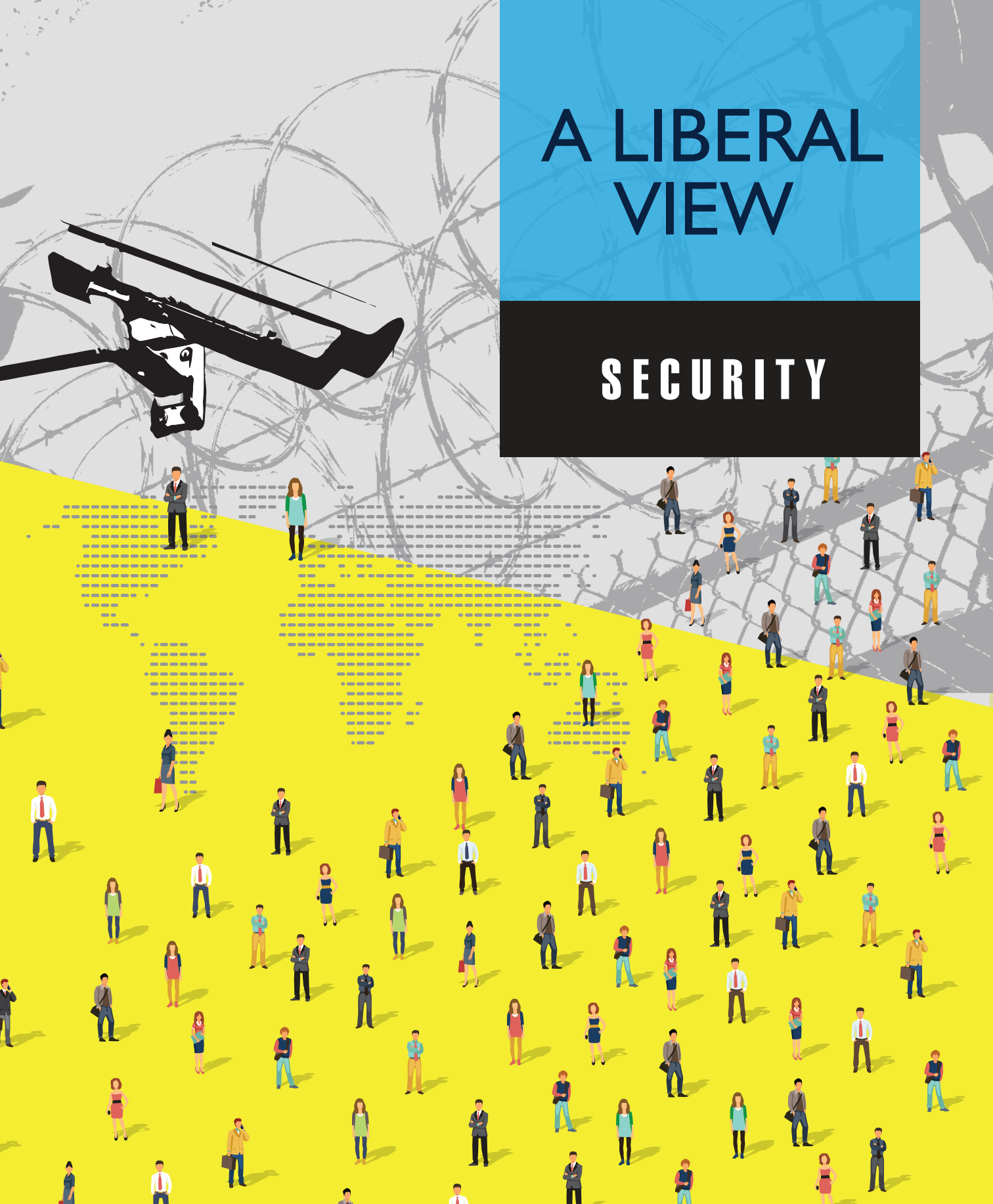


A LIBERAL VIEW

SECURITY





“This need to reform and professionalise the security forces and ensure that the responsible institutions are more transparent and are governed by the rule of law comes at a time when the rise in violence across Latin America has created a highly charged political climate.”

The critical role of public security and the rule of law in guaranteeing individual freedom

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As citizens of democratic societies, we want as much autonomy as possible in how we live our lives.

The natural limit of this autonomy or individual freedom occurs at the point where it affects the rights of others. In order to achieve the economic, personal, academic, artistic or political goals that we have in our lives, we need a state of peace and public order that allows us to enjoy the fruits of our labours – an environment characterised by the rule of law and strong institutions, as Alberto Ray puts it in his article on the desperate situation in Venezuela.

Maintaining public order is one of the chief roles of the State. Even among radical thinkers, there are few who advocate any other approach to public security. This topic has always been high on the agenda as far as citizens and public opinion are concerned. It becomes a top political priority when those responsible have trouble maintaining a certain level of public security, since this has a direct impact on people's everyday lives. If the State is unable to guarantee public security, people soon start to question whether it is working properly and even challenge its legitimacy.

In Latin America, we have long been accustomed to high levels of crime and to the responsible authorities making a pretty poor job of maintaining public order. Even so, we do currently appear to be witnessing an increase in violence and insecurity within our region. In many cases, the authorities have opted for a similar response by bringing in the military to tackle the problem. The governments of Mexico, Brazil and Central America's "Northern Triangle" have granted extraordinary powers to the armed forces to "crack down" on crime because they claim that they are better equipped to do so than the civilian police. Although the articles on Brazil, Mexico and Central America describe the specific situation in each country, it would appear that the tools used by their leaders to tackle the problem are fundamentally the same – the

“In Latin America, we have long been accustomed to high levels of crime and to the responsible authorities making a pretty poor job of maintaining public order.”



“federal intervention” in the state of Rio de Janeiro to combat violence in the favelas, the Mexican government’s Internal Security Act that grants the Navy and Army powers to carry out “public security operations” without any supervision or guarantees, and the militaristic public security policies implemented in Central America. However, increasing the military’s involvement in public security has in fact proved to be counter-productive. The articles by María Novoa and Félix Maradiaga vividly illustrate how it has led to a rise in violence, violent deaths and human rights abuses and undermined the civil liberties climate. It is clear that, far from being the solution, the involvement of the armed forces in public security actually causes even more problems. After all, the military are trained to destroy foreign enemy forces, not to carry out police operations. It follows that what we need instead is to improve the quality of our police forces: give them better training, provide them with more professional resources both for carrying out investigations and for fulfilling their role as first responders, improve their pay, ensure that they behave responsibly and restore their reputation among the public.

The article by Argentina’s Minister of National Security, Patricia Bullrich, outlines one possible strategy for addressing this challenge. There is no single correct solution for this issue: in Mexico they established a single, joint command structure to improve the coordination of the municipal, state and federal police, while in Argentina they have chosen the opposite path to tackle the same problem.

This need to reform and professionalise the security forces and ensure that the responsible institutions are more transparent and are governed by the rule of law comes at a time when the rise in violence across Latin America has created a highly charged political climate. Under these circumstances, the public debate is quick to focus on discussing new laws or on calls for tougher sentences for high-impact crimes. As well as in Latin America, where violence levels are high, this knee-jerk response can also be seen in a country like Germany, where there is relatively little violence but where the threat of fundamentalist terrorism looms large. However, this discourse chooses to overlook the fact that the justice system can only arrive at a legal verdict *after* an incident has occurred. It fails to address the prevention and education aspects that are a key part of any holistic policy on crime.

In Latin America – with its weak institutions, social inequality and poverty – it is also necessary to adopt economic and social policies that provide people with attractive opportunities to earn a living legally. When, as in Mexico, more than 90% of crimes go unpunished and over 50% of legal new businesses fail in their first few years, the obvious conclusion is that crime pays. And when crime is more profitable than an honest job and is also often the only way for ambitious young people to gain social status and wealth, it can threaten the development of society as a whole.

“It is clear that, far from being the solution, the involvement of the armed forces in public security actually causes even more problems. After all, the military are trained to destroy foreign enemy forces, not to carry out police operations.”

Don't be led by the opinion polls – the debate on citizen security in Germany

Andrés Ritter

Chief Public Prosecutor in the city of Rostock

Security is a fundamental requirement for a country's citizens, since it is key to ensuring their physical and moral integrity. The dramatic events and changes that we are experiencing in today's world cause people to feel threatened and imagine that things in general are getting out of control. This only serves to reinforce society's innate desire for security and results in growing public pressure for the State to do something about it – after all, one of the State's fundamental roles is to guarantee both internal and external security. Accordingly, how to ensure security, what the priorities should be and what price we should pay for it have become key questions in the current policy debate in Germany.

Citizen security was one of the central issues in the campaigns of all the political parties in the run-up to the September 2017 general election. This reflected the findings of the opinion pollsters: when asked what they thought Germany's most important political problem was, more than 40% of voters chose public security. This was much higher than the figures for social justice, economic development and even the problems associated with immigration and the massive influx of refugees. In the coalition agreement adopted by the parties forming Germany's new government, it is noticeable that the word "*Sicherheit*" (which can be translated as "security") occurs a total of 159 times in various different senses and combinations, many of which are connected with public security. Meanwhile, there is just a single reference to "citizens' rights" in the 175-page document. Moreover, this sole mention of "citizens' rights" occurs in the context of creating an appropriate legislative framework for the digital revolution that guarantees citizens' rights by establishing a balance between freedom and security whilst at the same time enabling greater innovation.

Given that there has been no actual rise in crime, how can we account for the fact that citizen security has become an increasingly important issue in the public mind in Germany? A total of 6.37 million crimes were recorded in 2016. While this constituted a slight increase compared to 2015, it was significantly lower than the figures for previous years and showed no major changes in crime rates either in terms of the overall total or with regard to the types of crimes and the people charged with them. It is true that there was a rise in certain offences that tend to cause alarm among the general public, such as burglaries and

“The dramatic events and changes that we are experiencing in today's world cause people to feel threatened and imagine that things in general are getting out of control.”





Mourning in the form of concrete blocks in Berlin. Concrete blocks instead of wreaths: this is how Germany has changed since the terrorist attack in Berlin in 2016. Photo: Andreas Trojak - www.andreas-trojak.de

violent crime. However, this increase was small and lower than in previous years, and in any case these types of crime only account for a small fraction (2%-3%) of all crimes committed. Meanwhile, street crime (muggings, theft, car theft, etc.) has fallen steadily by almost 15% since 2007 to around 1.3 million offences.

So even though Germany enjoys a high level of security, people nonetheless feel vulnerable and have a latent fear of becoming victims of crime themselves. Feelings like this will inevitably tend to be stirred up, exaggerated and manipulated by politicians. Ever since the series of Islamist terror attacks that culminated in the Berlin lorry attack in December 2016, there has been a general perception among the public that they are under threat. Four in five people are worried that another terrorist attack is imminent in Germany, and any crimes committed by refugees cause widespread alarm and are extensively reported by the media. Against this backdrop, those responsible for public security are keen to demonstrate that they are not afraid to take action and to restore people's confidence in their ability to guarantee public safety. Meanwhile, the political parties are vying with each other to show how tough they are on crime, adopting policies designed to meet what they perceive as the public's expectations with regard to public security.

The debate has tended to focus on the need for tougher policing and sentencing, as well as the discussion of whether restrictions on citizens' rights may be required in order to guarantee better security. This has lent weight to the notion of a strong state with extensive control and intervention powers.

As a result, "Gefährder" (a term used to describe people thought likely to commit serious crimes and in particular terrorist attacks because of their background or other reasons) can now be required to wear electronic tags so that their whereabouts can be monitored, potentially resulting in their indefinite *de facto* preventive detention despite the fact that they have not actually committed a crime. Moves are also afoot to increase the level of



CCTV surveillance in public places, including the automated use of biometric data, and to relax the restrictions on accessing citizens' electronic data.

The debate has also led to a series of Criminal Code reforms that have introduced harsher penalties as a result of high-profile cases in the media triggering calls for tougher sentences and due to the concern expressed by members of the public in surveys about crimes such as burglary. While some might argue that these legislative measures are justified on the basis of their overall deterrent effect and on the grounds that they will help to restore public confidence in the State's ability to take decisive action, they nevertheless do nothing to address the underlying structural problem. On the contrary, they actually serve to undermine confidence in the judiciary while at the same time making promises about security that are impossible to keep.

“The dramatic events and changes thatWhile some might argue that these legislative measures are justified on the basis of their overall deterrent effect and on the grounds that they will help to restore public confidence in the State's ability to take decisive action, they nevertheless do nothing to address the underlying structural problem.”

According to recent polls, almost half of the population believes that the sentences handed down by judges are too lenient. However, introducing tougher legislative measures only lends weight to the notion that the current criminal justice system is ineffective, and if anything this actually erodes public confidence in the credibility of the system and thus also of the State. In fact, the real problem as far as general deterrence is concerned is not to so much to do with the severity of the punishment as with the number of cases that are successfully investigated and brought promptly to trial, potentially also leading to prompt convictions. The significant cuts in the budgets of the police force and the judicial system over the course of the last decade have created a structural deficit that limits the system's ability to take effective action. After all, the system's effectiveness is not determined by how tough its sentences are, but by the existence of structures that are sufficiently efficient and well-resourced to fight crime successfully.



A member of the security forces removes the handcuffs of a suspect during an event of prison and bail at the National Police Week in the Air Base in Spangdahlem, Germany, on 12 May 2015. Photo of the U.S. Airforce by Airman 1st Class Tomothy Kim/Released).



Even in “uncertain” times, in fact perhaps more so than ever, a liberal democracy cannot afford to overlook another of the State’s key functions: the protection of citizens’ rights. The challenge for domestic security policy is to find the right balance, and it is a challenge that is fundamentally ill-suited to populist solutions.

There will always be those in the political arena and the media who will seize on any opportunity to brand the protection provided by the State as “inadequate” and make it seem as if repression is the only way to effectively guarantee security. It is therefore crucial to counter these views by standing up for our belief in citizens’ rights as an inalienable principle of the rule of law. We do not dispute that certain restrictions on citizens’ rights may be justified provided that they are accompanied by procedural guarantees and judicial control. Nevertheless, citizen security cannot exist without freedom itself, or without confidence in government institutions’ ability to maintain it. The responsible and proportionate establishment of this fundamental balance is key to guaranteeing liberty.

There is no doubt that security is a basic human need, but so is liberty. We cannot allow a yearning for greater security to be used as justification for restricting basic rights or stigmatising minority groups. The best way to guarantee both security and freedom is to shun short-term policies designed to meet voters’ supposed expectations in favour of long-term structural improvements, while at the same time promoting better prevention accompanied by measures to tackle the social and structural causes of crime. The words of Benjamin Franklin remain as pertinent today as they ever were: “Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety”.



Police Officers in Hamburg, Germany, foreground. Photo: Christoph Scholz (CC BY-SA 2.0)



ARGENTINA

The Challenge of looking after those who look after us

Patricia Bullrich
Minister of National Security

@PatoBullrich

Just over two years ago, Argentina decided that it was time to change. This was no mere election slogan designed to win over voters. The campaign that led to Mauricio Macri being elected President of more than 40 million Argentinians was based on a programme aimed at transforming our nation from the ground up.



Security Forces, Argentina. Photo: pxhere.com

Argentina was broken, socially, politically and not least economically, with runaway inflation that put us on a par with Venezuela and left more than 30% of our population living below the poverty line.

Under these circumstances, we also faced the challenge of looking after and protecting each and every one of our citizens. This called for us to transform our security forces so that they could properly ensure the security of Argentina's people.

During our first few months in office, we were confronted with security forces that were underpaid, lacking the most basic equipment

needed to do their job – let alone the technological innovations that could help them stay one step ahead of the criminals – and without any training programmes focused on citizen security.

It was clear that we needed to empower the security forces so that they could do their job properly with the protection of the Constitution and the support of the government, something they had received all too seldom in the past. The aim was to ensure that the vocation which led them to join the forces in the first place translated into a more responsible attitude towards looking after the people of Argentina.

We began by taking the unprecedented step of bringing almost half of the Argentine Federal Police force under the authority of the City of Buenos Aires, ensuring that every jurisdiction in our country had the authority and commitment to work towards guaranteeing citizen security. By January 2017, all of Argentina's provinces and the Autonomous City of Buenos Aires had their own police force.

At the same time, we addressed the challenge of professionalising the federal security forces: the Argentine National Gendarmerie, the Argentine Naval Prefecture, the Federal Police and the Airport Security Police all started working on complex federal crimes.



They started working to break up drug and human trafficking rings, cybercrime groups, etc. The federal forces' operations are dismantling models based on deep-rooted corruption. Once this corruption has been rooted out, ordinary people will once more be able to look forward to a brighter future free of crime, delinquency, drug trafficking and despair.



Vehicle of the Argentinian Federal Police, Buenos Aires, close to Casa Rosada. Photo: Polylerus (CC BY-SA 3.0)

To consolidate these efforts, we needed to give the security forces confidence in what they were doing. To reward good police officers who do good police work and to come down hard on those who flout the law – after all, in the new Argentina that we are building, the boundaries are set by our National Constitution.

This should of course be nothing more than the normal state of affairs. Over and above this, we have introduced new training programmes and provided additional equipment, strengthening our borders with radar systems that cover the entire country 24 hours a day, 365 days a year.

We have increased the number of police officers on the streets in the most vulnerable neighbourhoods and we have moved into the neighbourhoods that had been taken over by the drug traffickers. Regaining control of these places will pave the way for us to integrate the whole of society.

This is the path that we have set out on and which we continue to travel every day – and we are starting to see the first positive results. We still have a long way to go – behind every robbery or murder, there is a family that suffers the consequences. But at least we are heading in the right direction.

“Once this corruption has been rooted out, ordinary people will once more be able to look forward to a brighter future free of crime, delinquency, drug trafficking and despair.”

BOLIVIA

Crime, drug trafficking and decriminalisation

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In December 2013, the Bolivian government launched the Chachapuma policing plan across several regional capitals in response to public pressure following a rise in crime. The operation included a range of measures such as increasing the number of uniformed officers on the streets, authorising them to enter bars and cafés and require the occupants to show their ID cards, authorising public prosecutors to carry out searches of nightclubs, etc.

Some police authorities claimed that the operation had been a “success”, since a number of Peruvian immigrants without documents had been “found and detained” in various cities. In addition, they found underage children in places selling alcoholic beverages and even in town squares and parks. And while they were at it, the police officers also stopped and searched a few prostitutes.

Several years after the operation was launched, the government was still unable to produce a single shred of evidence that the Plan Chachapuma had achieved even the slightest reduction in crime and delinquency. What it had achieved, however, was to violate the rights of the hundreds of people who were detained or arrested, searched, harassed and in many cases subjected to extortion.

People have the right to live in safe cities where they can go about their daily business without fear of being attacked, robbed or threatened. Accordingly, it is of course essential

to combat crime and delinquency, not least because this problem is more serious in Latin America than in any other part of the world. To give some idea of the scale of the problem, in the list recently published by Mexico’s Citizens’ Council for Public Security and Criminal Justice¹, 42 of the 50 most violent cities in the world were in Latin America.

¹ Report of the Citizens’ Council for Public Security and Criminal Justice (CCSJP), accessed at <https://www.seguridadjusticiaypaz.org.mx/biblioteca/download/6-prensa/242-las-50-ciudades-mas-violentas-del-mundo-2017-metodologia>



Bolivian National Police guarding the border crossing point Villazón (Bolivia) - La Quiaca (Argentina). Photo: Leandro Kibisz (Loco085) (CC BY-SA 2.5)

The question is how to combat crime effectively using methods that remain within the law. There are no easy answers. What is needed is an integrated plan that includes policies to improve education, reduce poverty, raise public awareness, combat drug trafficking and ensure more efficient and professional policing. Since all of these policies are very difficult to implement, the authorities often take the easy option of carrying out high-profile police operations to arrest supposed criminals, with the TV cameras never far behind. The aim of these operations is to make the public feel safer, but they do nothing to tackle the real problems.

In many cases, the only thing achieved by the unrelenting public pressure for this issue to be addressed and resolved is to force the police into carrying out operations that seem to be purely for show. Moreover, these operations provide uniformed police officers with the opportunity to engage in different types of misconduct ranging from extortion to sexual abuse and everything in between.

These abuses occur mainly because of the failure to uphold one of the fundamental values of the rule of law: the presumption of innocence. The Bolivian police have no right to require Bolivian citizens and foreign nationals to show their ID, but they do it on a regular basis and with complete impunity. By the same token, the Brazilian and Venezuelan police should not have the right to bully prison inmates, nor should the Honduran military get away with pretending to fight the street gangs when in fact all they do is threaten and blackmail them.

Drug trafficking: at the heart of the problems

Of course, none of the above is to suggest that criminals should be allowed to get away with their crimes. It goes without saying that they should be tried and punished. But the solution isn't simply to cram the prisons full of criminals². Instead, it is necessary to design policies that reduce and potentially even eliminate crime, an approach that has been taken by a handful of countries around the world where crime rates are very low. We don't want jails overflowing with criminals, what we want is a society without crime. But, as we have seen, achieving this is such a complex task that many countries simply give up on it because they believe it to be impossible.

In Latin America, one of the measures that governments need to take is the decriminalisation of drugs, although obviously this is something that is difficult to debate and even harder to implement. Drug trafficking is responsible for much of the violence blighting countries such as Mexico³ and the nations of Central America. It finances all kinds of other illegal activities, corrupts the authorities, judges and public prosecutors, strengthens the gangs in Honduras and Guatemala, and leads to thousands of deaths and injuries in clashes between organised crime groups⁴.

² For data on prison overcrowding in Latin America and its causes, see the study by Mexico's National Human Rights Commission at http://appweb.cndh.org.mx/biblioteca/archivos/pdfs/foII_HacinamientoPenitenciarioAmericaLatina.pdf

³ In Mexico, of every ten women who are arrested, eight are detained in connection with drug trafficking offences. See the study published by Equis: Justicia para las Mujeres, at <https://www.animalpolitico.com/2015/06/8-de-cada-10-mujeres-en-prision-encerradas-por-un-delito-menor-ligado-al-narco/>

⁴ A study by the International Drug Policy Consortium (IDPC) illustrates the relationship between drug trafficking and arrests, focusing on how women are affected by this phenomenon. https://www.unodc.org/documents/congress/background-information/NGO/IDPC/IDPC-Briefing-Paper_Women-in-Latin-America_SPANISH.pdf

“In many cases, the only thing achieved by the unrelenting public pressure for this issue to be addressed and resolved is to force the police into carrying out operations that seem to be purely for show.”



Mexico City, Mexico, 29 April 2009. Agents of the Federal Police arrested Gregorio Saucedo Gamboa “El Caramuela” or “El Goyo” or “El Metro 2”, second in line of command of the Golfo cartel and key player in the foundation of this criminal organization, in Matamoros, Tamaulipas, presented in the Headquarters of the Federal Police in Itzapalapa. Photo: Jesús Villaseca P/Latitudes Press.

Campaigns to decriminalise cannabis have made some advances in Latin America, although progress has been slow. Led by Uruguay, certain countries have reformed their laws to this effect, following the lead of the eight US states that have legalised its use and sale. A further 21 states have legalised the use of cannabis for medical purposes⁵.

But what we really need now is to decriminalise the sale and use of cocaine. It is the production and distribution of this drug that finances the most harmful criminal activities and leads to almost unimaginable levels of violence. This is because the cocaine industry is far too profitable for the groups that run it to ever stop forming their own paramilitary organisations, running extortion rackets, threatening or bribing the authorities and taking whatever risks are necessary to keep their business going.

For many years, Mexico has been a key country in the illegal drug trade that exports drugs produced mainly in Colombia to the United States. But it was only when former President Felipe Calderón declared an all-out war on drugs in his country in 2006 that the violence got completely out of hand. During the six years of Calderón’s presidency, no fewer than 100,000 people were murdered, mostly as a result of rival gangs massacring either each other or people working for the State.

⁵ For an overview, see <https://gestion.pe/tendencias/estados-unidos-son-8-estados-marihuana-legal-224066>



The connection is obvious: the more violence you use against the drug trade, the more violence it will use to defend itself. Cracking down on drug traffickers only serves to push up the international price of cocaine, ultimately making the business even more profitable. No-one can fail to be aware of the dozens of intellectuals and politicians – led by the likes of Mario Vargas Llosa, Fernando Henrique Cardoso and Ernesto Zedillo – who in recent years have campaigned for the decriminalisation of these still illegal substances. Unfortunately, opposition from powerful vested interests and pressure from certain sectors of public opinion have prevented politicians around the world from making any further progress in this area. Nevertheless, it is clear from the introduction of policies to legalise cannabis that the world is gradually moving in this direction.

“Cracking down on drug traffickers only serves to push up the international price of cocaine, ultimately making the business even more profitable.”

The relationship between decriminalisation and reductions in drug use and crime rates

As explained above, it is an objective fact that drug trafficking is responsible for the majority of crimes committed in Mexico and Central America's Northern Triangle. It is a problem that creates huge social tensions, makes the cities in these countries unsafe, causes thousands of young people to become involved in criminal activities and ultimately sets back the development of the countries in question. As well as the sale of the drugs themselves, the illegal drug trade is also responsible for kidnappings, extortion of businesses, human smuggling and trafficking, etc.



Decriminalization of cannabis. Together with the march for the decriminalization of cannabis consumption in Buenos Aires, a rally was held on Plaza San Martín de Rosario. Photo: Emergente



Legalizena Resistencia (Movement for legalization of cannabis). Photo: Monica Krei flickr.com (CC BY-NC 2.0)

A similar phenomenon exists, albeit on a smaller scale, in countries such as Peru, Bolivia, Ecuador and Colombia⁶, where most of the prisoners cramming the jails are charged with drug trafficking, in many cases micro-trafficking. It is the youngest and poorest who get caught, while the big fish remain safe in their Miami, Bogotá or Lima mansions.

A cautious contrast may be drawn between this state of affairs and the situation in the US states that have legalised cannabis. According to a US federal government survey in 2017, for example, cannabis use began to fall among teenagers after the drug was legalised in Colorado in 2012⁷.

Studies from the United States also show that legalisation reduces crime rates. A 2018 report found that laws decriminalising the medical use of marijuana have led to a reduction in violent crime in US states that border Mexico⁸.

It follows that any policy that is serious about fighting crime should begin with a dispassionate, non-ideological discussion about decriminalising drugs. This should form the foundation upon which the other components of the battle against crime are built. The benefits will be multiple: lower crime rates, less overcrowded prisons, and fewer opportunities to abuse suspects' rights.

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⁶ The IDPC study on the relationship between drug trafficking and arrests provides detailed information on this aspect: <http://idpc.net/es/blog/2016/01/discurso-vs-realidad-el-aumento-de-encarcelamiento-por-delitos-de-drogas-en-america-latina>

⁷ See: https://www.washingtonpost.com/news/wonk/wp/2016/12/21/one-of-the-greatest-fears-about-legalizing-marijuana-has-so-far-failed-to-happen/?utm_term=.4619f6afae90

⁸ Based on a study by Evelina Gavrilova, Takuma Kamada and Floris Zoutman quoted in *The Guardian* at <https://www.theguardian.com/world/2018/jan/14/legal-marijuana-medical-use-crime-rate-plummets-us-study>. The full study is available at: <http://onlinelibrary.wiley.com/doi/10.1111/eoj.12521/full>



The serious threat that crime poses to freedom in Brazil

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According to John Locke's theory about the purpose of the State, one of its key functions is to refrain from interfering in people's day-to-day lives and only intervene when conflicts arise. The State should act as the guardian of natural and individual rights. Fundamentally, the State should only exist to guarantee the security of people's lives, freedom and private property. In actual fact, security and freedom cannot be separated from each other, since it is impossible to be free if your physical integrity or property is constantly under threat.

This is why Gustave Molinari wrote that security is one of man's greatest needs and has led to the organisation of humankind in societies, tribes and states. As soon as humans organise themselves into a society, it becomes necessary for this organised structure to guarantee a minimum level of social order. Throughout history, the prevailing form of organisation has involved the establishment of governments and the division of people into units referred to as countries, states, etc., to which we entrust sole responsibility for certain tasks such as lawmaking and security. If they fail in these basic tasks, then everything else is jeopardised.

“This is why Gustave Molinari wrote that security is one of man's greatest needs and has led to the organisation of humankind in societies, tribes and states.”

Any state that seeks to act as provider and controller in areas that go beyond the protection of people's lives, freedom and property will tend to be totalitarian in nature and will ultimately be doomed to fail in this endeavour. This is what has happened in Brazil which, since 1988, has established a series of social rights and constitutional guarantees that extend beyond what we need to organise and generate wealth. Also known as the 'Union', the country's federal structure, comprising the federal, state and municipal governments, has resulted in a very strong trend towards centralisation. This has

had an extremely negative impact on citizens' ability to exercise their private freedoms and on the Brazilian State's ability to provide a safe social environment for its people.

Last year's Brazilian Yearbook of Public Security gives some indication of the scale of the problem. In 2016, almost 62,000 violent deaths were recorded in Brazil, an increase of 4% over the previous year. This is equivalent

to 29.7 violent deaths per 100,000 population. These figures are shocking: the number of violent deaths in 2016 alone was the same as the number of people killed when the Japanese city of Nagasaki was devastated by an atomic bomb in 1945. According to the same report, the total expenditure on public security across Brazil's three levels of government (federal, state and municipal) came to BRL 81 billion in 2016. Meanwhile, the Map of Violence published by the Institute for Applied Economic Research (IPEA) shows that 71.9% of homicides in Brazil in 2015 were committed using firearms, with an alarming total of 41,817 victims. By way of comparison, the number of people shot dead in 1980 was 8,710. These statistics make it abundantly clear that the Brazilian government's approach to tackling the problem of violence and insecurity is not working.

Despite these figures, socialist or progressive rhetoric continues to dominate the academic debate in Brazil, and this is reflected in both legislation and public policy in the field of security. Since criminals are regarded as victims of circumstance and society, their individual responsibility is diminished and the implicit conclusion is that the prison system is only there to help reintegrate them into society. Furthermore, the government forced a Disarmament Statute upon us that deprives ordinary people of the natural and basic right to defend their lives and property. There are numerous studies and discussions in Brazil whose sole purpose is to endorse this ill-conceived view of the world. These studies purport to be based on statistics but ultimately amount to nothing more than numerology and utopian promises of a better world. For instance, the Map of Violence cited above concludes that the high number of violent deaths points to a need for tighter gun controls, even though the



Policemen of the Special Operations Unit BOPE. Photo: Andre Gustavo Stumpf (CC BY 2.0)





Rocinha favela in Rio de Janeiro, Brazil. Photo: chensiyuan (CC BY-SA 4.0)

figures clearly show that this approach doesn't work. As we can see, in Brazil statistics are often ideologically biased and based on false premises, resulting in equally false analyses and conclusions.

To make matters worse, in 2018 the Union declared a "federal intervention" in the state of Rio de Janeiro and ordered the creation of a Ministry of Public Security, in a clear indication that it intends to promote further centralisation of policy, decision-making and interventions in this area. This could in all likelihood mark the beginning of more centralised planning and ideological meddling in this field. It should not be forgotten that there are hundreds of communities in Rio de Janeiro whose lives are already badly disrupted by the interventions of heavily armed criminal organisations' private militias. Furthermore, many authorities, police officers and politicians are compromised in their ability to act because they have entered into deals, made promises in exchange for votes or accepted bribes. In other words, corruption is so widespread and its impact so devastating that it has even compromised the State's ability to respond and take action to protect society against crime. The entire population has been hostages by a State that is unable to provide its citizens with security.



In this political climate, and in response to a huge public outcry, the Brazilian Congress is mobilising its members to relax the restrictions imposed by the Disarmament Statute and introduce reforms to the legal system in order to address the problem. However, it is highly unlikely that any structural changes of this nature will occur any time soon, given the number of rights and excessive guarantees that are carved in stone in our Constitution. Moreover, the political establishment remains naturally opposed to any political changes and the government is still full of people who believe in this mistaken view of the world.

This lack of security within a violent and degraded environment obviously poses a threat to freedom in Brazil. It has resulted in a general perception of insecurity and impunity which creates an environment that encourages yet more crime, as described in the broken windows theory of US criminologists James Wilson and George Kelling.

Potential solutions to these problems include the obvious need to reduce the size of the Brazilian State, together with the adoption of extensive and significant changes to the country's Constitution. These should include a review of our Federal Pact, the granting of greater autonomy and sovereignty to the states and municipalities, and a systematic reduction of the power of central government. Moreover, if the free market can already ensure an efficient supply of other goods and services, why shouldn't it be able to do the same in the field of security? A good example is provided by private condominiums whose entirely private security arrangements operate far more effectively than the regular system outside their walls. After all, one of the chief consequences of a free market and widespread competition is that companies will seek to meet their customers' needs as efficiently and cheaply as possible. Perhaps the time has come to deregulate the Brazilian security market, reduce the bureaucratic barriers that prevent greater competition in the sector, and even introduce tax exemptions or incentives for companies and community organisations that can provide local solutions to the problem.

“ This lack of security within a violent and degraded environment obviously poses a threat to freedom in Brazil. It has resulted in a general perception of insecurity and impunity which creates an environment that encourages yet more crime. ”





“ American society never bought into the false dichotomy of freedom and security. ”





“In the UNODC study and in other reports on global violence, Central America is accorded the ignominious title of the world’s most violent region.”



Freedom or security? Some lessons from Central America

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According to the latest Global Study on Homicide of the United Nations Office on Drugs and Crime (UNODC), four of the ten countries with the highest intentional homicide rates in the world are in Central America: El Salvador, Honduras, Guatemala and Belize. The report uses data on the number of intentional homicides per 100,000 population between 2012 and 2015 as an indicator of global violence levels.

The UNODC's findings – and especially the comparison with the rest of the world – make disturbing reading for El Salvador, Honduras and Guatemala, the three countries that form Central America's "Northern Triangle". For example, the homicide rate in Central America as a region is four times the global average, while it is almost ten times higher in countries like El Salvador and Honduras, despite the fact that it actually fell between 2014

and 2017. Coincidentally, there has traditionally been very little democratic civilian control of the armed forces in three of these countries, and all three share a long history of repeated human rights abuses by the military.

In the UNODC study and in other reports on global violence, Central America is accorded the ignominious title of the "world's most violent region". According to the official figures for 2017, the homicide rate in El Salvador is 60 per 100,000 population. Even though this is 20 less than the figure of 81.7 recorded in 2016, El Salvador remains one of the world's most violent countries. Similarly, while in 2011

Honduras had the world's highest homicide rate, the authoritarian government of President Juan Orlando Hernández has managed to bring it down to around 43 per 100,000 population.

The violence in the Northern Triangle is a very specific phenomenon and should therefore be analysed separately from the cases of Nicaragua, Costa Rica and Panama, countries which also face their own security challenges even though their intentional homicide rates are much lower. At the end of 2017, the rate in Panama

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“The wave of violence afflicting Central America has prompted a surge of interest among decision-makers in security policies that place much greater restrictions on individual freedoms, in a bid to curb this homicide epidemic.”

was 9.7 homicides per 100,000 population, although it had exceeded 17 per 100,000 population between 2014 and 2015. Even Costa Rica – a country that had always maintained low homicide rates even during the region’s most violent periods – ended 2017 with its highest ever homicide rate of 12.1 per 100,000 population. Only Nicaragua has managed a sustained reduction in its average intentional homicide rate, which has now been falling for two decades.

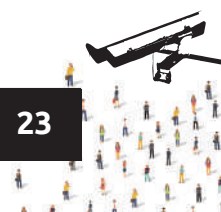
The wave of violence afflicting Central America has prompted a surge of interest among decision-makers in security policies that place much greater restrictions on individual freedoms, in a bid to curb this homicide epidemic. In the Northern Triangle countries, these “hardline” policies have been adopted since the end of the

1990s in order to combat the rise of the ultra-violent transnational “mara” gangs. As to whether these policies have been successful, the previously mentioned current homicide rates in the Northern Triangle speak for themselves.

One of the main features of this security strategy is the greater involvement of the armed forces in citizen security operations. The key argument underlying this approach is that – supposedly – only the armed forces have the operational capacity and institutional stability to tackle complex crimes such as those involving the mara gangs and other organised crime groups. Although it has had a negative impact on civil liberties and human rights, it is something that many citizens have been willing to accept in exchange for the promise of better security.

The signing of the Esquipulas Peace Agreement in 1987 provided a launchpad for further peace negotiations across Central America. Nicaragua signed a Peace Agreement in 1989, followed by El Salvador in 1992 and Guatemala in 1996. The end of the long-running conflicts was accompanied by a brief flurry of optimism that an era of peace and greater freedom was about to begin. In this spirit, the Framework Treaty on Democratic Security signed on 15 December 1995 in San Pedro Sula, Honduras, proposed a Democratic Security Model based on democracy, the rule of law and respect for human rights. It also recommended the transformation of the armed forces into uniformed institutions trained to carry out peacetime missions. In short, this security model marked a break with the traditional National Security doctrine, adopting instead a Human Security approach that put individual freedoms before the interests of nation states.

The Democratic Security Model enjoyed widespread popularity during the years immediately after the peace agreements were signed. It was particularly influential with regard to security policy reforms which – at least on paper – promised respect for individual freedoms and human rights. In practice, this translated into initiatives such as the “Defence White Papers” in countries such as Nicaragua and Guatemala, which sought to establish a peacetime military doctrine for the armed forces. Police forces were also strengthened so that they could engage in citizen security tasks. As a result, military expenditure fell significantly across the whole of Central America, while spending rose in other areas such as education and health.





Waspam, Nicaragua - Citizens of Nicaragua line up in front of a local clinic in Waspam, Autonomous North Caribbean Region of Nicaragua, to receive basic medical attention from U.S. American and Nicaraguan soldiers, 20 Mach 2018. Photo: Photo of the U.S. Army, by Maria Pinel.

However, the optimism of the post-conflict era proved to be short-lived. The Democratic Security Model was cast aside at the turn of the century, when most countries' police and armed forces began favouring a hardline approach in response to the growing levels of violence. At the same time, the region's military managed to convince its typically weak and cronyist civilian political leaders that armies designed for the Cold War era could still play an effective role in combatting modern-day threats to citizen security. The result was that most Central American countries adopted security policies that effectively retain many of the principles of the national security doctrine, even if the language they use is more contemporary.

But has the implementation of highly militaristic security policies had a positive impact on the level of violence? The evidence points to the contrary. In El Salvador, insecurity remains one of the nation's biggest problems. Honduras suffered a coup in 2009 and there are serious questions about the validity of the 2017 presidential elections. Guatemala is in the grip of a nationwide political and institutional crisis, while Nicaragua is once again ruled by a dictatorship. The authoritarian, pro-military recipe has simply served to reopen old wounds with regard to human rights and civil liberties, wounds which many of us believed to have been healed. It has also opened the door to new forms of conflict and violence that could prove extremely harmful to the future of these fragile democracies. In Central America at least, the idea of giving up freedoms in exchange for security is proving to be a big mistake.



COLOMBIA

Freedom and Order

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“On the streets, the police are the government”
General Óscar Naranjo, Former Chief of Colombia’s National Police

“Citizen security:

The personal, objective and subjective condition of being free from violence or from the threat of intentional violence or dispossession by others”

PNUD

There is a permanent tension between the notions of security and freedom in the quest for a balance that guarantees order without restricting freedom. The widespread perception of insecurity and the rise in crime in Latin America has left the region’s societies wondering whether they should give up individual freedoms in exchange for more security. The challenge is how best to strike this difficult balance.

Background

It is now 40 years since the third wave of democratisation that ushered in democratic governments across all the countries of Latin America except for Cuba, which continues to be ruled by a dictatorship to this day.

While some progress has been achieved in the interim, huge challenges still remain. Since the beginning of the 21st century, Latin America has undergone a relatively stable period of economic growth that has led to improvements in the poverty indicators for most of the region’s countries, together with a significant expansion of the middle classes. Citizens are becoming increasingly empowered and prepared to demand their rights. At the same time, however, government and society are confronted with powerful organised crime structures. Financed by an extensive and diverse portfolio of illegal economic activities, these organisations threaten public security, flood the market with illicit money and foster alarming levels of corruption that pose a genuine threat to institutional integrity.

It is therefore hardly surprising that Latin Americans’ confidence in democracy and democratic institutions should have declined from 66.4% in 2014 to 57.8% in 2017, according to Vanderbilt University’s Latin American Public Opinion Project (LAPOP).² While there are several reasons for this erosion of credibility, there is no doubt that one of them is the high real and perceived level of crime in the region.

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² Vanderbilt University, LAPOP, Americas Barometer; *The Political Culture of Democracy in the Americas 2016-2017: A Comparative Study of Democracy and*



“In the contractualist tradition, the State is an entity created on the basis of a contract between the members of society in order to maintain social order and welfare as a means of protecting, promoting and maximising people’s ability to exercise their individual freedom.”

As the LAPOP demonstrates, “Crime and violence are an epidemic in the Americas. Although only 9% of the world’s population lives in Latin America and the Caribbean, 33% of the homicides that took place worldwide in 2015 were committed in the region (Jaitman 2017). Other types of crimes such as robberies, assaults, and kidnappings have become common in many countries as well (UNDP 2013).”³

These comments are corroborated by the most recent Global Study on Homicide of the United Nations

Office on Drugs and Crime (UNODC, 2013): “The global average homicide rate stands at 6.2 per 100,000 population, but Southern Africa and Central America have rates over four times higher than that (above 24 victims per 100,000 population), making them the sub-regions with the highest homicide rates on record, followed by South America, Middle Africa and the Caribbean (between 16 and 23 homicides per 100,000 population).”⁴

Casas-Zamora describes how homicide rates vary across Latin America, but are generally high and in some cases exceptionally high. Victimisation levels are very high and generally homogeneous and stable [not declining significantly], while the perception of insecurity is also very high, reasonably homogeneous, and increasing⁵

The individual and the State

In the contractualist tradition, the State is an entity created on the basis of a contract between the members of society in order to maintain social order and welfare as a means of protecting, promoting and maximising people’s ability to exercise their individual freedom. According to the Declaration of the Rights of the Man and of the Citizen of 1789: “My freedom ends where someone else’s begins”. This concept of freedom is one of the pillars of modern democratic states – Colombia’s national coat of arms bears the motto “Freedom and order”.

As outlined above, Latin America’s governments are confronted with a complex situation characterised by their (relative) inability to fully guarantee the rule of law throughout the land and to ensure their citizens’ right to life, property and honour. This context has provided fertile ground for the dangers of punitive populism and, in the worst cases, the justification of authoritarianism. According to Latinobarómetro: “Over the last decade, the number of people prepared to accept a reduction in their freedoms in exchange for greater social order has fallen from 60% (2006) to 52% (2016). Despite the fall in this indicator, however, it is [still] 4 percent higher than the 48% figure recorded in 2004. In other words, today there are more Latin Americans who are prepared to give up freedoms in exchange for order than there were in 2004. [...] Crime and violence are the number one concern for the people of Latin America and [the biggest problem] in many of the region’s countries.”⁶

³ Singer, Matthew M., “Crime, Violence and the Police in the Americas” en *The Political Culture of Democracy in the Americas*, p. Ibid.

⁴ United Nations Office on Drugs and Crime – UNODC, *Global Study on Homicide*, 2013, Executive Summary, p. 2.

⁵ Casas-Zamora, Kevin, on behalf of the Brookings Institution: *(In)Seguridad Ciudadana y Democracia en América Latina*, presentation given at the 3rd Meeting of Ministers Responsible for Public Security in the Americas (MISPA/OAS), November 2011

When citizens perceive their own existence to be under threat, they will start questioning democratic governments' ability to make use of their monopoly on the legitimate use of violence in order to guarantee their integrity, or at least to ensure a level of public order that allows them to fully exercise their freedoms. The result is that the social contract is seriously called into question.

These feelings can be expressed in various different ways. As Latinobarómetro shows, some people may be willing to hand over more and more power to the State. This leads to overly punitive crime policies, the virtual abandonment of the presumption of innocence principle, the weakening of the guarantee of a right to defence, and restrictions on freedom of expression. The State is empowered to impose tighter controls on how people exercise their citizenship, on the grounds that the restriction of individual liberties is necessary in order to guarantee security in the interests of society as a whole. In short, the end justifies the means.

Another expression of the frustration caused by the State's relative inability to fully guarantee the rule of law occurs when individuals decide to take the law into their own hands. In this instance, they no longer deem the institutions of the State to be competent and therefore take it upon themselves to guarantee security using the means at their disposal. This accounts for the emergence of the mara gangs, primarily in Central America's Northern Triangle, as well as the paramilitary and self-defence groups involved in the violence that swept across Colombia during the 1990s and the first few years of the 21st century. The growing popularity of private security services is another illustration of this phenomenon (*see Table 1*).

Table 1

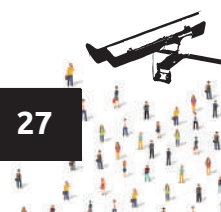
Ratio of police officers to private security guards Selected Latin American countries during the 2000s

Translating theory into practice

| <i>Country</i> | <i>Number of private security guards in the formal sector</i> | <i>Ratio of police officers to private security guards</i> |
|--------------------|---|--|
| Brasil | 580,000 | 1.1 |
| México | 450,000 | 0.9 |
| Colombia | 170,000 | 0.8 |
| Argentina | 150,000 | 1.5 |
| Chile | 92,000 | 0.4 |
| Perú | 50,000 | 1.8 |
| Ecuador | 40,000 | 1.0 |
| Guatemala | 120,000 | 0.2 |
| Honduras | 18,000 | 0.5 |
| El Salvador | 23,000 | 0.8 |

Source: Casas-Zamora, Kevin, on behalf of the Brookings Institution: (In)Seguridad Ciudadana y Democracia en América Latina, presentation given at the 3rd Meeting of Ministers Responsible for Public Security in the Americas (MISPA/OAS)

⁶ Corporación Latinobarómetro, Informe Latinobarómetro 2016, p. 25



The complexity of the debate is due to the fact that the situation on the ground is difficult to reconcile with the standards that citizens expect of their governments. Accordingly, it is essential to take citizens' expectations and perceptions into account in order to ensure the responsible formulation and implementation of public policy in an area as critical as the protection of people's physical integrity.

In order to make progress in terms of fully guaranteeing the rule of law, governments must be committed to continuously improving their policies and the capacities of their implementing agencies. This calls for them to professionalise their security and justice operators. Rather than expanding the machinery of the State, these capacity building measures should result in smaller, more efficient agencies. It is not more State that is required, but a better State.

The professionalisation of security and justice operators will involve strengthening their competencies in terms of respect for the principles and values of freedom and human rights, i.e. individual, civil and political liberties in accordance with the principles of limited, representative and responsible government. It will also involve modernising justice operators and reforming government policy on crime, as well as continuously improving the justice system and delivering more rigorous and transparent public accountability.



A blow against Ecuadorian organized crime. Capture of main ringleaders of the criminal organization "Los Templados" which is active on the Ecuadorian coastline.
Photo: Colombian National Police.

United States

Freedom as the key to security and prosperity

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Written in the 18th century in the midst of the American Revolution, Benjamin Franklin's famous words remain as true today as they were when he wrote them: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety, and will lose both".

And for those who were prepared to give up liberty in exchange for safety, as proposed by Niccolò Machiavelli in *The Prince* (1513) and Thomas Hobbes in *Leviathan* (1651), it was in any case a natural transaction in response to the horror of an anarchic society in which everyone was fighting everyone in the absence of any authority. Hobbes puts it very clearly in this well-known excerpt from *Leviathan*:

"In such condition, there is no place for Industry; because the fruit thereof is uncertain; and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continual fear, and danger of violent death; And the life of man, solitary, poor, nasty, brutish, and short".

This was an era of religious wars, a time when people were striving to force their monarchs to recognise the authority of parliament. In Britain, this conflict ultimately led to the Glorious Revolution of 1689. However, its defining moment came almost a century later in 1776, when the United States gained independence. Suddenly, America no longer had the authority of the monarchy or the hierarchy of the aristocracy and royal court.

Fortunately for the Americans, Thomas Paine, a British activist and friend of Franklin (who he had met in France) had arrived in America shortly before the Declaration of Independence. Paine published a pamphlet of no more than fifty pages called *Common Sense*, which would become the number one bestseller in the country's history, a position it still holds today. The figures are all the more impressive if we take into account the size of America's population and the limited distribution and sale of printed matter at the time: half a million copies were sold to the 13 colonies' four million inhabitants.

In *Common Sense*, clearly influenced by John Locke, Paine recognises that government

“Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety, and will lose both.”

has a role in the protection of people's lives and property and the prevention of religious wars. However, he advocates freeing the colonies from the (albeit relative) British tyranny, backing the institutions of the Republic, dividing authority into balanced powers and returning sovereignty to the people, since there would no longer be a sovereign monarch if America seceded from Britain. Democracy, or the rule of the majority, would serve to settle differences of opinion at the ballot box – within the limits set out in the Constitution.



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The architecture of the first modern republic

And that is exactly what they did, albeit without explicitly setting out to. Since the new country that was taking shape was no longer ruled over by the monarchy and the aristocracy, there was a lot of uncertainty about its future. Consequently, it needed to settle on a means of selecting its new rulers and of organising its economy. Although the path was far from smooth, meritocracy was chosen as the method of selecting the new hierarchy, while the market dealt with the allocation of goods and services and determined who got rich and who the “losers” were. Few international observers were optimistic about the fate of this first republic. Nevertheless, it would eventually become the leading global power after successively expanding its borders – mostly at the expense of Mexico, but also of France (Louisiana) and Russia (Alaska) – through the purchase of these territories and the addition of the wild Pacific islands of Hawaii and Guam and Puerto Rico in the Caribbean.

These lands and peoples were integrated without too much trouble, while the economy grew at an average of 2% a year for several decades, becoming the largest on the planet by the end of the 19th century. After the Second World War, the United States also became the world's foremost military power and its leading nation in the fields of science, technology and entertainment.

There are several key lessons that we can learn from its experience:

- The first is that North American society never bought into the false dichotomy of freedom and security. Freedom fuelled security and vice versa. Ever since the United States was founded, and especially since the Monroe Doctrine was proclaimed in 1823 with the aim of opposing European colonialism, security has clearly been at the heart of the U.S. government's decisions. However, this has never resulted in restrictions on individual liberties.
- The second concerns the value of institutions in a nation's development. At least until now, the United States has been governed by institutions that have proven up to the task of exercising authority in an ordered manner. When the World Bank attempted to produce an objective assessment of the wealth of nations in the early years of the 21st century, it discovered that intangible capital (such as stable institutions) added more value to the economy than the factors conventionally associated with development (natural resources and financial capital investments).
- The third is the role of democracy as a means of changing the ruling elite without revolutionary changes that would alter the essence of the republican model. The major changes in American society have come about through the ballot box, except for the emancipation of black slaves, for which a bloody Civil War (1861-1865) was needed. All the other changes (such as the extension of voting rights and the inclusion of blacks and women in the democratic process) came about through the implementation of legislation which, while often controversial, was a product of the rule of law.

The Human Freedom Index

Ian Vásquez's outstanding review of the *Human Freedom Index*, published by the Fraser Institute in Canada and the Cato Institute (of which Vásquez is a member) in the United States, reveals that: "The 40 freest countries in the world have an average per capita income of \$38,871, almost four times higher than that of the 40 least free countries (\$10,346)."

He goes on to provide the following telling explanation:

"Freedom is inherently valuable, but it also plays a critical role in human progress (...) Freedom is positively correlated with numerous indicators of well-being, such as life expectancy, access to drinking water, infant mortality and innovation. It is no surprise that as the level of freedom has increased around the world in recent decades, these indicators have also improved significantly, especially in developing countries".

The exception of Singapore

Singapore is the exception that proves the rule. In 2017, it had a per capita GDP of \$90,000, almost double that of the United States. It has become the most successful economy in the modern world despite having no natural resources, and with a population of almost six million crammed onto a bunch of tiny islands, little more than rocky outcrops, located between Malaysia and Indonesia.

How did they do it? Initially, it was thanks to an exceptional leader in Lee Kuan Yew, who came to power when the country was in crisis after being virtually expelled from the Federation by Malaysia in the early 1960s. There is no doubting that Singapore is a genuinely iron-fisted democracy where the regime has no hesitation in executing drug traffickers or flogging people for chewing gum, censoring the press and incarcerating members of the opposition (even though it must also be said that it does so with the backing of most people). At the same time, however, it is one of the freest economies in the world, where meritocracy rules and there is almost no corruption.

“Freedom is inherently valuable, but it also plays a critical role in human progress”

South Korea and Taiwan are examples of regimes that have evolved from dictatorships into democracies in order to benefit from the institutional stability provided by the rule of law. Among other things, they did so because democracy is the best system we know of at coping with the changes and inevitable crises that affect all countries. So just maybe Singapore will go down the same route and extend its successful foray into economic freedom to the realm of individual liberties.



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Is the concept of freedom incompatible with security?

Some thoughts on the current situation in Mexico.

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On freedom and security

Liberal thought in the 21st century stresses the need to promote freedom in every area of our private, social, political and economic lives. Even though this notion continues to be developed, there is a broad consensus regarding its fundamental importance.

Freedom can be defined as the right of every individual to do whatever they think best to fulfil their personal development¹. However, a person's freedom will always be framed in relation to the equally legitimate personal development of others. Consequently, individuals in all societies accept that their freedom will be subject to a series of restrictions, relationships and principles and therefore undertake to respect the established rules.

“One person's freedom must not violate the freedom of others. This means that freedom is itself considered to be a right”

Accordingly, one person's freedom must not violate the freedom of others. This means that freedom is itself considered to be a right². Rather than signifying the absence of all restrictions, freedom seeks to ensure that the restrictions are designed in a way that allows people to exercise their freedoms (and rights) as fully and peacefully as possible.

Our understanding of security has also evolved as a result of the debate on freedom and rights. Hobbes³ described security as freedom from oppression, physical harm or violent death caused by others. He saw a State's principal *raison d'être* as providing security to the individual. According to Hobbes, to achieve security individuals have to enter into a contract with

each other that involves surrendering some of their freedom to the State. Security is thus understood as the implementation of whatever means are necessary to guarantee order.

Taken together with the definition proposed by Weber⁴, according to which the State has a monopoly on the legitimate use of violence, this leads to the notion of a State whose *raison d'être* is the preservation of social order. However, the nature of both the State and Security, as well as our expectations of them, have changed over the course of time.

¹ Heywood, Andrew. *Political Theory: An Introduction*. 2005.

² Gauba, O.P. *An Introduction to Political Theory*. 2009.

³ Hobbes, Thomas. *Leviathan*. 1966.

⁴ Weber, Max. *Political Writings*. 1994.

On human security

In Latin America, the idea that security serves to protect the State and that the State is the sole actor responsible for providing security resulted in a series of military dictatorships during the second half of the 20th century. The examples of Peru (1990-2000), Chile (1973-1990), Uruguay (1976-1981) and Guatemala (1960-1996) provide an all too vivid illustration of the consequences.



Presentation and flag ceremony of the New Gendarmerie Division of the Federal Police. Photo: Mexican Republic Presidency

Their interpretation of the use of force by the State translated into repression, censorship and the use of disproportionate violence. While this protected the State, it did so at the expense of individual rights and freedoms. It led to grievous human rights violations (disappearances, executions and torture) and crimes against humanity (genocide, extermination, enforced disappearances and torture).

In view of the marginalisation, exclusion, dictatorships and high crime rates in Latin America, the United Nations Development Programme devised the concept of Human Security, which focuses on the individual rather than the State. Human security is understood as a public good that enables citizens to exercise their freedoms. Security is thus no longer regarded as a way of ensuring order but as a means of allowing citizens to pursue self-fulfilment through the exercise of their rights and liberties⁵.

A fundamental aspect of this concept is the protection of core rights including the right to life, respect for people's physical and material integrity and the right to live in dignity. Consequently, security only exists if it enables people to exercise their freedoms.



Mexico City, Mexico, 29 September 2010. Elements of the Marine Infantry carried out the arrest of 30 individuals presumed to be connected to the Cartel del Golfo in the State of Tamaulipas. Photo: Jesús Villaseca P/Latitudes Press

⁵ UNDP. *Regional Human Development Report, Citizen Security with a Human Face, Evidence and Proposals for Latin America*. 2013..



Mexico's Internal Security Act

One might have been forgiven for thinking that this concept had finally laid to rest the debate on whether or not security can coexist with liberty. However, it has once more reared its head in Mexico in recent times due to the high rate of violent deaths in Latin America and the fact that this rate is rising more strongly than in other regions⁶. In 2017, the homicide rate in Mexico⁷ was 20.5 per 100,000 population. It is estimated that there was an average of one intentional homicide victim every 16 minutes⁸.

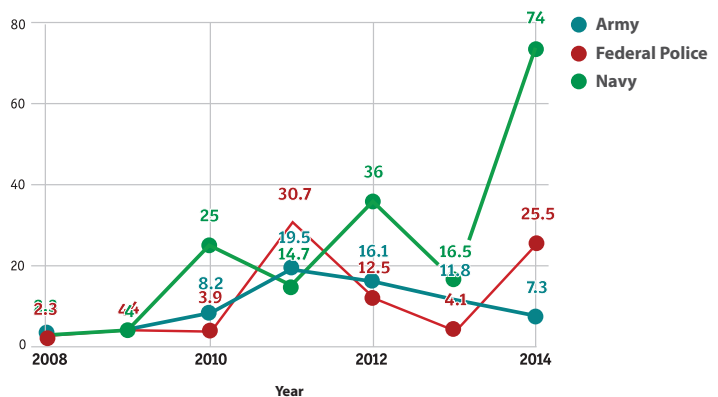
It is also important not to overlook other forms of violence, such as the wave of femicides and disappearances afflicting the country. According to the official figures for 2017, there have been more than 12,000 femicides and 32,000 disappearances in the last decade.

This situation led the Mexican government to pass⁹ the Internal Security Act in December last year. The Act grants the Army and Navy extraordinary powers to carry out operations in the interests of what is deemed to be public or internal security, without any supervision or guarantees and without any requirement to respect human rights. It also places the police under the authority of the armed forces.

The Act has met with fierce opposition at home and abroad because of the risks and potential problems that it entails, not least the very real threat posed by the concept of internal security based on the protection of the State. This approach opens the door to potential human rights abuses and restrictions of civil liberties.

These dangers are supported by a substantial body of evidence. According to one database¹⁰, four in ten clashes involving government forces end with the targets paying the ultimate price – there are no injured, only fatalities. This clearly demonstrates the disproportionate and arbitrary use of force.

Figure 1. Fatality rate (2008-2014) ^{11 12}



⁶ UNODC. *Global Study on Homicide 2013*.

⁷ These are the official figures published by the Secretariat of the Interior on 21 January 2018. However, expert Alejandro Hope believes that the true homicide rate could be closer to 24 per 100,000, since the official figures are based on the number of homicide investigations rather than the number of victims.

⁸ This estimate, which is based on the official figures, was published by the civil society organisation Observatorio Nacional Ciudadano.

⁹ The Internal Security Act was passed on 21 December 2017.

¹⁰ CIDE, Drug Policy Program. *The database contains over 35,000 incidents including executions, attacks and clashes involving government forces and criminal organisations between 2006 and 2011. The data draws on official statistics and incidents recorded by the media. In subsequent years, the authorities claimed that no official records existed, meaning that the information could only be obtained through the media.*

¹¹ Graph taken from Pérez Correa, Catalina. *Índice letal: Los operativos y los muertos. Nexos*. Published 1 November 2011. In terms of the ratio of fatalities to injuries, between 2008 and 2011 it was 2.6 deaths to every person injured in clashes involving the police, 9.1 for the army and 17.3 for the Navy.

¹² There are differences between the rates reported in the official statistics and those based on reports in the media. The graph is based on information obtained from the media, since this was considered to give a fuller picture. The official statistics record a fatality rate of 11.6 for the Army and 4.6 for the Police. No figures were available for the Navy.



“ According to one database, four in ten clashes involving government forces end with the targets paying the ultimate price – there are no injured, only fatalities. This clearly demonstrates the disproportionate and arbitrary use of force. ”



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Another study¹³ found a direct, positive correlation between the security force members deployed in different parts of the country and the rise in homicide rates in each region. The study identified a significant increase in homicides in federal states where the armed forces were involved in public security operations. The most striking increases occurred in Baja California (189%), Chihuahua (439%), Sinaloa (178.6%), Durango (312%) and Guerrero (93.5%). These figures demonstrate that the involvement of the military has caused violence to rise rather than fall.

In addition to the concerns outlined above, a number of additional dangers are also implicit in the Act, since it:

- Stipulates that all information in connection with the Act is classified, thereby violating the principles of maximum publicity and progressivity associated with the right to information. In other words, members of the public will not be entitled to access or evaluate the actions, decisions and outcomes resulting from the Act's implementation.
- Contravenes personal data protection principles by severely restricting citizens' rights and potentially violating their privacy.
- Poses a threat to freedom of assembly and the right to demonstrate by introducing ambiguous definitions that could be used to classify any demonstration as a potential threat to the State.

It is thus evident that, in Mexico, the concept of Internal Security constitutes a serious threat to citizens' freedoms and human rights, leading us down a path that takes our country even further away from the vision of Human Security.

¹³ Escalante, Fernando. *Homicidios 2008-2009, La muerte tiene permiso*. Published 1 January 2011.



Security as the guarantee of freedom

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“Freedom has many difficulties and democracy is not perfect, but we have never had to put a wall up to keep our people in, to prevent them from leaving us”.

John F. Kennedy

Berlin, June 1963

Security always involves some kind of transaction. In other words, you always have to give up something if you want to achieve a higher level of peace and certainty. Consequently, security comes at a price which is usually measured in terms of money, time, comfort, effort and of course freedom.

In a wider sense, however, security also encompasses the fundamental aim of reducing the factors that prevent people from fully exercising their rights. In this sense, it serves to actively support citizens' lives and well-being.

Human Security

Like so many of the other factors that are necessary to maintain a civilised existence, our understanding of security is undergoing a process of review. This process involves interpreting and adapting the concept of security to the accelerating pace of globalisation, on the basis that in order to protect our societies it is better for it to be grounded in reality – however hazy and plagued with uncertainty that reality may be – than to cut oneself off from it by digging a trench out of threats in order to create a false sense of protection.

This new, more contemporary vision of security is better able to tackle the challenges of freedom in a less restrictive manner. Its aim is to guarantee universal economic, environmental, social, political, food and personal security. In 1994, the United Nations Development Programme (UNPD) coined the term Human Security (HS) to describe this type of security.

“In a wider sense, however, security also encompasses the fundamental aim of reducing the factors that prevent people from fully exercising their rights.**”**

HS focuses on the right of all people to live in freedom and dignity, free from poverty and despair, and with an equal opportunity to fully develop their human potential. It is a multifaceted construct that establishes a new development paradigm which combines peace, security and the exercise of human rights in a more effective, prevention-oriented manner. Moreover, we must not forget that citizens whose lives are plagued by violence and a lack of access to basic commodities and primary healthcare are quite simply in no position to weigh up the relative importance of security and freedom. Accordingly, as well as being a guarantee, HS is also an inherent individual right and can thus not seek to compete with other inalienable rights such as freedom.



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Countries' security policies continue to focus on maintaining peace, since this is an indispensable requirement for stability and coexistence. Nevertheless, it is important not to overlook new dangers such as extreme poverty, accelerating climate change and global economic and financial crises, which expose a shared vulnerability to fast-spreading threats that is especially acute in nations with pronounced institutional weaknesses. This is the situation across much of the Americas, whose countries are less well prepared and consequently suffer more severely at the hands of the natural, political, economic and social disasters that characterise our fast-moving and unpredictable world.

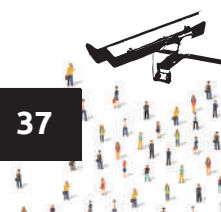
The Latin American deficit

In the past, the traditional conflict between freedom and security was never particularly important in Latin America, since freedom and security were both in short supply, making it difficult to weigh one up against the other. While the growth of democracy in the region during the last quarter of the 20th century may have helped to curb the "security excesses" perpetrated by its military dictatorships, this did not translate into a proportional increase in freedom. In fact, the fragility of the region's democratic institutions has led to a serious deficit of both freedom and security.

One important model within the region, known as Democratic Security, was developed by Colombian President Alvaro Uribe between 2002 and 2010. Under this policy, President Uribe gave Colombian society a more active role in the struggle against illegal guerrilla and drug trafficking groups. He sought to engage the public in a head-on assault against these organisations, promising them greater social order in return. These promises are in stark contrast to the reported human rights violations associated with the death of civilians in clashes with the guerrillas. There is no doubt that the Democratic Security policy did bring about the demise of some of the violent groups in Colombia. At the same time, however, it deprived citizens of their freedoms and democratic guarantees to such an extent that Colombians ended up wondering whether the cure was worse than the disease.

At a security conference held in Medellín in July 2012, Uribe referred to the dilemma in the following terms: *"Perhaps one of the greatest challenges for the Democratic Security policy was learning to strike a balance between peace with security and peace with freedom."*

Today, however, it is Venezuela that faces the continent's greatest challenges in terms of striking the balance between freedom and security.



The Venezuelan drama

It is only possible to grasp the full scale of the crisis in Venezuela, where all reference points for security and freedom have been lost, if we interpret it as the implementation of a Criminal State model where there are not even any guarantees that people's lives will be protected, let alone their ability to exercise freedom.

The Bolivarian revolution launched at the turn of the century was tainted with violence from the very outset. The homicide rate climbed from 25 per 100,000 population in 1998 to 89 in 2017. At the same time, Venezuela experienced an increasingly radical political discourse, the weakening of its institutions, the destruction of industry and the shattering of its social cohesion. This provided fertile ground for a new way of controlling society through the criminal activities sanctioned by those in power.

Venezuela is the region's greatest paradox: a nation with huge development potential that could have been a shining example of security as the guarantee of freedom, but which is instead blighted by starvation and crime. The fact is that citizens' freedom, security and peace are all directly dependent on a country's institutional quality. When understood correctly, security does not constitute an obstacle to freedom. On the contrary, in contemporary forms of development it actually promotes welfare and enables people to make the most of their potential. George Washington said that *"Liberty, when it begins to take root, is a plant of rapid growth"*. All the more so when it is fertilised with a generous dose of human security.

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“Even in “uncertain” times, in fact perhaps more so than ever, a liberal democracy cannot afford to overlook another of the State’s key functions: the protection of citizens’ rights.”

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