

# Global Americans

## High Level Working Group on Inter-American Relations & Bipartisanship

### 2017-2018

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#### **An Improved Strategy to Fight Drug Trafficking, Organized Crime and Corruption in the Hemisphere**

##### **Introduction**

In 2017, with support from the Ford Foundation, Global Americans convened a High-Level Working Group on Inter-American Relations and Bipartisanship, comprising former policymakers, business leaders, civil society leaders and scholars, to discuss bipartisan and cross-regional ways that the current U.S. administration can build and improve upon the achievements of the past two decades of inter-American relations.

Our group, representing civil society, academia, and the policymaking and business communities in the U.S., Latin America and the Caribbean, has produced an initial series of papers laying out members' consensus opinions on the topics of:

- Economic integration and trade
- Combating organized crime and narcotics trafficking
- Greater U.S.-Latin American collaboration on anti-corruption
- Expanding and improving education exchanges in the Americas
- Extra-hemispheric actors

Future topics will include rebuilding Venezuela and re-thinking development assistance.

The initial set of policy topics addressed by the working group reflects a long-standing hemispheric and bipartisan consensus on the key areas that have helped to secure U.S. and hemispheric economic, diplomatic and security interests. All of these topics are inter-related. But rather than address them collectively, we decided to narrow our focus to specific, constructive, and actionable issues and recommendations.

Convinced that the countries of the Americas will be able to solve their shared challenges only through collaboration, the members of our high-level working group have made a series of recommendations on each of the topics outlined above. We urge our governments, members of civil society, the media, the private sector, academia and citizens of the Americas to consider them as a framework for charting the way forward.

This paper addresses the multi-dimensional threat to the hemisphere posed by drug trafficking, organized crime, and corruption. The U.S. government has spent over \$1 trillion on counter-narcotics efforts, both domestically and in Latin America and the Caribbean, since declaring a "war on drugs" in the 1970s. Yet, the structure of demand and production has changed, requiring a holistic approach and a greater emphasis on prevention programs to tackle the drug problem in the United States and the Americas. A modernized anti-drug policy needs to focus on ending organized crime and drug trafficking through a broad strategy that includes prevention programs addressed as a public health issue, the strengthening of U.S. capacity to investigate and cooperate with hemispheric partners in tracking money laundering, and expanding targeted sanctions to include officials involved in narcotics trafficking and organized crime.

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**An Improved Strategy to Fight Drug Trafficking, Organized Crime and Corruption in the Hemisphere**  
**Executive Summary**

The U.S. government has spent over \$1 trillion on counter-narcotics efforts, both domestically and in Latin America and the Caribbean, since declaring a “war on drugs” in the 1970s. Between fiscal years 2010 and 2015 alone, drug-war expenditures by U.S. government agencies in the Western Hemisphere amounted to a combined \$5.2 billion.

Yet the number of cocaine- and heroin-related overdoses in the United States continues to increase. According to a [provisional government report](#) of national drug deaths, as of March 4<sup>th</sup>, 2018, there have been a total of 12,802 cocaine overdoses and 15,358 heroin overdoses reported for the 12-month period ending in August, 2017. This is an increase from the 8,869 cocaine overdoses and 14,859 heroin overdoses for the 12-month period ending in August 2016.

As a debate over how and whether to pursue that “war” continues to engage U.S. and hemispheric policymakers, the “drug problem” in the U.S. is changing. Some [30 states and the District of Columbia](#) had legalized either recreational or medical marijuana by 2018, posing a challenge to the U.S. Justice Department in the enforcement of federal anti-narcotics laws and opening an obvious cleavage and contradiction between domestic drug policy and the U.S.’ international drug control posture. At the same time, an exploding opioid crisis spurred by the misuse of pain medications and the increasing use of fentanyl smuggled from China, [which cost 64,000 lives in 2016](#)—doubling in just one year—has challenged the traditional view that U.S. drug use is largely fueled by narcotics trafficking from Latin America and the Caribbean. These shifts in demand and production require a more holistic approach—in terms of both prevention and sanctions—by the United States and its partners in the hemisphere.

Historically, Washington has focused on supply-side measures, such as the eradication of illicit crops, the interdiction of trans-shipments, and drug seizures. But as challenges and policies evolve, so should U.S. anti-narcotics policy—domestically and in the hemisphere. The change should begin with the recognition that drug trafficking is a complex challenge that incorporates a much broader range of issues than have been addressed so far.

U.S. anti-drug strategies, for example, have largely ignored organized crime activity that is not limited to drug trafficking. This not only risks perpetuating the cycle of violence already seen in the region, but fails to address the deterioration of transparent and effective democratic institutions, rising political corruption, and the failure of judicial systems—all of which are both cause and effect of the emergence and flourishing of organized crime and the illicit drug trade.

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For many organized crime groups, drug profits remain the main source of income. But as with all illicit economic activities, drug traffickers need to find ways to launder their profits—and they have become increasingly creative. The huge flows of drug monies into the legitimate economy have weakened the rule of law, undermining citizen trust and confidence in government, and further increasing public insecurity.

U.S. strategy has not kept pace with money-launderers' evolving efforts to escape detection. One example: while the U.S. Treasury actively tracks and prosecutes money laundering and corruption with partner governments in Latin America and the Caribbean—activities which directly affect national security, law enforcement, and the collection of national revenue—its focus has largely been on two types of money laundering: the introduction of illicit funds to the formal economy through financial institutions and through the physical smuggling of bulk cash.

A third type of money laundering needs to be more systematically examined: the introduction of illicit funds into the formal economy through the transfer of goods via trade or trade-based money laundering and value transfers (TBML). Such “value transfers” cost the U.S. an estimated \$2.19 billion in 2013 alone, according to a U.S. Census Bureau study, representing 5.69 percent of U.S. trade.

And organized crime groups are getting more creative. Lured by a decentralized currency free from regulation, crime groups are beginning to turn to cryptocurrencies and the darknet to wire funds.

In Latin America and the Caribbean, the situation is much worse. The absence of robust anti-money laundering regimes in some nations has allowed criminal organizations to operate with impunity. According to the Basel Institute on Governance's annual Anti-Money Laundering Index, weak or absent anti-money laundering legislation, along with the corruption, impunity and lack of transparency that facilitate money laundering, is an endemic problem throughout the region. Paraguay, Haiti and Bolivia ranked among the top 25 highest-risk countries in the world for money laundering in 2017.

A modernized anti-drug policy therefore needs to focus on ending corruption through a broad strategy that includes strengthening government institutions, the promotion of human rights, the reduction of impunity, the reduction of income inequality, and the strengthening of education systems. Without addressing these structural problems, the exclusive use of enforcement and interdiction tools can inadvertently aggravate problems such as extortion, kidnapping, and human trafficking that undermine democratic processes, human rights, and trust in government.

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To that end, we offer a series of recommendations for U.S. leadership and hemispheric cooperation on this critical issue. Here are some highlights:

- 1) **Step up efforts to reduce demand.** The Inter-American Drug Abuse Control Commission (CICAD), the Training and Certification Program for Prevention, Treatment and Rehabilitation of Drug Abuse and Violence, both operating under the auspices of the Organization of American States, along with similar multilateral mechanisms, should be reinforced to help all governments in the region expand drug prevention and substance-abuse treatment.
- 2) **Aggressively expand collaborative efforts to counter money laundering and corruption with Latin American and Caribbean governments.** U.S. Treasury and Justice Department efforts to track and prosecute money-laundering currently lack sufficient resources, personnel and a coordinated enforcement mechanism to match the scale of the challenge to the hemisphere. Making these efforts a central component of U.S. bilateral relations in the hemisphere should be a priority.
- 3) **Strengthen targeted sanctions on traffickers.** Regional governments should increase the use of sanctions on public and private individuals determined to be involved in illicit activities, such as including expanding the discretion of Chiefs of Mission to suspend non-immigrant visas for those individuals and their families.
- 4) **Fund the independent commission created by the 2016 bipartisan Western Hemisphere Drug Policy Commission Act.** The scope of regional anti-narcotics policies requires a broad and multilateral effort directed at the spreading involvement of organized criminal networks into legitimate enterprises. The commission offers an opportunity for Congress to support a thorough, bipartisan evaluation of U.S. drug policies toward the region at this critical time.

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#### **An Improved Strategy to Fight Drug Trafficking, Organized Crime and Corruption in the Hemisphere Report**

The nature of the “drug problem”—both regionally and globally—has profoundly shifted in the 21<sup>st</sup> century. Starting in the 1970s, Washington’s “war on drugs” focused on the supply side, devoting a large part of its efforts toward the interdiction of traffickers and producers in Latin America and the Caribbean and the eradication of illicit crops. In the three decades since, the U.S. has spent over \$1 trillion on U.S. drug policy both domestically, and in Latin America and the Caribbean.

U.S. agencies spent a combined \$5.2 billion in counter-narcotics efforts in the region between fiscal years 2010 and 2015 alone, according to a report by the Government Accountability Office (GAO) that tracked spending in the Western Hemisphere by the Department of State’s Bureau of International Narcotics and Law Enforcement Affairs (INL); the Defense Department (DOD); the Department of Homeland Security’s Immigration and Customs Enforcement Agency (ICE); and the U.S. Agency for International Development (USAID). This tally does not include agencies whose counter-narcotics activities are not tracked by region, such as the U.S. Coast Guard, Customs and Border Protection (CBP), Drug Enforcement Administration (DEA), and Organized Crime Drug Enforcement Task Forces. Since the 1970s, drug interdiction efforts spent globally by those agencies totaled \$33.6 billion.

But these interdiction efforts failed to prevent the growth of the drug trade, or the rise in addiction. The administrations of both George W. Bush and Barack Obama invested in preventative measures to curb growing demand. In 2016, nearly 64,000 Americans died from opioid overdoses—double the number the previous year. In October 2017, President Trump directed the Department of Health and Human Services to declare the opioid crisis a [public health emergency](#), as the U.S. finds itself in the throes of a public health epidemic fueled by the misuse of prescription pain medication containing opioids.

The opioid crisis, domestically triggered in the U.S. as a result of opioid medication abuse, has also generated an increase in heroin use, as individuals addicted to pain medication have turned to cheaper alternatives, including imported fentanyl. That cheaper alternative comes largely in the form of “Mexican tar” or the dark brown heroin produced in Mexico and “China white,” a white powder variety of heroin made popular by Chinese traffickers that is now also being produced in Mexico. Even so, the lines between producer and consumer countries have blurred. Domestically produced synthetic drugs such as methamphetamines have further exacerbated U.S. substance abuse and addiction. In effect, the United States has become one of

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its own suppliers—challenging the traditional view that the U.S. drug problem is largely fueled by Latin America and the Caribbean.

The illicit drug trade encompasses a complex set of problems in the hemisphere, beyond its effect on addiction, most notably money laundering, and the use of cryptocurrencies. In the U.S., narcotics-related illicit activities are one of the most common sources of money laundering.

Currently the U.S. Treasury actively tracks and prosecutes money laundering and related corruption with partner governments in Latin America and the Caribbean. However, the U.S. has devoted much of its attention and countermeasures to only two types of money laundering: the introduction of illicit funds to the formal economy via financial institutions and through the physical smuggling of bulk cash. The U.S. government can do much more to systematically examine a third type of money laundering that has a significant impact on national security, law enforcement, and the collection of national revenue: the introduction of illicit funds into the formal economy through the transfer of goods via trade or trade-based money laundering and value transfer (TBML).

According to a written statement for the hearing on “Trading with the Enemy: Trade-Based Money Laundering is the Growth Industry in Terror Finance” before the Task Force to Investigate Terrorism Financing of the House Financial Services Committee in February 2016, a total of \$2.19 billion was moved out of the U.S. during 2013 alone in the form of value transfers—constituting 5.69 percent of U.S. trade—a figure based on calculating the difference between under-valued exports and over-valued imports in U.S. trade data obtained from the U.S. Census Bureau. Similarly, by examining over-valued exports and under-valued imports using the same 2013 data, \$341,086,166,561 was moved into the United States. That figure represents 8.87 percent of U.S. trade.

Moreover, thanks to the growing popularity of cryptocurrencies, “darknet” markets have allowed drug trafficking and money laundering to avoid the traditional financial system, and therefore the impact of conventional anti-money laundering measures. With over 20 functioning markets, according to dnstats.net, rather than engaging in personal contact with their clients, drug traffickers can use encryption software to protect their communications, data and money. And yet, the volatility of the darknet market and cryptocurrencies and the lack of information available on the use of cryptocurrencies make it difficult to place as a top priority.

In Latin America and the Caribbean, the impunity of criminal organizations is exacerbated by the absence of robust anti-money laundering regimes. According to the Basel Institute on Governance’s annual Anti-Money Laundering Index, weak or absent anti-money laundering legislation, combined with corruption and the lack of transparency, help facilitate money



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laundering in the region. Paraguay, Haiti and Bolivia now rank among the top 25 highest-risk countries in the world for money laundering.

After 9/11, the United States took unprecedented steps to adopt a holistic approach to combat terrorist organizations. The lessons learned from this effort could offer potential solutions to trace transnational criminal organization's (TCO's) money and operations, and eventually lead to their capture and punishment. The U.S. Treasury could provide much-needed technical assistance in this area.

#### **The impact of organized crime**

Drug trafficking has also fueled the rise of weak regimes and “narco-states” that collude and cooperate with organized criminal groups—at a national or local level—threatening regional stability, U.S. national interests, human rights, and mass migration.

Several Central American states have been corroded by drug trafficking. Geography and some of the successes achieved between Mexico and the U.S., and the U.S. and Colombia, makes Central America particularly susceptible to the corruption, lawlessness and violence associated with drug trafficking and TCOs. Illicit drug money has [penetrated states and institutions](#) and corrupted high officials, allowing organized crime groups to flourish and expand their trafficking to other forms of contraband, as well as terrorize local populations.

Many TCOs in Mexico have expanded their activities to include immigrant smuggling and human trafficking. A 2016 paper, “On Narco-coyotaje: Illicit Regimes and Their Impacts on the U.S.-Mexico Border”, by Howard Campbell and Jeremy Slack, depicts the relationship between TCOs and human traffickers, or coyotes. Depending on the region and the dominant TCO (cartel), coyotes are asked to do certain tasks for the TCOs in order to operate in their territory. Some coyotes pay a protection fee and work under a certain set of rules given to them by the TCOs, or are asked to use their migrants for monitoring services for shipment of drugs. At the same time, according to Teresa Ulloa, regional head of the Coalition Against Trafficking of Women and Girls in Latin America, 70 percent of the sex trafficking cases seen by the organization each year were linked to drug gangs. That business, she estimates, made drug TCOs [\\$10 billion in 2012](#).

Drug trafficking and the TCOs responsible for it pose a multi-dimensional challenge to the hemisphere. Organized crime is inextricably linked to political corruption, violence, money laundering, judicial failure, and generalized citizen insecurity. In Mexico, drug trafficking organizations use illicit profits to pay off judges, police, politicians, and government opposition. In Guatemala, for example, as the International Commission against Impunity in Guatemala

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(CICIG) has documented, drug money has financed political parties, bought out judges and eroded the rule of law.

As a result, the rule of law has suffered across the region. According to the most recent Vanderbilt LAPOP surveys, in countries like Bolivia, Brazil, Mexico, and Peru, [fewer than 42 percent of the citizens trust their judicial systems](#).

And that produces a ripple effect throughout the hemisphere economies. The lack of an effective, independent judicial system is a disincentive for the foreign investment necessary for economic development. Foreign businesses [may decide to pull investments](#) once they find out that justice systems no longer work, or they [may decide to close down banks](#) if the risk of money-laundering becomes too high. A decrease in foreign direct investment might then result in a greater dependence on illicit drug money, which then affects the legitimate economy.

In the short run, the inflow of illicit drug money into the legitimate economy can boost investment and local GDP; in the long term, however, these [illicit funds undermine and distort the market](#). Illicit drug money can compromise a large portion of a country's economy, leading to inflated property prices, and [creating unfair competition](#) that pushes legitimate businesses, without access to illicit drug profits, out of the market.

Similarly, the violence and high levels of crime associated with the illicit drug trade and organized crime also produce negative economic impacts. According to the World Bank's *2015 Global Economic Prospects* report, high levels of crime and homicide are one of four major risk factors that negatively affect regional economies in the medium and long run.

The rule of law in the hemisphere has also been affected by other factors. In the U.S., 30 states and the District of Columbia had legalized marijuana for medical or recreational purposes by 2018—setting up a confrontation with federal enforcement efforts. Although the Justice Department under the Obama administration indicated it would not prosecute individuals for marijuana offenses in states where growing and possessing pot had become legal, the Trump administration has signaled its disagreement—setting up potential confrontations between state and federal levels of government.

Meanwhile, the legalization of marijuana possession in many Latin American countries, spearheaded by Uruguay, has opened a significant gap in drug policy between the U.S. and many of its hemisphere partners. Although Latin American nations like Uruguay have had tremendous success taking money out of the hands of organized crime groups, international protocols and conventions complicate how states and countries handle the profits of sales that are legal under local law.



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The developments outlined above have changed the nature of the drug problem in the hemisphere and the debate about how to address it. U.S. drug policy needs to take into account that changing debate.

Washington's strategy should be modernized to tackle the growing complexity of the illicit drug trade and the encompassing issue of organized crime in the region. Developing effective collaboration in the hemisphere that focuses on strengthening anti-money-laundering initiatives, society-building, and reinstating the rule of law should be part of a government-wide reassessment of U.S. counter-narcotics efforts in the region aimed at eliminating redundant and costly programs that have failed to make headway.

The changing dynamics of the war on drugs will weaken Washington's diplomatic leverage, "smart power" and moral authority in the region unless these changes are recognized and taken into account in how the U.S. defines and discusses its policy.

For the region as a whole, drug policy needs to shift to structural changes that address the sources of impunity allowing illicit trafficking and organized crime to flourish and undermine democracy and legitimacy of governments. These include the strengthening of judicial systems to promote the rule of law, and efforts to address inequalities in income and education. Special attention should be paid to strengthening state and municipal governments. They are not only the levels of government that are most accessible to the majority of the population, but are also the most vulnerable to corruption.

We believe a cost-effective policy that focuses on restructuring government institutions at all levels in regions with high rates of illicit activity, as well as reinstating trust within these institutions and cutting the flow of profits to organized crime groups, is in the interests of the entire hemisphere.

Similarly, drug policy across the hemisphere should continue, and expand, its focus on prevention. Drug prevention programs are effective tools not just to reduce the demand for and consumption of drugs, but also enable at-risk individuals to become contributing members of their societies. The science behind drug use prevention is relatively new; but even so, targeting communities and age groups with specific science-based programs such as social skills training or computer-based universal prevention programs have been effective in many parts of the world. Countries in the region should collaborate on further research, while funding programs that have already been found to be effective.

For many organized crime groups, drug trafficking remains the main source of income. As with all illicit economies, one of the central problems of drug trafficking is not the drug itself, but the introduction of the gains from various forms of money laundering through the informal

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economy into the licit economy. The most effective way of taking power back from organized crime groups is to ensure their financial networks are severed. Anti-money laundering efforts would go a long way if they shifted focus from monitoring banks toward monitoring goods and services and trade-based money laundering. The U.S. Treasury could provide much-needed technical assistance in this area.

But modernizing U.S. drug strategy in Latin America and the Caribbean to take account of the shifts outlined in this report won't be enough to tackle the problems facing the region from organized crime. There needs to be a broad regional effort to strengthen human and institutional capabilities, and a collective commitment by governments to complement counter-narcotic efforts with anti-money laundering and anti-illicit trade strategies, while at the same time providing education and prevention programs that can address the social and economic "demand" factors that attract new generations of criminals and drive organized crime, addiction and drug abuse.

By helping to lead this effort, the U.S. will not only reduce the costs it incurs in fighting drug traffickers, but foster accountability, transparency and the rule of law—the lack of which has provided fertile ground for crime and corruption to flourish and spread across the hemisphere.

### Our Recommendations

- 1) **The U.S. should lead a broad, multilateral effort targeting narco-corruption and the spread of organized TCOs** into new areas of the region's economy to address the broader social, economic, national security, and politically destabilizing impacts of criminal activity associated with the drug trade.
- 2) The U.S. Departments of Treasury and Justice and their regional counterparts need sufficient resources, personnel, and coordinated enforcement mechanisms to combat growing and fast-changing activities of money launderers. **Current collaborative efforts involving the U.S., Latin America and the Caribbean to track and prosecute money laundering and corruption should be aggressively expanded and made a key component of U.S. bilateral relations in the hemisphere.** Anti-money laundering efforts need to become the main driver of the strategy to confront and defang TCO's.
- 3) Multilateral efforts spearheaded by the Organization of American States, such as the Inter-American Drug Abuse Control Commission (CICAD), the Training and Certification Program for Prevention, Treatment and Rehabilitation of Drug Abuse and Violence, **should receive a strengthened mandate that reinforces member nations' commitments to reducing demand for drug trades.**
- 4) Regional governments should **increase the use of targeted sanctions on public and private individuals who are determined to be involved in crimes**, including expanding the discretion of Chiefs of Mission to suspend non-immigrant visas for those individuals and their families.
- 5) **Provide the funding to establish an independent commission to re-evaluate U.S. drug policy**, authorized under the 2016 Bipartisan Western Hemisphere Drug Policy Commission Act. The Commission's mandate should include an assessment of the level of interagency coordination between law enforcement agencies and chief of mission authority, a review of the metrics used to evaluate the impact of counter-narcotics operations, and a review of cooperation and information-sharing between U.S. and regional law enforcement agencies.
- 6) The Commission **should also review Section 490 of the Foreign Assistance Act of 1961** to consider testing a more cooperative policy such as the Multilateral Evaluation Mechanism created by the Inter-American Drug Abuse Control Commission (CICAD), which makes periodic recommendations to states on improving anti-narcotics efforts, rather than cutting foreign assistance as a way to punish a countries failure to meet quota.

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