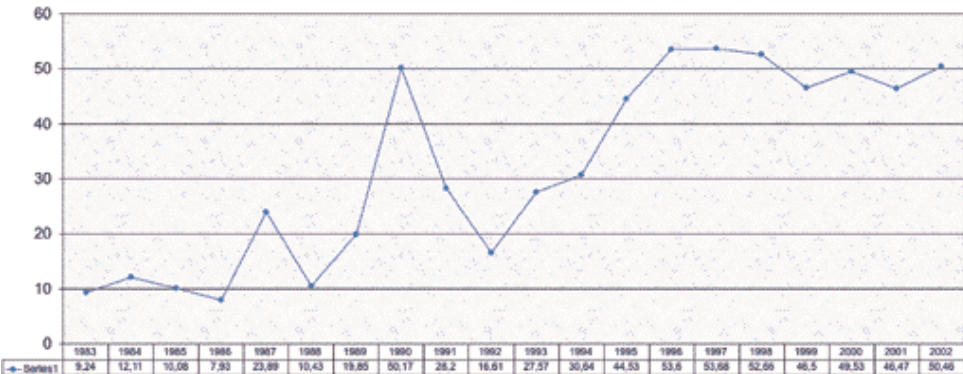
Various criminal indicators also increased, especially the number of guns seized and disappearances. In the past 10 years, firearms seizures by the Rio state police have grown considerably. In 1994, 745 guns were seized; last year, the seizures reached 6,068, an increase of 714% (Figure 2).

Firearms seized by the police between 1994 and 2003 totalled 25,490 units, sufficient to equip the entire city police force. The number of disappearances in the city is also an important figure, although it has been little utilised by public security specialists in their analyses. Between 1993 and 2002, 16,426 people disappeared, according to records (Figure 3), the majority of whom were young people. For the most part, the whereabouts of these people are still unknown. It is estimated that a considerable number of those disappeared were killed by groups linked to drug trafficking, or through illegal actions of the police or death squads.

This increase in homicides, disappearances and firearm seizures is not coincidental: it has close links to drug trafficking. Traffickers in drug sales points use high-powered firearms, some restricted for exclusive use by the armed forces because they are considered war-grade weapons (rifles, grenades, sub-machine guns, machine guns and even land mines). The majority of the weapons are not



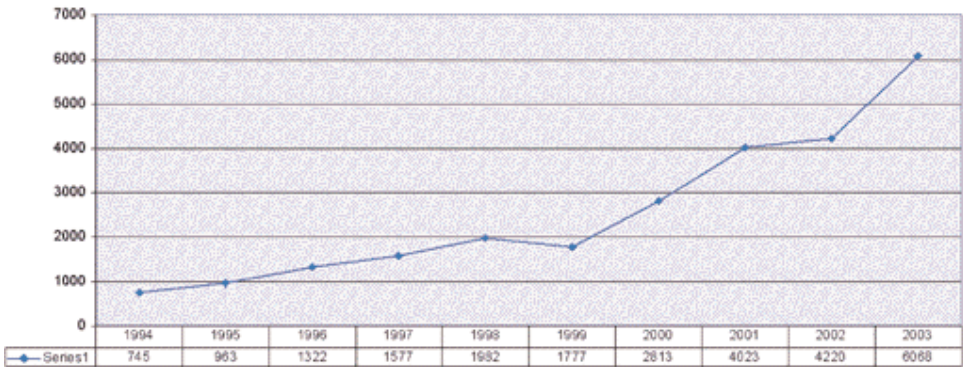
Figure 1: Homicide rates (100.000) in Rio de Janeiro 1983-2002



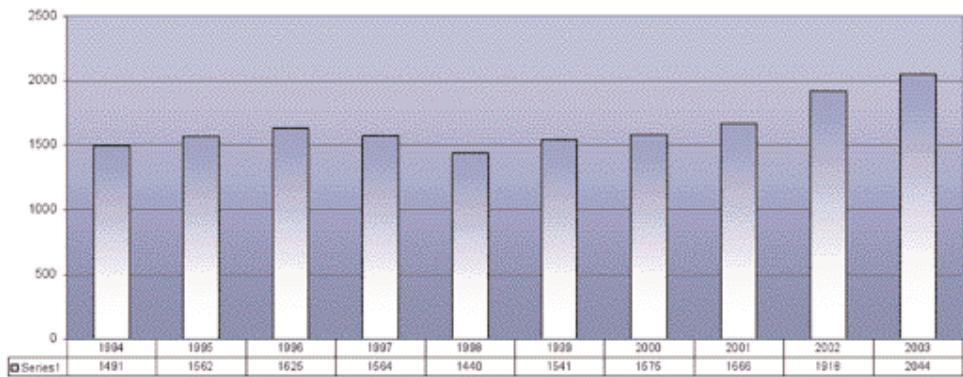
<sup>4</sup> Data recently released by the Public Security Secretariat of São Paulo state reveal that between 2001 and 2003 in São Paulo city, Brazil's biggest and most important city, there was a correlation between the percentage increase in unemployment and the occurrence of 33 types of police activities. For each percentage increase in unemployment rates, there was the same percentage increase in these activities.

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**Figure 2: Seized Firearms in Rio de Janeiro - 1994-2003**



**Figure 3: Disappeared Persons in Rio de Janeiro- 1994-2003**



made in Brazil, but come in illegally from countries such as the USA, Israel, Russia and Switzerland. They are used by traffickers to defend the territory where they conduct their business. At the same time, there have been cases of arms diverted from armed forces to trafficking groups, as was evident in a recent seizure of landmines marked with the serial number of a lot acquired by the Brazilian Air Force.<sup>5</sup>

The presence of high-powered firearms, constant conflicts between factions disputing drug sales points, confrontations between

these factions and the police, the diversion of some of these weapons to other criminal activities and the elimination of the people linked to trafficking by their own partners – these are some of the reasons behind the substantial increase in homicides in the city. It is important, however, to understand why Rio has become such an important city for drug trafficking. Marijuana has been sold in Rio since the 1920s.<sup>6</sup> But most of the repression against this type of activity, together with significant increases in consumption, would occur in the 1960s. This is despite Brazilian criminal law, which made it a crime

<sup>5</sup> According to data from the civil police Division of Arms and Explosives Inspections (Divisão de Fiscalização de Armas e Explosivos, DFAE), among the 200,000 weapons seized in Rio state between 1950 and 2001, there were nearly 35,000 war-grade weapons for exclusive use by the police and Armed Forces. Police tracing efforts revealed that from 1995 nearly a third of these weapons (or almost 10,000) migrated from police or armed forces straight to the favelas. They often represent entire lots of grenades, rifles, submachine guns and automatic pistols, apprehended with traffickers over the past seven years.

<sup>6</sup> See: Misse, M., *Os Malandros, Marginais e Vagabundos & a Acumulação Social da Violência no Rio de Janeiro*. Tese de Doutorado, IUPERJ, Rio de Janeiro, 1999; Souza, M. J. L., "O tráfico de drogas no Rio de Janeiro e seus efeitos negativos sobre o desenvolvimento sócio-espacial", in Cadernos IPPUR/UFRJ, ano VIII, n.º 2/3, Sept/Dec 1994; and Fraga, P.C. P., "Da Favela ao Sertão: Juventude, Narcotráfico e Institucionalidade", in Fraga, P.C.P. and Lulianelli, J.A., *Jovens em tempo real*, Rio de Janeiro, DP&A, 2003.



to consume and sell certain psychoactive substances, such as marijuana, in the 1940s.

Until then, consumption was restricted to areas surrounding the drug sales points (in Portuguese, these are called *bocas de fumo*, literally, the mouth of smoke) in poor neighbourhoods, around the fringes of the criminal 'sub-world' or in zones of prostitution.<sup>7</sup> In the 60s, marijuana use extended to middle class sectors, as part of a counter-cultural movement that expressed the rebellion of intellectuals and artists against the military dictatorship. Selling drugs became more important to criminals because it could make them a lot of money.

The majority of *bocas de fumo* were located in *favelas* and peripheral areas in this period. As can be observed in reports of older residents from these communities, it was common for middle class consumers to go to peripheries and *favelas* to buy these substances. The police began to extort money from the drug sales points, a corrupt conduct that would not only become widely used throughout the police forces, but would also be fundamental to the development of the illicit activity.

When cocaine entered the drugs market in the second half of the 1970s, it became the most lucrative activity.<sup>8</sup> Increases in cocaine consumption in this period came about more as a result of a reduction in the price of this product (because it occurred in a period in which there was more cocaine available on the market) than because of a real increase in demand for it. At the same time, the greatest driver of criminal activity and corresponding increases in lethality came about with the increased organisation of traffickers.

## Prisons & Comandos

At the end of the 1970s, prisoners in the jail on Ilha Grande, in Angra dos Reis in Rio de Janeiro state, organised to demand better conditions and treatment and to oppose the practices of torture and mistreatment by penitentiary agents. The idea was to avoid confrontations among prisoners and encourage solidarity. The common goals around which they organised were to get out of jail and to improve life inside. The success of this group, self-denominated the Red Phalanx (Falange Vermelha), influenced criminal activities such as bank robberies and (mainly) the growing business of cocaine sales. The initial group was arrested and dismantled by police between 1987 and 1990, during the government of Moreira Franco. In the beginning of the 1990s, the group began to rearticulate itself along new lines. These new groups were more violent and had a different relationship with communities, imposing their will with the use of force and firearms. In the end, only the business structure was maintained, and the group subdivided into the Red Command (Comando Vermelho), Third Command (Terceiro Comando) and Friends of Friends (Amigos dos Amigos). To this day, there is a constant fragmentation of these groups.

These came to employ a business structure, including salaried participation, a massive influx of workers, strong hierarchies and a tighter security scheme.<sup>9</sup> The new form of organisation came from prisoners who organised to improve prison conditions in Rio de

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<sup>7</sup> Misse, M., "O Movimento: redes de mercado de drogas", in: Tempo e Presença, n° 323, Pág. 7-12: May/June 2002.

<sup>8</sup> The increased presence of drugs, especially cocaine, in the Brazilian market from this period on is apparently due to the initiative of smaller cocaine producers in Bolívia to search out regional markets to sell their lower-quality product, such as Rio de Janeiro and São Paulo, due mainly to competition with the cartels in Cali and Medellín. The city of Rio de Janeiro was also used as a basis for drug sales to other countries. There is controversy as to how much cocaine has passed through Brazilian territory. According to the federal police, the volume was never very significant. The majority of cocaine trafficked in Rio goes to internal consumption. But there are researchers who believe that 8% of the total of drugs produced in Andean countries goes through Brazil. See: Misse, M. O., "Movimento: redes de mercado de drogas", in Tempo e Presença, n° 323, pp. 7-12, May/June 2002.

<sup>9</sup> See: Fraga, P. C. P., "Juventude, Violência e Narcotráfico no Brasil: Para Além do Rural e do Urbano", in Lulianelli, J. A. and Mota, A. M. (eds), Narcotráfico e Violência no Campo, Rio de Janeiro, DP&A, 2000; Misse 1999, Op cit.; Peralva, A., Violência e Democracia: O Paradoxo Brasileiro, São Paulo, Paz e Terra, 2001; and Fraga, P. C. P., "Violência no Brasil e vínculos com a organização criminal", in Tempo e Presença, n° 323, pp. 13-17: May/June 2002.

Janeiro; this introduced criminals to better planning and resulting increases in profits and success in their business. The organisational structure is similar to an oligopoly, a structure that had previously worked well with the numbers game, or *jogo do bicho*.

Certain groups divide the city's territory and monopolise sales in certain neighbourhoods or *favelas*. It is quite common for rival groups to be hostile to one another, seeking to take others' sales points in order to increase profits and the scope of their areas. These hostilities generally resulted in the death of many people – both those involved with sales and others – intensifying its effects beyond the sales points. This occurred in April of 2004 in a *favela* called Rocinha, where a rival group tried to invade the *favela* to take the sales points situated there. Ten people were killed, and residents were unable to come in and out of the *favela*. Repercussions of the violence were felt in a 4 km radius around the area, including public motorways, from where it was possible to see and hear intense gunfire with rifles and submachine guns. This practice is quite common. In August 2004 alone, attempts to take over drug sales points occurred in the *favelas* Complexo da Maré, Morro de Macacos, and the Complexo do Alemão, where nearly 20 people were killed. The police response is generally limited to occupying the *favelas* after the conflict has been installed.

These activities proliferated in Rio's *favelas*, in peripheral neighbourhoods and in other cities in the metropolitan region and the state of Rio de Janeiro. It is estimated that of the 704 *favelas* that exist in the city, only two do not have narco-trafficking. This presence over the years has completely changed the routine of the city and, notably, life in the *favelas*. In certain periods of conflict between rival groups, traffickers imposed a 'curfew': residents had to stay in their homes with the lights out and nobody could circulate in the streets after a certain time, or run the risk of being punished. When an important drug trafficker is killed by the police or in a confrontation with rival groups, there is an imposed period of 'mourning' during which

### Jogo do Bicho

The numbers game (o jogo do bicho) is a lottery, whose exploitation is considered a criminal infraction of a lesser degree. Created in the beginning of the 20th century, the game is played by betting on a number (dozen, hundred or thousand), which corresponds to a certain animal (hence the name *bicho*, which means animal in Portuguese). Started in the city of Rio de Janeiro, today the game exists throughout Brazil. The game is organised mainly by people whose resources come from illegal activities, such as contraband. The city is divided into various regions, and the boss of each region or point is supposed to respect the territory of others. However, in practice, there is often conflict – sometimes resulting in deaths – as bosses seek to redefine their areas and take over others' spaces. Though the game is still played today, it has in recent decades lost some of its popularity and it is no longer as lucrative as in past times. The business is now extended into the control of video-poker machines. The *bicheiros* or bankers (bosses) of the numbers game, usually have quite a lot of power and influence in their areas, and often promote activities that benefit the poorest populations. For example, there are historical links with the samba school parades, the core of Rio's world famous Carnival, which they finance. Their relationship with police, on the other hand, is somewhat ambiguous: in some periods the police go after them more and in others they just leave them alone. This oscillation depends on agreements between the *bicheiros* and police authorities and is mediated by bribes and pay-offs.

commercial establishments and schools inside the *favelas* and on adjacent streets are forced to close their doors. There is a long list of arbitrary rules imposed by traffickers to keep control over their territories; these include 'tapping' phones and taking houses that are



considered strategic for the business, among others.

Perhaps the most shocking demonstration of these changes occurred in the second semester of 2002, when nearly all the cities in Rio Metropolitan Area were paralysed by drug traffickers. The most credible version of the story is that the order came from the prisons, where criminals influential in the hierarchy of trafficking are held. All commercial and industrial establishments, as well as buses and schools, had to stop their activities for the whole day or suffer retaliation. In spite of appeals by authorities and increased police presence on the streets – meant to ensure that people could carry on with their normal functions that day – it felt like a bank holiday throughout the city. This shows that the codes of trafficking are known by practically everyone, and that the population does not believe the authorities and public security forces are capable of protecting them.

In spite of the extreme violence used in drug trafficking in Rio, the activity is not controlled by a mafia as we know it. Drug trafficking is not subordinated directly to large wholesalers, nor vertical foreign organisations, nor family organisations like the New York and Italian mafias.<sup>10</sup> Although they may have a local family base, these are generally unrelated to the ‘boss’ or ‘manager’ of the drug sales point. Another characteristic of this organisation is that the networks that sustain them are quite fragmented and vulnerable. The initial capital needed to buy drugs (cocaine and marijuana) comes mainly from bank robberies and from exchanging cars stolen in Paraguay for these products in Brazil.

Drug trafficking in Rio de Janeiro is without a doubt the greatest challenge to public security in the country. Its consequences occur mainly within the Metropolitan Region and include the following: massive participation of young people in its ranks; constant gun battles among factions, and between factions and the police, which terrorise the population;

### Enter the Military

In November of 1994, after pressure from sectors of the media and the business community and as part of a campaign to demoralise the civil and military police, the army occupied the favelas of Rio de Janeiro in actions called Operations Rio I and II. The operations became inefficient and the effect was to unveil the myth that the army is incorruptible and prepared for anything. There were reports of diversion of firearms, of officials circulating with stolen cars and of the mysterious death of some officials that investigated these cases, though these were not disseminated in the media.<sup>11</sup> The operations were marked also by cases of torture by members of the army. Following the recent confrontation between traffickers in the favela of Rocinha, which caused 10 deaths among traffickers, residents and police, the army was once again solicited to help maintain security, this time in the form of a special armed mission.

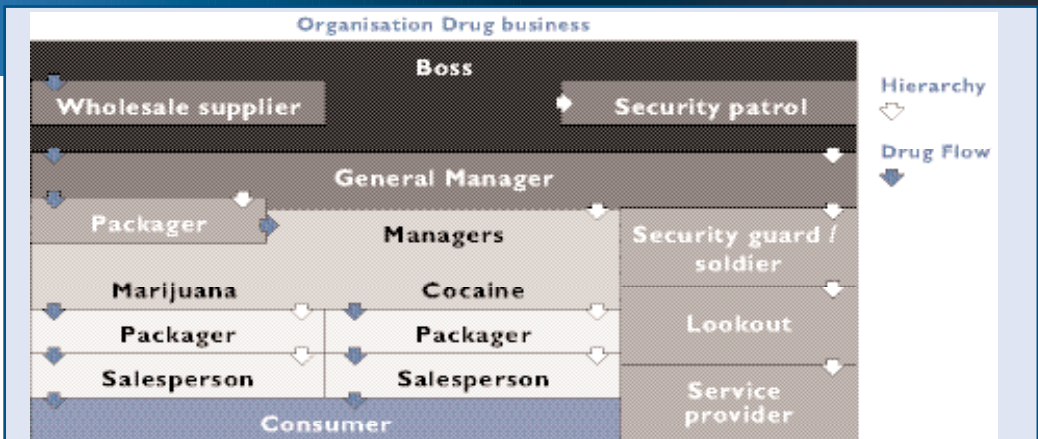
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corruption of authorities; an institutional framework that establishes a new scale of values, in which respect for life is precarious and the imposition of brutal force and mass consumerism are increasingly relevant; a drain on solidarity networks; increase in police violence; and an enormous re-allocation of public resources to counteract the effects of this conjuncture, clearly seen in the case of hospital emergencies.

The deepest causalities and possible solutions are still found beyond city limits, however. Combating corruption within different bodies, such as the civil, military and federal police is fundamental to avoid the influx of firearms across borders and their shipment through airports, highways and ports. Increased control over the justice system is an urgent task, so that judges and lawyers may not facilitate *habeas corpus* for traffickers and public authorities involved in acts of corrup-

<sup>10</sup> Misse 2002, Op cit.

<sup>11</sup> Combria, 2001



**Service providers:** Do not have a fixed link with drug trafficking, but may instead do small jobs for other traffickers. They engage in activities such as buying meals for those working in drug sales points or delivering drugs.

**Lookout:** To warn, via radio transmissions or fireworks, that police or rival groups are coming (*dheirofoueteiro*)

**Security guards / soldiers:** Armed security detail around drug sales point, or the *boca de fumo*

**Security patrol :** Highly armed group responsible for security for the drug boss, or *dono* (*Bonde de dono*)

**Salesperson :** Person in charge of selling drugs. (*Vapor*)

**Packager :** Prepare the drugs for consumption, separating it into individual packets and in some cases mixing it with other substances to increase profits.

**Stockers:** In charge of stocking the salespeople (*vapores*) with drugs, packaged and ready to be sold

**Marijuana and Cocaine Managers :** Administrate the packaging and sales of the merchandise for which they are responsible. Normally there are managers for different drug types and prices. They report to the General Manager.

**General Manager:** The right-hand man to the boss, he administrates the whole sales process. Some live in the same community where drugs are sold, while others turn up just to collect the profits.

**Boss:** Individual who commands the structure of the drug sales points, or *bocas*. Rarely does this person live in the community.

Source: Marcelo Rasga Moreira, *Nem Soldados nem Inocentas: Jovens e tráfico de drogas no município do Rio de Janeiro*

tion and prevarication. It is necessary to include *favelas* – which represent 40% of the population of Rio – in the provision of basic public services such as education, health, employment and income opportunities, social promotion and security. Traditionally, the only state authorities to go into *favelas* have been the police, and they normally treat residents with disrespect or negligence. All this must change to impact on the problem of drug trafficking and resulting violence.

Policies oriented to youth are clearly important, as this population is the hardest hit by violence and criminality. Many existing programmes in *favelas* in Rio have shown that young people are pushed into the drugs trade because they are excluded from cultural and educational policies that value their creativity, rather than because they need to for survival. At the international level, the UN sys-

tem must revise its prohibitionist stance, as expressed in the drug control conventions, and seek efficient ways to dismantle criminal networks, without criminalising small agricultural workers and drug users.

The situation is complex. Successive state governments in past decades were not capable of competently dealing with the problem, in part because they insisted on pushing for an armed and bellicose response. The number of police on the street has increased, while at the same time police forces are equipped with more powerful weapons. Despite the increase in repression, each year the results are more inefficient. There can be no solution to or reduction in criminal activities without wide-reaching investment in security sector reform that seeks to improve efficiency, work conditions and – perhaps most importantly – transparency and respect

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for constitutional precepts. There will be no real improvement in the indicators of violence without inclusion of the general population, and particularly of *favela* residents, in designing and implementing public policies that invest in their social inclusion and finally integrate them into the life of the city.

In spite of the serious problems with drug trafficking in Rio de Janeiro, the city is not at war – as conservatives, the police and a significant part of the media would like us to believe. Drug trafficking is, above all, a public security problem and should not be seen as a national security issue. To reinforce this argument and promote this mentality, we must put an end to alarmingly high levels of human rights violations suffered by most of the poor population of the city. Drugs have become the password for mass executions, arbitrary imprisonment, and accusing certain people of crimes. The persecution of enemies of the military regime seems to have been substituted in these neo-liberal times with the stigma of the trafficker. The illegality of drug trafficking has been transformed into a delinquent practice by the institutions of the state. The institutionalisation of drug trafficking in the *favelas* of Rio, the violence practiced by its main actors and its capacity to become an element of socialisation in the lives of thousands of children, adolescents and young people cannot adequately be characterised as ‘parallel power’ in relation to the state. They are not, then, separate from the artifices of power, but are part of its continuum, and involve the entire security sector, the criminal justice system and the forces of detention and repression. After all, to use an expression coined by Foucault, it is *useful delinquency*.<sup>12</sup> The criminal is not simply someone breaking the law, but rather part of a group whose very existence implies illegality, operating within a system where law enforcement and criminality are locked in a reciprocal relation – both presuppose the other. Designing a policy capable of reducing levels of drug related crime therefore requires a revision of the punishment system unleashed upon it.

<sup>12</sup> Foucault, Michel, *Vigiar e Punir*; Petrópolis, Ed. Vozes, 1997; First published in French as *Surveiller et punir*; Gallimard, Paris, 1975; first English edition: *Discipline and Punish: The Birth of the Prison*, Penguin, London 1977.

The preceding analyses reveal a complicated web of issues around drug policy in Brazil. While the country does produce illicit substances, it is not in the same situation as Andean-Amazonian countries. The truth is all countries are part of the economic circuit of drugs in some way. In the specific case of Brazil, however, increases in urban violence correlates to increases in the drug trade. Further, violence also increased in rural areas due to the productive chain of illegal drug crops located there.

Currently, there are three tendencies within drug policy in Brazil. The first is the, repressive and militarised position, which is hegemonic both in practice and in government discourse. The main proponents of this policy are the National Anti-Drugs Secretariat (*Secretaria Nacional Anti-Drogas*, SENAD), and the Ministries of Foreign Affairs, Defence and Justice. They implement the legal enforcement of this policy, whose stated aim is to curb supply and demand. A second tendency is harm reduction. The main proponent here is the Health Ministry. This policy was originally part of efforts to contain HIV/AIDS, particularly through needle exchanges. A victory for harm reduction advocates came when the National Anti-Drugs Secretariat symbolically changed its name to the National Drug Policy Secretariat.

A third tendency, much weaker than the other two, emerges from the public debate on social control of drugs. Main actors on this front include the Ministry of Justice and the Special Secretariat for Human Rights. Proponents have proposed looking into medicinal uses of cannabis. In fact, at the 2003 CEBRID Seminar (Brazilian Centre for Information on Psychotropic Drugs, or *Centro Brasileiro de Informações sobre Drogas Psicotrópicas*), participants recommended that cannabis be taken off List 1 (narcotics) and be put on List 4 (controlled pharmaceuticals) of the Brazilian DIMED (National Division for the Sanitary Monitoring of Drugs of the Ministry of Health). This scenario is still developing.

The consequences of drug policies and the business-like organisation of the productive chain of drugs have had negative effects on Brazilian society. Of immediate concern are the high levels of homicides – mostly among poor black men between 15 and 24 years of age. Another negative effect is seen in the countryside, where rural labourers with limited options seek or are forced into the drug trade as a strategy for survival. Young people in urban communities find that the drug trade offer them what they consider a “better” lifestyle.

Finally, available drug treatment programmes are often inappropriate. Under the current law, users are treated only either as patients with an illness or as delinquents. A series of measures must be taken to change this situation, and the public debate must be strengthened and deepened. The following section presents some conclusions and recommendations we hope will contribute to the debate.

**1.** Nothing significant in terms of drug policy can occur in countries as socially unequal as Brazil unless better social policies are also implemented. In order to respond to the political economy of drug production and consumption, the government must move forward on agrarian reform; agricultural land policies; credit for rural workers; education, especially for the youth in marginalized areas; reducing the housing deficit, especially in urban centres; and a serious cultural policy.

**2.** Special attention must be paid to the economic situation that leads agricultural workers to be involved in the productive chain of illicit substances. Even before we can debate whether such substances should be produced, we must first discuss the legitimacy of detention and punishment of rural workers in plantation areas. Some legal experts propose that an exceptive clause should be applied to consider extenuating factors for rural workers that are subject to degrading work conditions and forced labour.

**3.** The eradication of child labour must be applied to youth involved in the drug trade in rural and urban areas, as in other labour activities. Educational activities for school-age young people as well as cultural and civil rights education must be a priority. Further, there must be alternatives for generating employment and income.

**4.** The problem of urban violence must be treated with the necessary specificity. In identifying the type of crime committed, activities linked to carrying and using drugs must be disassociated from other criminal acts with which they are currently lumped together. This means, for example, judging someone who committed homicide for the homicide they committed and not for whether or not they were also carrying or using drugs.

**5.** Security is one of the most urgent tasks with regard to the rule of law. It is necessary to stimulate campaigns for disarmament and enforce legislation. It is also important that the impacts of less repressive legislation with regard to the productive chain of illicit substances be discussed. It is vital to promote the expe-

riences of community members who have been able to forge peaceful solutions, with the help of local actors such as schools and churches, to break the reigning 'code of silence'. A thoroughgoing reform of the police is needed to counter corruption and excessive police violence.

**6.** Further, it is important that legislators examine in the legislation still under consideration in the Senate, the possibility to create stipulations that would exempt users that carry small quantities of drugs without the intent to market them from the crime of drug trafficking, which is considered a heinous crime under the current law, punishable by 3 to 15 years in prison. It is important to block these and other harmful aspects of the new law.

**7.** The drugs issue as a whole should be discussed in the context of harm reduction and social control of drugs. There is a need for more accurate studies of the productive chain and distribution, social effects on peasant and urban communities, as well as public policies for harm reduction in the most affected populations. Without a more unbiased regulation, the current repressive policies will continue to have little or no impact on their stated aims: to reduce supply and demand for illegal drugs.

**8.** Drug policy discussions in Brazil must consider international and regional co-operation, framed in a human rights perspective – especially in regard to social, economic, cultural and environmental rights. Due to its position in the region, Brazil could have a significant role in pressing for drug policy reform from the perspective of sustainable development. Brazil could contribute to reducing the social and environmental damage produced by current drug policy in Latin America. An important contribution would be to carry out studies on the negative impact of fumigations on health and the environment in the Amazon, and ask the Colombian government to stop this harmful practice. Brazil could also move to making industrial and medicinal uses of certain drugs legal – under strict control of the state. This is especially relevant, as the plants have been cultivated benignly on the continent for generations.

**9.** The Ministry of Health and its Working Group on Drug Policy, linked to the Harm Reduction Secretariat, should broaden the scope of the debate. For example, they could make space available for discussions among users, victims of violence, rural workers, and specialists in these areas.



## USEFUL WEBSITES

<http://www.aborda.org.br> - Associação Brasileira de Redutores de Danos (ABORDA)

<http://www.ibgf.org.br> - Instituto Brasileiro Giovanni Falcone

<http://www.koinonia.org.br> - Koinonia

<http://www.psicotropicus.org> - Psicotropicus - Movimento Antiproibicionista

<http://www.senad.gov.br> - Secretaria Nacional Antidrogas (SENAD)

<http://www.unodc.org/brazil> - United Nations Office on Drugs and Crime (UNODC) Brazil Regional Office

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The illicit drugs industry fuels Brazil's tremendous social and criminal violence problems. The levels of violence related to drug trafficking in urban centres are comparable to a war zone. Guns kill more young people below the age of 18 each year in Rio de Janeiro than in Colombia. In the rural North-East of Brazil, in the so-called 'marijuana polygon', the levels of violence are sometimes even higher due to brutal land disputes and conflicts related to the illicit cultivation of marijuana.

In this issue of *Drugs & Conflict*, the background to the drugs-related violence in the North-East marijuana cultivation area, as well as in the favelas in Rio, is described. The new drug law that is being evaluated in Congress is also reviewed. Although the new law is a step forward for making a clear distinction between a trafficker and a user, the question remains whether that will effectively address the problem given the limited scope of the new law.

It is clear that drugs are not the root of the problem and that current drug control policies only boost the violence that accompanies social conflicts in Brazil. This is an enormous challenge for the government of president Lula. In coalition with other reform-minded nations, Brazil could help construct a harm reduction policy in the area of drug control, comprising the complete chain from production to consumption - a policy in which the cure is not worse than the disease.

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.

Since 1996, the TNI Drugs & Democracy programme has been analysing trends in the illegal drugs economy and in drug policies globally, their causes and their effects on economy, peace and democracy.

The Drugs & Democracy programme conducts field investigations, engages policy debates, briefs journalists and officials, coordinates international campaigns and conferences, produces articles, publications and briefing documents, and maintains a daily electronic news service on drugs-related issues.

The aim of the project and of the *Drugs and Conflict* series is to stimulate a re-assessment of conventional prohibitive and repressive policy approaches and to argue for policies based on principles consistent with a commitment to harm reduction, fair trade, development, democracy, human rights, environmental and health protection, and conflict prevention.

The Crime and Globalisation project examines the synergy between globalisation and crime and its criminogenic effects such as marginalization and increase of informal economies that force people to "migrate into illegality". The project also looks at multilateral agreements and conventions on money laundering, transnational organised crime and terrorism and their impact on civil liberties, human rights and national sovereignty.