State violence in narcotic drug governance: a call for harm reduction and human rights protection

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JPR

State Violence in Narcotic Drug Governance: A Call for Harm Reduction and Human Rights Protection

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This reflection piece sheds light on expanded state violence in global narcotic governance, offering valuable insights to perpetrator studies. It expands the focus by acknowledging the state as a collective perpetrator within the framework of global narcotic regulation. With its near-monopoly on the use of force, the state possesses significant resources to inflict violence on citizens, leading to increased number of civilian fatalities, suffering, and other forms of physical integrity rights abuses. Additionally, this piece highlights the role of structural factors in facilitating state violence and the spread of narcotic drugs, emphasizing socioeconomic inequalities and systemic discrimination perpetuated by a militaristic approach to narcotic politics. Lastly, it emphasizes the disproportionate impact of state violence and drug policies on marginalized communities, urging an examination of how coercive state agencies deliberately target minoritized groups.

Keywords: narcotic drugs; war on drugs; harm reduction; state violence; human rights

The ongoing global crusade against illicit drugs is marked by lamentable disregard for the lives of civilians and the growing militarization of the enforcement of drug prohibition. A recent *Global Burden of Diseases report* revealed that the consumption of illegal drugs has been directly linked to staggering 585,000 premature fatalities annually[1]. This is due to heightened vulnerability to afflictions such as hepatitis, HIV, cancer, and suicide. Each year, approximately 130,000 individuals succumb to drug overdoses, with nearly half of the deaths occurring among those under fifty years of age. In response to the perceived public health threat associated with illicit

The author expresses his gratitude to the Netherlands Institute for Advanced Study in the Humanities and Social Sciences (NIAS) in Amsterdam for the fellowship, which enabled the research for this project.

1 Hannah Ritchie and Max Roser, 'Opioids, Cocaine, Cannabis and Illicit Drugs,' *Our World in Data*, 2019 <https://ourworldindata.org/illicit-drug-use#indirect-deaths-drug-use-as-a-risk-factor-for-premature-death> [accessed 03 June 2023].

Journal of Perpetrator Research 5.1 (2023), 65–76
DOI: 10.21039/jpr.5.1.131

drug use, both state and transnational entities have resorted to severe and coercive tactics, including heightened imprisonment, well-funded police and military interventions, and stigmatization of individuals suspected of engaging in narcotic activities. According to the United Nations, in 2019, one in five individuals worldwide was incarcerated for drug-related offenses, with almost 470,000 (21.7%) facing charges solely for drug use and possession. Although drug proliferation is largely facilitated by its producers and suppliers, the UN Commission on Crime Prevention and Criminal Justice found that 83% of those convicted for drug offenses were sentenced to simple drug possession[2]. The global trend in narcotic drug governance is to deploy expanded state violence in law enforcement (e.g., mass incarceration, extrajudicial killings, and enforced disappearances), which causes widespread suffering and death, human rights abuses, and discrimination against vulnerable groups. Although such punitive measures allegedly aim to promote public health and safety, they harm people of color and low-income communities and deepen socioeconomic inequalities[3]. Hence, a more inclusive and fair approach is necessary to improve drug governance and to protect human rights by focusing on harm reduction and social justice[4].

2 International Drug Policy Consortium, Taking Stock: A Decade of Drug Policy, *International Drug Policy Consortium* (International Drug Policy Consortium, 2018).

3 Ojmarrh Mitchell and Michael S. Caudy, 'Examining Racial Disparities in Drug Arrests,' *Justice Quarterly*, 32.2 (2015), 288–313; Katherine Beckett, Kris Nyrop, and Lori Pfingst, 'Race, Drugs, and Policing: Understanding Disparities in Drug Arrests,' *Criminology*, 44.1 (2006), 105–37; Drug Policy Alliance, 'The Drug War, Mass Incarceration and Race,' *Drug Policy Alliance Reports*, 2015 <https://www.unodc.org/documents/ungass2016/Contributions/Civil/Drug-PolicyAlliance/DPA_Fact_Sheet_Drug_War_Mass_Incarceration_and_Race_June2015.pdf> [accessed 03 June 2023]; Shaylih Muehlmann, 'The Gender of the War on Drugs,' *Annual Review of Anthropology*, 47.1 (2018), 315–30; Catherine Dauvergne, '"Unequal Under Law: Race in the War on Drugs". By Doris Marie Provine (University of Chicago Press, 2007)', *The Journal of Politics*, 72.1 (2010), 264–66 ; Hannah LF Cooper, 'War on Drugs Policing and Police Brutality,' *Substance Use & Misuse*, 50.8–9 (2015), 1188–94; Gustavo Fondevila, Ricardo Massa, and Rodrigo Meneses-Reyes, 'War on Drugs, War on Women: Visualizing Female Homicide in Mexico,' *Women & Criminal Justice*, 30.2 (2019), 1–8; Polly F. Radosh, 'War on Drugs: Gender and Race Inequities in Crime Control Strategies,' *Criminal Justice Studies*, 21.2 (2008), 167–78.

4 Bryan R. Roberts and Yu Chen, 'Drugs, Violence, and the State,' *Annual Review of Sociology*, 39.1 (2013), 105–25; Angelika Rettberg, 'Peace-Making Amidst an Unfinished Social Contract: The Case of Colombia,' *Journal of Intervention and Statebuilding*, 14.1 (2019), 1–17; Salvador Santino Fulo Regilme, 'Does US Foreign Aid Undermine Human Rights? The "Thaksinification" of the War on Terror Discourses and the Human Rights Crisis in Thailand, 2001 to 2006,' *Human Rights Review*, 19.1 (2018), 73–95; Salvador Santino F Regilme, 'Visions of Peace Amidst a Human Rights Crisis: War on Drugs in Colombia and the Philippines,' *Journal of Global Security Studies*, 2020; Salvador Santino F. Jr. Regilme, 'A Human Rights Tragedy: Strategic Localization of US Foreign Policy in Colombia,' *International Relations*, 32.3 (2018), 343–65.

In contemporary global narcotic politics, what does militarism, by expanding state violence as a policy paradigm, actually mean? Upholding militarism as the overarching regulatory paradigm of public policy, expanded state violence refers to the extensive use of coercive measures by the state (or its designated agents) that inflict both widespread physical and psychological harm on individuals believed to be involved in narcotic drugs[5]. A state-led drug war serves as a means for state actors to maintain and consolidate power, especially when drug cartels and other non-state-armed groups challenge their authority. The adoption of a militaristic approach to drug law enforcement normalizes and justifies escalated state violence while disregarding the humanity of marginalized populations, ultimately bolstering state authority at the expense of a state's commitment to protect the dignity of all individuals within its territory.

This reflection piece on state violence in global narcotic governance contributes to perpetrator studies in several important ways. First, I advocate expanding the scope of perpetrator studies by underscoring the state as a collective and institutionalized perpetrator of violence in the context of global narcotic regulation. Considering its supposed near monopoly in the legitimate use of force[6], the state possesses a lot of material resources to inflict violence upon its citizens, and in doing so, generates civilian fatalities, suffering, and other forms of physical integrity rights abuses. Second, I advocate for an agenda in perpetrator studies that transcends the mere identification of individual or institutional perpetrators. In doing so, I highlight the role of structural factors that facilitate both state violence and the proliferation of narcotic drugs. By emphasizing global socioeconomic inequalities and systemic discrimination perpetuated by a militaristic approach to narcotic governance[7], I encourage scholars to examine institutionalized power

5 Dawn Paley, 'Drug War as Neoliberal Trojan Horse,' *Latin American Perspectives*, 42.5 (2015), 109–32; Steven Osuna, 'Securing Manifest Destiny: Mexico's War on Drugs, Crisis of Legitimacy, and Global Capitalism,' *Journal of World-Systems Research*, 27.1 (2021), 12–34; Nancy Scheper-Hughes, 'The Militarization and Madness of Everyday Life,' *South Atlantic Quarterly*, 113.3 (2014), 640–55; Peter Zirnite, 'The Militarization of the Drug War in Latin America,' *Current History*, 97.618 (1998), 166–73; Kristin Bergtora Sandvik and Kristian Hoelscher, 'The Reframing of the War on Drugs as a "Humanitarian Crisis": Costs, Benefits, and Consequences,' *Latin American Perspectives*, 44.4 (2017), 168–82.

6 Thomas Risse, 'Governance in Areas of Limited Statehood: Introduction and Overview,' in *Governance Without a State? Policies and Politics in Areas of Limited Statehood*, ed. by Thomas Risse (Columbia University Press, 2011), pp. 1–35.

7 andré douglas pond cummings, and Steven Ramirez, 'The Racist Roots of the War on Drugs and the Myth of Equal Protection for People of Color,' *University of Arkansas at Little Rock Law Review*, 44.4 (2022), 453–90.

dynamics and social structures that contribute to perpetration of violence. Third, I emphasize the disproportionate impact and selective scope of state violence and drug policies on marginalized communities, particularly people of color and low-income communities[8]. In doing so, I call for the need to analyze the intersectionality of perpetration, particularly how the numerous instruments of coercive state agencies deliberately and disproportionately target minoritized groups.

State action can be considered violent even without physical harm, as non-physical harm such as emotional assaults or the impact of racism and poverty can be just as damaging, if not more so[9]. State authorities deploy intensive surveillance and checks on poor residents, which suggest selective state violence that is often not captured by a paradigm of violence that focuses merely on death or physical injuries. Similarly, state leaders, such as Duterte's persistent shaming of poor neighborhoods in Metro Manila or Trump's public denigration of homeless people as drug addicts, speak of acts of nonphysical violence committed by the state. As human rights anthropologist Nancy Scheper-Hughes argues, 'words can be like rape — they destroy you',[10] while others have noted that extreme material inequalities and power differentials already constitute a form of symbolic and structural violence in society, often perpetrated by state authorities[11]. Colombia's Medellin showcases a significant and expanded state presence, in contrast to the upscale

8 Kojo Koram, 'Introduction,' in *The War on Drugs and the Global Colour Line*, ed. by Kojo Koram (London: Pluto Press, 2019), pp. 1–22; Doris Marie Provine, *Unequal under Law: Race in the War on Drugs* (Chicago: University of Chicago Press, 2008).

9 David Sklansky, *A Pattern of Violence: How the Law Classifies Crimes and What It Means for Justice* (Cambridge, MA: Harvard University Press, 2021); Angelica Duran-Martinez, 'To Kill and Tell? State Power, Criminal Competition, and Drug Violence,' *Journal of Conflict Resolution*, 59.8 (2015), 1377–1402; Anna Bræmer Warburg and Steffen Jensen, 'Policing the War on Drugs and the Transformation of Urban Space in Manila,' *Environment and Planning D: Society and Space*, 38.3 (2018), 399–416.

10 Thomas Fuller, 'Let Right-Wing Speakers Come to Berkeley? Faculty Is Divided,' *The New York Times*, 2017 <https://www.nytimes.com/2017/09/22/us/free-speech-week-berkeley.html> [accessed 09 June 2023].

11 Salvador Santino Regilme, 'The Global Human Rights Regime: Risks and Contestations,' in *Human Rights at Risk: Global Governance, American Power, and the Future of Dignity*, ed. by Salvador Santino F. Regilme (New Brunswick: Rutgers University Press, 2022), pp. 3–22. As such, dehumanizing discourse serves as an important modality of state violence - see, e.g., Alexander Landry, Kayla Mere, and Ram Isaac Orr, 'Dehumanization and Mass Violence: A Study of Mental State Language in Nazi Propaganda (1927-1945),' *PLOS One*, 2022; Anna Zlobina and Rodrigo Andujar, 'Police Violence During Citizens' Protests: Dehumanization Processes, Legitimation of Violence, and Hostility,' *Peace and Conflict: Journal of Peace Psychology*, 27.4 (2021), 534–41; Serhat Tutkal, 'The Role of Dehumanization in Legitimation and Delegitimation of State Violence in Colombia', *Culture & Psychology*, 2023.

Chico neighborhood in Bogota. Similarly, low-income communities in urban slums in Tondo, Manila (the Philippines) experience extensive state surveillance with the intent of extrajudicially penalizing residents for any perceived social deviance, including suspected drug-related activities. In contrast, affluent areas, such as Makati City in Metro Manila, host non-state and state forces to safeguard the security of wealthy residents, who often evade punishment for drug-related offenses.

Militarism is the dominant approach employed by states in global efforts to control illicit drugs, with increased emphasis on the suppression and prohibition of narcotic drugs[12]. This militaristic strategy prioritizes the use of force and coercion by state security forces to combat drug trafficking and use, often leading to human rights abuses and civil unrest. It also reinforces the entrenchment of military power within state structures, and undermines the principles of democratic governance[13]. State agencies, including the military, police, and other national security service offices, were redirected to the drug war by central executive governments. Through cooperation, they adopted a comprehensive anti-drug approach, reasserting the state's monopoly on the legitimate use of coercion.

Second, the expansion of state violence suggests the omnipresent deployment of the means of state coercion through augmented state funding in national security agencies[14], the establishment of new security entities[15], the proliferation of state-private sector partnerships[16], and the frequent exchange of personnel between state security and civilian bureaucratic leadership positions. This revolving door between state security and civilian bureaucracy has been found to promote a culture

12 Marie Gottschalk, 'The Opioid Crisis: The War on Drugs Is Over. Long Live the War on Drugs,' *Annual Review of Criminology*, 2023.

13 Paul Staniland, 'Armed Groups and Militarized Elections,' *International Studies Quarterly*, 59.4 (2015); Gustavo Flores-Macías and Jessica Zarkin, 'The Consequences of Militarized Policing for Human Rights: Evidence from Mexico,' *Comparative Political Studies*, 2023; Gustavo A. Flores-Macías and Jessica Zarkin, 'The Militarization of Law Enforcement: Evidence from Latin America,' *Perspectives on Politics*, 19.2 (2021), 519–38; Henry A. Giroux, 'White Nationalism, Armed Culture and State Violence in the Age of Donald Trump,' *Philosophy & Social Criticism*, 43.9 (2017), 887–910.

14 Paley; Gustavo Flores-Macías, 'The Consequences of Militarizing Anti-Drug Efforts for State Capacity in Latin America: Evidence from Mexico', *Comparative Politics*, 51.1 (2018), 1–20; Sandvik and Hoelscher.

15 David W. Rasmussen and Bruce L. Benson, 'Rationalizing Drug Policy Under Federalism,' *SSRN Electronic Journal*, 2003; Peter B. Kraska and Louis J. Cubellis, 'Militarizing Mayberry and beyond: Making Sense of American Paramilitary Policing,' *Justice Quarterly*, 14.4 (1997), 607–29.

16 Christopher Hobson, 'Privatising the War on Drugs,' *Third World Quarterly*, 35.8 (2014), 1441–56.

of impunity and to encourage the widespread proliferation of violence in drug law enforcement[17]. It is important to examine the consequences of such practices on the rule of law and civil liberty. This comprehensive punitive approach results in violence-focused public consciousness and glorification of punishment, which causes widespread suffering among civilian victims. Didier Fassin notes that punishment generates 'gratuitous suffering,' which serves no purpose other than causing pain[18]. The normative rhetoric of state officials usually rationalizes the use of lethal force against individuals associated with drug activities in pursuit of supposedly higher objectives (e.g., democratic security, as in the case of Uribe in Colombia, or peace in the case of Duterte in the Philippines)[19]. The purpose of escalated state violence is to establish control and assert dominance over individuals involved in the drug trade. Legal scholar Paul Kahn theorizes that the demonstration of sovereign power is more important than justice, and torture can be effective even without it[20]. This results in a normative order of drug wars, including the practice of sacrifice and killing, extending beyond language and symbolism.

The intensification of state violence coincides with a long-standing and systemic neglect of the state's social welfare infrastructure, with the central government allocating so much political capital and financial resources to bolster state security agencies[21]. The prioritization of militarism over comprehensive and equitable socioeconomic development initiatives is evident in state-led drug wars, wherein the real

17 Malcolm Beith, 'A Broken Mexico: Allegations of Collusion between the Sinaloa Cartel and Mexican Political Parties,' *Small Wars & Insurgencies*, 22.5 (2011), 787–806; Jorge Orlando Melo, 'Latin America and the Multinational Drug Trade', in *Latin America and the Multinational Drug Trade*, ed. by Elizabeth Joyce and Carlos Malamud (London: Palgrave Macmillan London, 1998), pp. 63–96.

18 Didier Fassin, 'The Police Are the Punishment,' *Public Culture*, 31.3 (2019), 539–61.

19 Salvador Santino F Regilme, 'A Human Rights Tragedy'; Salvador Santino F. Jr. Regilme, 'Visions of Peace'; John Collins, 'Rethinking "Flexibilities" in the International Drug Control System—Potential, Precedents and Models for Reforms,' *International Journal of Drug Policy*, 60 (2018), 107–14; Lloyd Steffen, 'The War on Drugs as Harm to Persons: Cultural Violence as Symbol and Justification,' in *Peace, Culture, and Violence*, ed. by Fuat Gursozlu (Leiden: Brill, 2018), pp. 126–51.

20 Paul W Kahn, *Sacred Violence, Torture, Terror, and Sovereignty* (Ann Arbor: University of Michigan Press, 2008).

21 Loïc Wacquant, *Punishing the Poor* (Durham: Duke University Press, 2009); Mark R. Thompson, 'Duterte's Violent Populism: Mass Murder, Political Legitimacy and the "Death of Development" in the Philippines,' *Journal of Contemporary Asia*, 2021, 1–26; Amnesty International, 'Philippines: Duterte's "War on Drugs" Is a War on the Poor,' *Amnesty International*, 2017 <https://www.amnesty.org/en/latest/news/2017/02/war-on-drugs-war-on-poor/> [accessed 09 June 2023]; William I Robinson, *The Global Police State* (London: Pluto Press, 2020).

enemy does not actually pertain to a conventional army, but rather the social and economic structures that support the global narcotic trade[22]. This prioritization of militarism constitutes a systematic bias that can ultimately lead to the neglect of critical social welfare programs. For instance, Thaksin's War on Drugs in Thailand (2001-2006)[23] and Duterte's regime in the Philippines (2016-2022) systematically targeted activists, political opposition members[24], and anyone suspected of drug trafficking or committing petty offenses. This war-centered approach fails to address the foundational socio-economic causes of drug use and production and undermines political opposition to the ruling elites, rather than comprehensively addressing the demand for narcotics[25].

This reflection engages with the field of perpetrator studies by broadening our comprehension of perpetrators and the processes through which violence is perpetuated. First, narcotic-related violence is complex; it involves local and transnational actors, as well as state and non-state perpetrators. Mapping these complex webs of perpetrators of narcotic-related violence is necessary. Second, understanding the perpetration processes of narcotic-related violence requires acknowledging the role of global structural factors. We must examine the interdependent relationship between global South and North societies, as illustrated by the case of Colombia[26] as the largest producer of cocaine and the high demand for consumption in Europe and North America. Likewise, in the pursuit of justice in the war on drugs, the role of international judicial institutions is crucial in cases where the local judici-

22 Horace Bartilow, 'Corporate Power, US Drug Enforcement and the Repression of Indigenous Peoples in Latin America,' *Third World Quarterly*, 40.2 (2019), 355–72; Maziyar Ghiabi, 'Critique of Everyday Narco-Capitalism,' *Third World Quarterly*, 2022, 1–20; Paulo José dos Reis Pereira, 'Drug Control, Violence and Capitalism in an International Perspective: An Analytical Framework,' *Critical Military Studies*, 2021, 1–16.

23 Meryam Dabhoiwala, 'A Chronology of Thailand's "War on Drugs"', *Asian Human Rights Commission*, 2003 <http://www.humanrights.asia/resources/journals-magazines/article2/0203/a-chronology-of-thailands-war-on-drugs> [accessed 09 June 2023]; Rowalt Alibudbud, 'Politics and Public Health: The War on Drugs of Thailand and the Philippines,' *Journal of Public Health*, 2023; Salvador Santino Regilme, *Aid Imperium: United States Foreign Policy and Human Rights in Post-Cold War Southeast Asia*, Weiser Center for Emerging Democracies (Ann Arbor, MI: The University of Michigan Press, 2021).

24 Lena Muhs, 'Duterte's "War on Drugs" Rhetoric: Consolidating Power through Penal Populism,' *Journal for the Study of Radicalism*, 16.2 (2022), 149–64; David T Johnson and Jon Fernquest, 'Governing through Killing: The War on Drugs in the Philippines,' *Asian Journal of Law and Society*, 5.2 (2018), 359–90.

25 Horace Bartilow; Horace A Bartilow, *Drug War Pathologies* (North Carolina: UNC Press, 2020).

26 Paul Gootenberg, *Andean Cocaine: The Making of a Global Drug* (Chapel Hill: University of North Carolina Press, 2008); John Lindsay-Poland, *Plan Colombia: U.S. Ally Atrocities and Community Activism* (Durham, NC: Duke University Press, 2018).

ary emerges as captive institutions that are controlled by the key perpetrators of violence — as demonstrated by the ongoing investigations by the International Criminal Court on the war on drugs in the Philippines under former Philippine President Rodrigo Duterte[27] (2016-2022).

Human rights activists and drug policy practitioners must challenge the current global normative order that justifies militarism in narcotic governance and advocate for reforms that prioritize human rights and dignity[28]. To achieve this, transnational drug policy reform must prioritize harm reduction and evidence-based interventions that promote human rights, public health, and well-being rather than punitive measures that criminalize, incarcerate, and kill suspected drug users through expanded state violence. Policy initiatives that aim to address the harm of drug policies must ensure meaningful participation and leadership from marginalized communities, particularly those that are financially impoverished and from communities of color. This requires addressing broader structural, social, and economic inequalities. In this regard, symbolic gestures alone are insufficient.

27 Dahlia Simangan. 'Challenging the Legal Boundaries of Genocide: The War on Drugs in the Philippines' In *Human Rights at Risk: Global Governance, American Power, and the Future of Dignity*, ed. by Salvador Santino F. Regilme and Irene Hadiprayitno, (Brunswick NJ: Rutgers University Press, 2022), pp. 106-120; Salvador Santino F. Jr. Regilme, 'Human Dignity in International Relations,' *Oxford Research Encyclopedia in International Studies*, 2022.

28 Javier Trevino-Rangel, 'Silencing Grievance: Responding to Human Rights Violations in Mexico's War on Drugs,' *Journal of Human Rights*, 17.4 (2018), 485–501; Tom Obokata, 'Illicit Cycle of Narcotics from a Human Rights Perspective,' *Netherlands Quarterly of Human Rights*, 25.2 (2007), 159–87.

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