UNGASS 2016:
The focus on 'harm reduction' is making us blind to reducing the broader harms of organised crime

Mark Shaw

SUMMARY

- The dangers of widening the space for health policy approaches to consumption strategies are associated with a return to traditional law enforcement practices further down the supply chain – perhaps as concession to 'hard liners.'

- Evidence demonstrates that a broader set of harms from the growth of criminal networks and violence in certain states are only exacerbated by hard line criminal justice and militarised approaches.

- There is a need to widen the scope of harm reduction to the supply chain of illicit drugs in its entirety, and to organised crime itself.

- This does not mean a 'softer' approach on drugs, but only that a wider set of policy alternatives beyond narrow law enforcement are required if we are to succeed in sustainably limiting the harms of these illicit markets (and the policies employed to tackle them).

- There is a need to make a linkage between security and development issues, not in order to 'securitise' development, but in order to protect development interventions from criminal exploitation – and to deliver services where they are needed most.

- As political momentum focuses around UNGASS 2016 and the implementation of the Sustainable Development Goals, there is a potentially unprecedented opportunity to push this debate further.

The debate around what is generally termed 'harm reduction' – treating drug abuse as a health policy issue rather than a law enforcement one – has been a central feature of discussions around drug policy for at least the last decade. It is now gathering significant momentum as countries, most notably in Latin America and Europe, have embraced its core tenants. Coverage of the run-up to the Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS) in April 2016 has centred on the concept of 'harm reduction' and how it is interpreted. As has been widely noted, what is remarkable in the current discussion is the degree to which the health policy aspects can be openly discussed in a way that was simply not possible even a few years ago. That is a feature of how rapidly the debate is now evolving. While, in the medium term, this may not lead to a change in the overall drug control framework itself, it has and will continue to, stretch the boundaries of the possible within the current international drug control regime.

One concern, however, is whether that widening space for debate could come at a cost: by shifting the discussion of health policy approaches at the front-end where drugs are consumed, but returning to a set of established law enforcement practices further down the supply chain. Indeed, that may be part of a subtle concession to the 'hard liners': more talk of health approaches balanced by harder law enforcement responses. While the latter may not necessarily be wrong in its entirety, it harks back to a language of the past at a time when there is an urgent need to consider a wider set of alternatives. Evidence and experience has shown that a broader set of harms that are resulting from the growth of criminal networks, including prolific violence in certain states, are only exacerbated by hard line criminal justice and militarised approaches. If the full harms of drug trafficking and use are to be addressed, then a broader understanding of harm reduction must be introduced.

In short, in the space provided by the rapidly developing discussion around development and security, symbolised most clearly by the UN Agenda for Sustainable Development 2030 (ASD2030), we are missing an opportunity if a multi-dimensional harm framework is not also applied to the issue of organised crime. This argument considers the possibility of widening the scope of the harm reduction concept to the drugs supply chain in its entirety, and to organised crime itself, and considers the policy implications of doing so. Just as in the case of the drug use debate, this does not mean a 'softer' approach on organised crime, but only that a wider set of policy alternatives beyond narrow law enforcement are required if we are to succeed.

FROM 'HARM REDUCTION' TO REDUCING HARM

Language and labelling has always been an important feature of the drug policy discussion, even though the terms used, including 'harm reduction' itself, may have widely different meanings in different contexts. However, it is seldom noted that in the context of the current debate, and no matter which side of the aisle you are on, to talk about 'harm reduction' almost always means discussing policy options where drugs are bought and used at what could be called the 'front-end' of the market. The term has become exclusively associated with healthcare policy interventions. Yet, the term 'harm reduction' or perhaps better stated 'the reduction of harm,' is far from a unique concern, and one that occurs in a wider set of public policy debates.[1]

'

What is remarkable in the current discussion is the degree to which the health policy aspects can be openly discussed in a way that was simply not possible even a few years ago. That is a feature of how rapidly the debate is now evolving. While this may not lead in the medium term to a change in the overall drug control framework itself, it has and will continue to, stretch the boundaries of the possible within the current international drug control regime.

'

Development and humanitarian practitioners for example often refer to the 'do no harm' principle, meaning that their actions should not exacerbate any situation where they intervene.[2] While it is not often stated in that way, the arguments around 'harm reduction' in the drug policy field, and the response to the war on drugs itself, revolves around a similar premise: policy interventions should be people centric, should aim to reduce harm, and should not create a greater set of harms in their implementation than are already present.

Despite this focus on 'harm reduction,' and its alignment with medical and health interventions in the drugs debate, the orientation of the current discussion has led to cutting off harm reduction principles as soon as the upper reaches of illicit economies are discussed: that is, essentially along the supply chains which move the drugs, and in countering the organised criminal groups who control these. This is regrettable, partly because the development donor community is increasingly broadening their capacity to address organised crime, and the ASD2030 offers new opportunities here, as it recognises organised criminal networks and markets as a cross-cutting, multidimensional threat to the achievement of sustainable development objectives. Of its 169 targets, more than 13 per cent (23 targets in total) stand at risk if criminal markets are not addressed.[3] The 2015 OECD *States of Fragility* report recognised the need to move toward a more multi-dimensional understanding of what is needed to achieve sustainable development, redefining the concept of the 'fragile state' and bringing several middle-income countries with disproportionately high levels of crime-related violence, sub-national conflict or poor access to justice, into focus.[4] The explicit linkage between these development objectives and safety is unprecedented in terms of the objectives of the UN, and provides a mandate to make such concerns central to debates.

In fact the failure to extend the principle of 'harm reduction' up the trafficking chain is leading to an unexpected anomaly; while 'harm reduction' principles must apply at the front-end of drug markets, where substances are sold and used, further up the chain, we need to renew our efforts on 'supply reduction,' hunting down traffickers and tackling organised crime. And, taking such an approach is curious coming from those who have long argued against the war on drugs, but now with advances being made on front-end harm reduction are tone deaf to a wider set of harms. Arguably, a new set of standard terminology is needed, that can span analysis and responses across illicit drug markets from beginning to end, and particularly in responses to organised crime. Timing is crucial too: responding to contemporary challenges of organised crime is a critical public policy issue for global policy makers and is likely to remain so.

IT'S NOT ALL ABOUT THE MONEY

As indicated, accompanying the call to reduce harm has been a renewed focus on organised crime and its role in facilitating the drug trade. This was the conclusion of the two regional Commissions on Drugs for Latin America and West Africa.[5] Criminal justice driven strategies along the supply chain – at source and in transit – have broadly failed to have the desired impact at reducing supply or the potency of criminal groups. Though the criminal justice approach may have served as a mechanism to get more conservative forces on board in the front-end 'harm reduction' debate, the way the debate has been framed has largely side-stepped an important opportunity to consider a wider set of solutions to organised crime and illicit trafficking.

Instead, now the area of experimentation comes in trying to alter market conditions to bring down the prices of illicit drugs, thereby shifting the risk-return equation for criminal groups, and reducing their profits. Reducing criminal profits, particularly from drug trafficking, is not a new discussion at all. It has become the mantra of the sophisticated law enforcement official encapsulated in the much (over?)used phrase 'follow the money.'

Efforts and innovations in alternative livelihoods and other 'supply reduction' strategies both in the Americas and in the opiate producing countries of Central and West Asia have failed to provide consistent returns on investment, and have largely ignored the versatility and legitimacy that trafficking groups can gain with local populations when they provide and control the major livelihood generator of the region. Subsequently, the remaining parameter for policymakers appears to be to decriminalise the sale and use of drugs and introducing regulated legal channels, thereby reducing its profitability in the illicit market and commensurately the strength of criminal groups.

While distinguishing the profits made from drug trafficking from those in other illicit markets can be complicated, given that criminal groups engage in multiple illicit activities, the trafficking of illicit narcotics remains an important contributor to their business. Profits from drugs remain on most estimates, both those globally and for different regions, to be the mainstay of organised crime. At a global level, the scale of criminal proceeds from transnational organised crime is equal to approximately 1.5 % of global GDP. Of this, about half relate to trafficking in drugs.[6] There are some exceptions to this, for example the smuggling of oil or illicit mining in West Africa,[7] but for the most part and at a global scale this assertion holds true.

THE END OF ORGANISED CRIME?

A broader point is worth making as a preface to this discussion: using 'harm reduction' policy alternatives around drug use should be supported on the grounds that the evidence suggests that it is viable, genuinely reduces harm to the individuals involved, and is cost effective in the longer term. That is, that 'harm reduction' mechanisms should be supported in their own right, rather than for any savings that they might bring for law enforcement.

The discussion on profits is important however when considering the impact of front-end decriminalisation as it is now widely advocated. While claims have been made that the decriminalisation (or legalisation) of use will reduce the profits made by organised crime, the evidence suggesting that this may be the case is decidedly mixed. Perhaps most pertinently, an examination of other markets where front-end use is or has been legal suggests that organised crime remains active along the supply chain, and makes good money in doing so.

Two illustrative examples can be found comparing the smuggling of cigarettes, including counterfeit ones, and the trafficking of a variety of products harvested from endangered species such as elephant ivory or rhino horn. While the sale of rhino horn has not been illegal in many jurisdictions, the profits made by organised crime in poaching and supplying the product has nonetheless been immense.[8] Unless illicit commodities are universally legalised, with uniform levels of taxation and regulation, criminal networks will still maximise the opportunity to arbitrage between markets, as the illicit cigarette industry has highlighted most effectively. Even in the cases where complete legalisation is possible, as seems possible in the case of cannabis, commercial opportunities generated by legal sale may provide criminal opportunities to launder large quantities of illicitly produced product, much the same way as in several regions (the Balkans and in parts of Africa) as occurs with the market for smuggled cigarettes.[9] All of these arguments suggest that we should be suspicious of claims that legalising products at point of sale reduces organised criminal profits.

As the variety of forms of criminal enterprises have globalised and proliferated, the focus of governments globally – though in Europe most notably – have been divided amongst competing threats. While priorities may have shifted, the weight of years of policy and bureaucratic emphasis remains, and most police agencies, certainly in the developed world and in many places in the developing world too, retain a strong focus on finding and seizing illicit narcotics.[10] Whether they have been successful is another debate, but the fact remains that policing drugs markets is still a primary priority for law enforcement. Proponents of front-end harm reduction policies suggest that one cost saving that may result from legalisation or de-penalisation may be reducing law enforcement attention to street level drug use and by doing so save resources or at least allow them to be redistributed elsewhere.

There is some merit in these arguments. However, in most police bureaucracies what appears easy from an external perspective – that funds are shifted from front-end policing to sophisticated organised crime investigations – will be easier said than done. Firstly, these require different styles of police capacity, resources and disciplines. So, yes, there may be savings, but it is questionable whether they will find their way into supporting high-end or externally focused investigations. In fact, in most cases where savings accrue, they are likely to free up policing for greater visibility and more crime prevention focused work – an objective that is laudable in its own right. Secondly, it should not be forgotten that front-end harm reduction requires much more effective cooperation between police and other authorities, notably those in the health sector, which in itself may be costly both in terms of time and money.

MEASURING HARMS ALONG THE ILLICIT SUPPLY CHAIN

Nevertheless, the renewed focus on harm is useful, not only because it is the best response to drug use, but because it could change our overall analytical paradigm. The question is, do we simply do more of what we have done – enormous expenditure on law enforcement, with mixed or at least uneven results – *or do we think more creatively at the back-end too?*

One approach is to extend the harm reduction analysis to illicit trafficking chains themselves, at least in terms of how we prioritise actions to respond. For a start, as stated, it would make our language and approach more consistent. The harms at the market end of the supply chain have been broadly agreed are mainly health ones, but what about further up the supply chain?

Illicit trafficking causes multiple harms around which a growing body of analysis has been written.[11] However that discussion is generally a motivation for why we should tackle organised crime as a whole rather than a strategy, based on limited resources, of how we should prioritise some aspects or harms in particular. This is however the purpose of public policy: organised crime must be managed, and we need to begin by focusing (and that means prioritising) where harm is considered the greatest.

> In the context of the current debate, and no matter which side of the aisle you are on, to talk about 'harm reduction' almost always means discussing policy options where drugs are bought and used at what could be called the 'front-end' of the market. The term has become exclusively associated with healthcare policy interventions. Yet, the term 'harm reduction,' or perhaps better stated 'the reduction of harm,' is far from a unique concern, and one that occurs in a wider set of public policy debates.

An important body of literature has also cautioned that organised criminal activity may also bring, at least in the short term, some significant benefits, particularly for communities who may receive few services from the state. Therefore, resources from illicit activities are essential for survival, and the abrupt breaking down of criminal markets where no legitimate livelihood alternatives are provided may cause critical harms to local communities' economic and social development prospects.[12] The 'do no harm' principle may well apply in such cases.

Broadly, however, there is consensus that organised crime is in fact causing significant and escalating levels of harm. The nature of those harms is diverse, and in places where states have relatively limited institutional authority and capacity, these may have significant long-term consequences.

Identifying the harm caused by organised crime does vary by market of course. So the trafficking of illicit environmental products may have particular consequences for ecosystems or sustainable tourism for example. But three broad and particularly powerful harms characterise most organised crime supply chains. These are primary or significant harms, and while there are undoubtedly others, these are the most important. They are:

- The harm caused by violence associated with illicit drug markets.

- The harm caused by the distorting impact of illicit funds on politics and political processes.

- The harm caused by long-standing impunity and damage to the rule of law.

In none of these cases will an exclusively law enforcement or security based response be adequate to addressing the scope of the challenge – and law enforcement officials are the first to recognise this reality.[13] None of the responses implemented in these three areas should solely be based on a law enforcement approach. And, indeed, to conceive of the responses too narrowly will mean that a focus on developing more comprehensive and sophisticated alternatives would have been lost from the outset. These three issues are not in and of themselves new, but they have not been as directly connected to the discussion on global policy responses to organised crime as is warranted by a more coherent and strategic approach.

Each of the three areas is discussed briefly in turn.

ENDING VIOLENCE

Violence, and homicide in particular, causes great human and financial costs. The *2011 World Development Report* calculated that areas exposed to prolonged violence and conflict experienced a 20 % loss in development performance in comparison to more stable and peaceful peers.[14] Yet pervasive violence is, although not always, associated with competition around drug markets. Such violence, particularly when the homicide rate is extremely high, is the result of street or gang violence around low-level drug markets. Take the case of Cape Town, where the 2014 homicide rate is some 65 murders per 100,000 people. That rate, which has increased exponentially over the last couple of years, is a direct result of gang conflicts fuelled by efforts to control local drug markets.

A number of the governments in Central America have noted that the war on drugs is just as potent and violent as any intra-state conflict or insurgency.[15] The increasing power of criminal groups in Latin America has created a violent threat to children and youngsters who cannot achieve a decent lifestyle in their home states, triggering large scale displacement of populations both inside and outside their countries, with significant humanitarian and protection consequences.[16] Central American cities, many of which have homicide rates above 100 victims per 100,000 people, suffer from the problem in an extreme form. In Central America and Mexico, an estimated 30% of murders are directly attributed to organised crime or gang violence.[17]

Regrettably, despite extensive efforts, we have surprisingly little to show for our efforts to reduce street level gang related drug violence in the cities of the developing world. Efforts that have focused on the manifestations of violence and conflict without assessing the role of illicit flows and criminal networks as causal factors have similarly been unsuccessful. For example, analysis of experimentation with gang truces, including those most recently in the Americas between 2012-14, showed that the most successful of these achieved their primary objective to reduce the rate of violent homicides in the short term, but in the medium- to long-term they were challenged to achieve sustainability whilst trafficking activities continued.[18]

This debate is not a new one, but the challenge is now of great urgency, with the growth of mega-cities and the intersection between drugs, criminal networks and terrorism in several of them.[19] However, violence is not associated with all criminal markets, and is often locally contained, amongst the most marginalised, in major urban complexes. This necessitates that we need to rethink urban security, redoubling our efforts to seek better solutions for the urban poor, and a concerted effort to make a linkage between security and development issues, not in order to 'securitise' development, but in order to protect development interventions from criminal exploitation – and to deliver services where they are needed the most. That in its own way is the route to undercutting criminalised violence. As political momentum focuses around the UNGASS and the implementation of the ASD2030, there is a potentially unprecedented opportunity to push this debate further forward.

PROTECTING POLITICAL PROCESSES

A second and related question is the harm related to illicit trafficking and its impact on political processes, most pertinently illegal money entering into politics or funding political interests. This is of increasing concern in many developing countries where drug trafficking is prevalent. For example, a study in Kenya showed significant cross-over between political and criminal interests linked to drug trafficking.[20] The same applies in many countries, particularly as the emphasis on reducing the levels of violence around political campaigning has required more insidious and covert levels of political manipulation.[21]

Given the absence of electoral transparency, legislation in the majority of jurisdictions is lacking – and even where the legislation exists, the capacity to oversee, regulate and enforce that legislation is inadequate – understanding the influence of key criminal figures on political and electoral process is thus a significant challenge. Nevertheless, closer examination of the realities in several places suggests that the issue is one of considerable urgency. The modus operandi of important criminal figures is to ensure that they have political protection to safeguard their businesses and ensure that they are not prosecuted.

> Though the criminal justice approach may have served a mechanism to get more conservative forces on board in the front-end 'harm reduction' debate, the way the debate has been framed has largely side-stepped an important opportunity to consider a wider set of solutions to organised crime and illicit trafficking.

One of the most effective ways of doing so is to provide much needed funding to political parties, securing the political endorsement of those in a position to create and enforce the law. In many jurisdictions, therefore, this has created a degree of complicity between criminal enterprises and politics.[22]

In such cases there is little that law enforcement agencies can do. In one prominent African country, a senior police investigator informed the author that his unit was entitled to go after most cases, but it was clear from the messages that they received that some people and cases were to be left alone. The common link between these cases was people who provided funds for political activities and in some cases personal benefit.[23]

The point here is that a set of policy solutions beyond simple support to law enforcement agencies is required. These must focus on raising the costs of blurring the distinctions between crime and politics: what one recent Indian delegate to a conference in Mexico called the 'criminalisation of politics and the politicisation of crime.'[24] There are no easy solutions here but we need to start with:

- A much greater focus in many countries on the issue of political party funding, and from where it is drawn.

- Sustained support for civil society and free media in countries where criminal funding plays a significant role in shaping political choices.

AN END TO IMPUNITY

As this association and criminalisation of the state continues and strengthens, the result is the creation of widespread impunity for criminal acts. Impunity causes harm because it generally means high-level traffickers (often with political connections) operate unimpeded, while lower level people are targeted: people who are almost always from excluded and marginalised communities. In many contexts, those involved in protecting drug trafficking accumulate enormous influence and are untouchable. This is particularly the case in states where justice institutions have been compromised or weakened, such as in periods of conflict or post-conflict.

In many, although not all, such instances there is little chance of justice being served. In Guinea-Bissau or in several Central American states the police, prosecutors and judges are often too scared or too compromised to challenge the powerful. Those who engage in drug trafficking and those who protect them are highly unlikely to be prosecuted. That level of impunity causes severe damage to states, undercutting their long-term ability to deliver services and compromising key institutions.

How to end impunity in such cases is and will be a key challenge for future policy making. So, what options are available?

The standard international response in such cases has been to provide training and institutional support for law enforcement agencies. But such efforts are largely wasted when there is little protection for those officials who will have to conduct high-level investigations, arrests and prosecutions. No matter how willing or well trained the police were in Guinea-Bissau for example, there was little chance of making real headway. Where arrests were made and drugs or money seized, 'high-level' interventions quickly ensured that the good work was undone.[25]

What is required are responses that partner across borders, to provide alternatives to compromised institutions. In many cases this is only possible when states have become so weak that international intervention is mandated by the Security Council or at least when an intervention can no longer be resisted by corrupt elites. Notwithstanding, doing so creates important precedents and lessons that can be applied in future cases.[26]

That is essentially what occurred in the case of maritime piracy where courts in external states tried suspects from a state (Somalia) where justice infrastructure was weak or compromised. Although admittedly this did not lead to the arrest and trial of high-level people, it was a unique partnership between the North and South. While it presented a range of political challenges for both sides, it was largely successful in bringing to trial low-level pirates, sending an important and widespread message about the need for respecting the rule of law. Over a longer period, a UN Commission has acted to investigate high-level government officials in Guatemala on organised crime and corruption charges, and while the results have arguably been mixed,[27] the Commission has played a key recent role in a major corruption scandal that brought down the government.

While important, high-level targeting and prosecutions are not by themselves sufficient to prop up a weak justice sector and support it in a fight against organised crime. In order for actions that reduce impunity to have a long-lasting effect, they must be coupled with measures to increase the exposure of criminals and other drivers of illicit activities and organised crime in general. Such programmes complement the high-level interventions to reduce impunity by making it more difficult to achieve impunity in the first place.

In future then, *the question should be less about how assistance can be delivered to law enforcement agencies, but how a set of institutions can be created that build a partnership between different interests and seek to isolate corrupt or criminal elites.* Could a regional court to try drug trafficking cases be agreed in West Africa for example? Can we push forward more cases (such as in Guatemala) where internal and external partners work together in new hybrid institutions, protected from local corrupting influences, to bring high-level traffickers, within the framework of the rule of law, to book? Developing such arrangements must be the focus of global public policy responses to organised crime.

> Efforts and innovations in alternative livelihoods and other 'supply reduction' strategies both in the Americas and in the opiate producing countries of Central and West Asia have failed to provide consistent returns on investment, and have largely ignored the versatility and legitimacy that trafficking groups can gain with local populations when they provide and control the major livelihood generator of the region.

FIRST, REDUCE HARM...

In all of these three issues – impunity and compromised institutions, criminalised politics and violence reduction – the ASD2030 looms large. Security and development issues are closely intertwined and the SDGs provide perhaps the most significant foundation for advancing the discussion in a generation. We must seek to address these issues more creatively than we have in the past and from a policy perspective that is complementary to law enforcement – but not the same.

While we recognise the difference in approach, we must resist the call to simply apply only harm reduction principles to drug use and not to illicit trafficking and organised crime. While it is clear that combating organised crime and drug trafficking at high levels will still be a necessary priority, there is a growing consensus that harm reduction-based approaches at lower levels is a more appropriate response. But policies are moving forwards at different speeds, with some states experimenting more than others, and a variety of new experiments emerging as to how organised crime can be tackled, so it is crucial that we start identifying and learning lessons in a context in which the policy framework is visibly being stretched. What occurs at UNGASS 2016 has the potential to begin a reorientation of the worldwide response to illicit drugs, including how they are trafficked.

In short, the same set of public policy questions apply both to the organised crime response as they have to the demand side approaches: how can we reduce the harms being caused, in order to manage the challenges we face? If the UNGASS cannot break free of the polarised silos that have dominated the war on drugs era, then it will be a significant opportunity missed by the multilateral system to bring forward new approaches.

This also raises a connected set of questions as to whether, in the long-run, the current international multilateral infrastructure is adequate for the division that we need to make between dealing with drugs as a health issue – and dealing with all forms of trafficking and the associated harm as a justice and development issue. If that separation is taken to its logical conclusion, drug consumption issues should be dealt with by the UN agency responsible for health issues (the WHO) and justice and by implication illicit trafficking issues, coordinated within the framework of a development agenda, should be dealt with by a separate UN entity dedicated to dealing with criminal justice aspects of cross-border crimes, such as trafficking.[28]

As indicated at the beginning of the article, two recent regional Commissions that highlighted the requirement for harm reduction measures also drew attention to the need to tackle organised crime – but what they suggested (albeit not in much detail) is more of the same. In context of the progress made on harm reduction, the fear is that we simply draw the conclusion that 'we must now target organised crime; implying the same set of solutions we have already tried, which is largely an exclusively law enforcement based approach. Shifting the harms discussion further up the supply chain allows us to reconceptualise how we define the nature of what we face – to prioritise what we should tackle, and rethink our approach in these areas. That is the new challenge for 'harm reduction.'

MEASURING THE IMPACT OF ORGANISED CRIME[29]

A key challenge of expanding the definition of what constitutes 'harm' under the framework of organised crime comes from the debate surrounding what should be the metrics by which to measure a 'successful' response to organised crime. This debate is important because the way that success is measured tends to drive the 'toolbox' of approaches that are employed in response to organised crime. For example, regarding seizures as the primary metric of success has arguably led to an over-emphasis on interdiction and disruption strategies, rather than genuine investigations into the networks perpetrating those flows. Furthermore, seizure rates (along with measuring some related crimes, such as arrests for drug offences) have proven to be a better measure of the effectiveness of government and law enforcement agencies in interdiction activities, rather than providing any indication of changes and success in curbing organised crime. Moreover, such measures provide little or no indication of the impact that criminal networks are having on the security and development of local communities.

With discussions around the establishment of the ASD2030 framework[30] and subsequent indicators to measure progress, employing 'illicit financial flows' (IFFs) as a proxy measure of organised crime has been proposed.[31] Ground breaking work by Global Financial Integrity (GFI) has created widespread acceptance of the use of the International Monetary Fund's balance of payments and residual trade statistics as an acceptable measure of IFFs, and thus for organised crime as a whole.[32] Yet, GFI's work focuses on the reporting of licit trade; this by definition excludes the actual volume of criminal activity that occurs outside the legitimate economy. Data on activities such as drug trafficking, the wildlife trade or human trafficking is precisely what we would seek to accumulate in order to formulate an appropriate response to organised crime. Similarly, as with seizures, the GFI metric focuses on volume of IFFs, and does not demonstrate the impact of such flows. Therefore, it provides little assistance to policymakers and practitioners who are seeking to understand the implications for development responses and how to prioritise their assistance.

Moving toward a harm reduction approach means seeking a more responsive and multi-dimensional set of metrics, and it is clear that one single indicator is unlikely to fit the bill. There is a need for a basket of indicators that will provide data across two categories, 1) the **scale** of organised crime, and 2) its **impact**. Measurements of scale would analyse the depth and forms that organised crime has assumed, and measurements of impact would look at the ways that organised crime is engaging with communities, states and the natural environment, including through violent means. It is worth noting the juxtaposition between scale and impact as the two outputs do not necessarily rise and fall with each other. In fact, a decrease in the scale of organised crime can result in a greater impact on communities. For example, in Honduras, a decrease in cocaine trafficking resulted in greater competition between criminal actors and higher levels of violence and homicide.[33]

Criminal justice data does remain important, but it must be analysed as part of a wider context allowing a more nuanced combination of crime data, seizure data, law enforcement indictments on typical organised crimes, as well as homicides and other forms of crime. Examining a combination of crimes may have value: targeted assassinations or 'hits,' kidnappings, disappearances, unexplained arsons, and sharp changes in crime trends may be important indicators of organised crime when local contexts are taken into account. The extent of unsolved crime, particular targeted killings and the murder of witnesses or criminal justice officials, shows the degree of power or threat (including corruption) which criminal groups may have.[34] One important measure that could be used is that of 'protection:' how much does it cost for criminal groups to obtain local or political protection to move goods or conduct their activities? There is a surprising amount of data available on 'protection fees' and qualitative interviews often provide an indication of these amounts. Increases in protection fees may signal greater difficulty in moving goods, whereas decreasing fees may suggest a greater diversity of 'protectors' in the market. At the local level, the extent of 'protection fees,' for example in an extortion market, may provide a useful indication of the changing strength of organised crime, as well as the degree of competition between criminal groups. Using the phenomenon of protection in conflict zones may also provide a set of typologies against which to measure the development of organised crime and its links to the state, the latter generally being the most important protection network in town.[35]

A critical element of moving toward people-centric and human security focused responses will be the greater use of public perceptions data. In the first place, public perceptions of the presence of organised crime is essential to supplement and interpret criminal data, as there is a tendency for organised crime actions to go unreported, particularly in environments where corruption is a concern. Surveys, such as the International Crime Victims Survey, which measures crimes that affect ordinary citizens on a large scale, found that the less confidence individuals had in the police the less likely they were to report 'conventional' or not as serious crimes. Thus, in regions such as Latin America and Africa – regions where observers are witnessing high levels of organised crime – there are very low crime reporting rates.[36]

Perhaps more important, however, is the value of public perceptions data in measuring and understanding the impact of organised crime. This is arguably the more challenging and complex category to measure, as it focuses more on the intangible effects of organised crime in areas such as on increased levels of insecurity and diminishing public service delivery. There are a number of sources already available and systematically collected that could contribute to such a composite public perceptions indicator, including the 'Ease Of-' and 'Cost Of Doing Business' surveys and indexes compiled annually by the World Bank.[37] Moreover, Gallup Analytics collects global data on issues such as confidence in leadership, confidence in the military and the police, corruption, entrepreneurial energy and emotions. Surveys on public perceptions of safety can reflect increased levels of violence and fear in communities as a result of organised crime, while surveys of local businesses can uncover extortion rates and reflect the impact organised crime is having on local economies. At the same time, they may also reveal the level of dependency and concern that illicit markets and actors present for the community, which in turn can nuance the direction of international investment. ■

NOTES

1 See J. Wolff, *Ethics and Public Policy: A Philosophical Inquiry* (London: Routledge, 2011).

2 M. Anderson, *Do No Harm: How Aid Can Support Peace or War* (Boulder, Colorado: Lynne Reiner, 1999).

3 Global Initiative against Transnational Organized Crime, 'Organized Crime as a Cross-Cutting Threat to Sustainable Development' (Geneva, 2015), http://www.globalinitiative.net/download/global-initiative/Global%20Initiative%20-%20Organized%20Crime%20as%20a%20Cross-Cutting%20Threat%20to%20Development%20-%20January%202015.pdf.

4 OECD, *States of Fragility 2015: Meeting Post-2015 Ambitions* (Paris: OECD Publishing, 2015).

5 West Africa Commission on Drugs: WACD, 'Not Just in Transit: Drugs, the State and Society in West Africa' (Geneva, June 2014), http://www.wacommissionondrugs.org/wp-content/uploads/2014/11/WACD-Full-Report-Eng.pdf ; Organization of American States, 'The Drug Problem in the Americas' (Washington, D.C., 2013), http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf.

6 UNODC, 'Estimating Illicit Flows from Drug Trafficking and Other Forms of Transnational Organized Crime' (Vienna: UNODC, October 2011).

7 OECD, 'Bad Trades and Global Trails: Criminal Economies and Illicit Financial Flows in West Africa', forthcoming 2016.

8 J. Rademeyer, *Killing for Profit: Exposing the Illegal Rhino Horn Trade* (Cape Town: Zebra Press, 2012).

9 C. Edwards and C. Jeffray, 'On Tap: Organised Crime and the Illicit Trade in Tobacco, Alcohol and Pharmaceuticals in the UK' (London: RUSI, 2015), https://rusi.org/sites/default/files/201412_whr_on_tap.pdf.

10 This was for example stated clearly by a senior law enforcement official at a recent conference on drug policy at Wilton Park, and has been repeated to the author in a variety of forms by police officers in several countries.

11 See, for example, Global Commission on Drug Policy, 'War on Drugs: Report of the Global Commission on Drug Policy', June 2011, http://www.globalcommissionondrugs.org/wp-content/themes/gcdp_v1/pdf/Global_Commission_Report_English.pdf, or more recently C. Martin, 'Casualties of War: How the War on Drugs Is Harming the World's Poorest' (London: Health Policy Action, February 2015), https://www.unodc.org/documents/ungass2016//Contributions/Civil/Health_Poverty_Action/War_on_Drugs_report_web.pdf.

12 OECD, 'Bad Trades and Global Trails'.

13 In the foundational discussions around which the Global Initiative against Transnational Organized Crime was founded, senior law enforcement professionals from both the Global South and North recognised this. These were subsequently reflected in the organisations found documentation. See www.globalinitiative.net.

14 World Bank, 'World Development Report 2011' (Washington, D.C.: World Bank, 2011).

15 See the discussion in A. Whaites, 'Competing for the Future: Propositions of Power and Governance in Development', Unpublished Paper, November 2015.

16 J. Collins ed., 'Ending the Drug Wars' (London: LSE IDEAS, 2014), http://www.lse.ac.uk/IDEAS/publications/reports/pdf/LSE-IDEAS-DRUGS-REPORT-FINAL-WEB.pdf.

17 UNODC, 'Global Study on Homicide 2013' (Vienna: United Nations, 2013), https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

18 C. M. Katz and L. M. Amaya, T*he Gang Truce as a Form of Violence Intervention: Implications for Policy and Practice* (San Salvador: SolucionES, 2015).

19 L. Shelley, *Dirty Entanglements: Corruption, Crime and Terrorism (Cambridge: Cambridge* University Press, 2014).

20 P. Gastrow, *Termites at Work: A Report on Transnational Organised Crime and State Erosion in Kenya* (New York, NY: International Peace Institute, 2011).

21 See the body of work by International IDEA on 'Protecting Legitimacy in Politics' which includes regional studies and country cases spanning multiple continents: http://www.idea.int/conflict/protecting-legitimacy-in-politics.cfm

22 Global Initiative against Transnational Organized Crime, 'New Agendas, New Approaches: Responding to Organised Crime as a Development Issue' (Geneva, 2015). See also, Global Initiative, 'The Unholy Trinity: Organised Crime, Business and the State in Southern Africa' (Geneva, 2014).

23 Personal communication, senior police officer from Africa, Rome, July 2013.

24 International IDEA, *Global Conference on Money in Politics*, hosted in Mexico City, 3-5 September 2015: http://www.moneyinpolitics.info.

25 M. Shaw, 'Drug Trafficking in Guinea-Bissau 1998-2014: The Evolution of an Elite Protection Network', J*ournal of Modern African Studies* 53, no. 3 (September 2015): 339–64.

26 J. Cockayne, 'Chasing Shadows: Strategic Responses to Transnational Organised Crime in Conflict Affected Situations', T*he RUSI Journal* 158, no. 2 (2013): 10–24.

27 International Crisis Group, 'Learning to Walk without a Crutch: The International Commission against Impunity in Guatemala', Latin America Report No. 36 (Geneva, 31 May 2011), http://www.crisisgroup.org/~/media/Files/latin-america/36%20Learning%20to%20Walk%20without%20a%20Crutch%20---%20The%20International%20Commission%20Against%20Impunity%20in%20Guatemala.pdf.

28 W. Kemp and M. Shaw, *From the Margins to the Mainstream: Towards an Integrated Multilateral Response to Organized Crime* (New York, NY: International Peace Institute, 2014).

29 Key further readings include; J. V. Dijk, 'Mafia markers: assessing organized crime and its impact upon societies', *Trends in Organised Crime* 10, no. 4 (2007): 39-56 ; Global Initiative, *Results-Based Approaches to Organised Crime and Development: Input into the Post-2015 Development Agenda* (Geneva: Global Initiative against Transnational Organized Crime, 2015) ; T. Reitano, 'Organised Crime as a Threat to Sustainable Development: Understanding the evidence and reshaping responses', in V. Comolli (ed.) *Transnational Organised Crime: new policy challenges* (London: Adelphi Press, forthcoming 2016) ; M. Shaw, '"We pay, you": Protection economies, Financial Flows and Violence', *Beyond Convergence* (Washington DC: National Defense University Press, forthcoming 2016) ; Virtual Network on Indicators for Goal 16, *Report of the Meeting of 6-7 May 2015* (Vienna: AUCNS, 2015).

30 For more information, see UN, 'Transforming our world: the 2030 Agenda for Sustainable Development', at https://sustainabledevelopment.un.org/post2015/transformingourworld.

31 Virtual Network on Indicators for Goal 16, *Report of the Meeting of 6-7 May 2015*.

32 D. Kar and J. Spanjers, *Illicit Financial Flows from Developing Countries: 2003-2012* (Washington D.C.: Global Financial Integrity, 2014).

33 International Crisis Group (ICG), 'Corridor of Violence: the Guatemala- Honduras Border', *Latin America Report N°52* (Brussels: International Crisis Group, 2014). See also Felbab-Brown's article in this report on the counterproductive effects of high-level targeting strategies to cut the 'head' of drug trafficking organisations.

34 Dijk, 'Mafia markers'.

35 M. Shaw, '"We pay, you"'.

36 Reitano, 'Organised Crime as a Threat to Sustainable Development'.

37 World Bank, *World Development Indicators 2014* (Washington DC: World Bank Group, 2014).