



THE SOUTH ATLANTIC DRUG TRAFFICKING ROUTE AS A THREAT TO THE REGIONAL SECURITY

O Tráfico de Drogas pela Rota do Atlântico Sul como uma Ameaça à Segurança Regional

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ABSTRACT

Despite its importance for the economic and social development of the states and for international trade, the sea is certainly the stage for the performance of several illegal activities, among which the international drug traffic stands out. Along this path, the illegal transportation of narcotics from producing states in South America to consuming states in Europe and the United States, through transshipment states in West Africa – known as the South Atlantic Route - is increasingly demanding attention from the international community due to the amount of narcotics handled and both national and international risks involved. That said, this paper aims to present, from a brief historical background, an overview of the current situation of the South Atlantic Route, its threats to regional security, and regional and international initiatives to combat its practice.

KEYWORDS

Maritime Security - Drug Trafficking - South America - Atlantic Ocean.

RESUMO

Apesar de sua importância para o desenvolvimento socioeconómico dos Estados e para o comércio internacional, o mar é palco de diversas atividades ilegais, entre as quais se destaca o tráfico de drogas. Nesse sentido, o transporte de narcóticos dos Estados produtores na América do sul, utilizando países da África ocidental como intermédio, para os Estados consumidores na Europa e nos Estados Unidos - conhecida como a Rota do Atlântico Sul – demanda cada vez mais atenção da comunidade internacional em razão da quantidade de entorpecentes movimentados e dos riscos nacionais e internacionais envolvidos. Isto posto, o presente trabalho almeja apresentar, a partir de um breve panorama histórico, uma análise um panorama da situação atual da Rota do Atlântico Sul, suas ameaças à segurança regional e as iniciativas regionais e internacionais para combater a mercancia de entorpecentes por esta via.

PALAVRAS-CHAVE

Segurança Marítima – Tráfico de Drogas – América do Sul – Oceano Atlântico.

1. Introduction

Presently, shipping is the main industry for the carriage of goods all around the world, a fact confirmed by objective data. According to the International Chamber of Shipping, roughly 90% percent of the world trade is carried via sea¹ by one of the 96,000 vessels that

¹ International Chamber of Shipping. Overview on Shipping and World Trade. Available at: <<https://www.ics-shipping.org/shipping-facts/shipping-and-world-trade>> Accessed: December 1st, 2020

are part of the world commercial fleet, as reported by the 2019 United Nations Conference on Trade and Development – UNCTAD Handbook of Statistics for Maritime Transport².

All those ships, however, are not only used for legal objectives. Every year, a wide spectrum of crimes is committed on board and or using ships for their consummation, from minor issues like theft of personal property to more serious crimes like sexual assault and murder.

A great example of the use of ships for illegal purposes is drug trafficking via sea, in which criminal organizations take advantage of the affinity and diversity of goods loaded on a ship to transport drugs - with or without the shipowner's knowledge - from one point to another across the globe.

In general, as expected, narcotics are taken from producing countries to consuming countries. Thus, one of the main routes of drug trafficking by sea has as its starting point the countries of the American arc of the South Atlantic – especially Colombia, Venezuela, Brazil, and Argentina - and the United States and Europe as its destination, commonly using African countries as pitstops.

After the initial explanation, this article will analyze in detail this drug trafficking route, its history, its numbers, its consequences for maritime security in the region, and the existence and sufficiency of international efforts to combat it.

2. Historical Background

The use of the sea and vessels to practice illicit activities – including the transport of prohibited goods - is not exactly a novelty in the history of mankind. This is because, the

² United Nations Conference on Trade and Development – UNCTAD. 2019 Handbook of Statistics for Maritime Transport. Available at: <https://unctad.org/system/files/official-document/tdstat44_FS14_en.pdf> Accessed: December 1st, 2020

relentless pursuit of profit and wealthiness has always led men to overcome all barriers - including the law – to achieve financial prosperity.

Although it is not possible to specify when or what were the first records of illegalities perpetrated in waterways, it is certain that this has been happening for thousands of years.

Since ancient times, there are several records of piratical attacks on the sea. As stated by Philip de Souza “murder, pillage and kidnap by seaborne raiders were familiar terrors for many inhabitants of the Mediterranean in Classical times”³, referring to reports of piracy - although this term had not been mentioned at the time - in the Greek and Roman empires.

Likewise, the transportation of prohibited goods by the sea is a practice that refers to, at least, centuries ago. An example is the trafficking of enslaved people - who, at the time, were denied their humanity and were considered commodities - from Africa to South America even after the ban on this practice.

Brazil, for example, enacted a law that prohibited the slave trade to Brazil in November 1831, declaring free the enslaved people who arrived there and severely punishing importers. However, the fact that this law was passed only because of external pressure from the British Empire - which aimed to expand its consumer market and make the production of its sugar industry in the Antilles more competitive – and that the political elite of the country was still formed by slaveowners caused this law to be ineffective in combating slavery⁴ and the slave trade continued until the Golden Law (Lei Áurea) was passed on May 13th, 1888.

That said, it becomes clear that the use of the ocean and vessels for the transportation of prohibited goods, even more, for the practice of illicit activities in general,

³ SOUZA, Philip de. Piracy in the Graeco-Roman World. 2nd Ed. Cambridge: Cambridge University Press, 2002. P. 1

⁴ This law gave rise to a popular expression used in Brazil and Portugal until today: "law for English to see", used to refer to rules established without any inspection of its effectiveness or practical application.

is a phenomenon that is confused with the very formation and development of humanity. Thus, just as it is not possible to specify the beginning of this practice, which lasts until the present day, at least for now it is not possible to envision its end.

However, despite the antiquity of these illegal practices:

“Transnational organized crime at sea has only recently been recognized as a major security issue that requires political attention. Crimes such as maritime piracy, the illicit trafficking of people, narcotics, arms or waste by the sea, and environmental crimes such as illegal fishing or pollution are increasingly important dimensions of ocean governance and the associated maritime security and law enforcement agenda.”⁵

In that sense, as aforementioned, piracy and international drug trafficking can be raised to the rank of main illegal activities developed at sea today. The second one, then, is the object of this study so that it will be analyzed in detail in the following topic.

3. Maritime Drug Trafficking Today

In the same way that drug trafficking is one of the main illegal activities developed at sea today, the maritime modality is among the main ones used for the international transport of drugs. It is, therefore, a two-way relationship, in which both elements - drug trafficking and maritime transport - seem to be intrinsically related.

The main reason for choosing the means of maritime transport for international drug trafficking is the cost-benefit ratio of this modal. That means through the use of vessels, it is possible to transport a much larger amount of drugs compared to trafficking by air at a cost also considerably lower. While people hired by criminal organizations - a tactic widely used in countries in South America - manage, at most, to carry a few kilograms of drugs in their

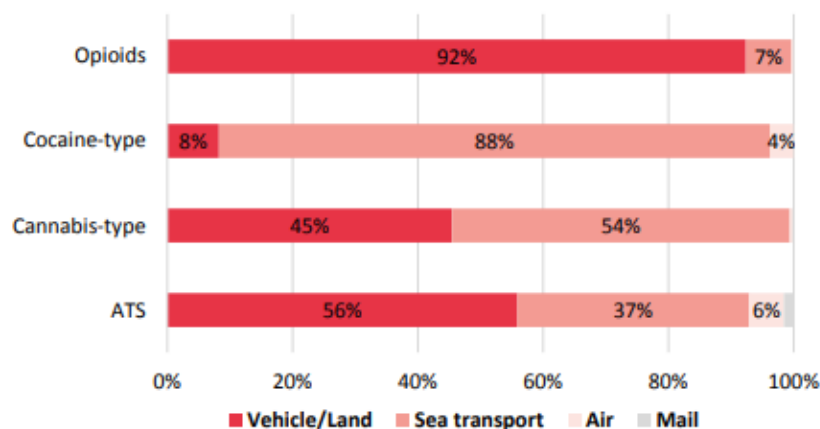
⁵ C. Bueger and T. Edmunds. Blue crime: Conceptualising transnational organised crime at sea. Marine Police, 119, 104067. Available at: < <https://doi.org/10.1016/j.marpol.2020.104067>>

luggage or even on their bodies, on boats it is possible to take tons of drugs in a single trip, making much more profitable efforts.

In times of pandemic, it is possible to add one more advantage of maritime drug trafficking. According to the United Nations Office on Drugs and Organized Crime (UNODC), COVID-19 prevention measures reduced dramatically the air traffic and “increased the risk of interception when the drug is trafficked by land as such shipments may now be intercepted more frequently”⁶, what may represent a switch in the method of drug trafficking organizations.

Below, a chart produced by UNODC that shows the participation of each transport modality used in international drug trafficking, which demonstrates the importance of the maritime modality for this practice – especially for the trafficking of cocaine-type narcotics.

Modes of transportation, by substance (as a percentage of weight seized), UNODC Drugs Monitoring Platform, January 2017–April 2020



Source: UNODC Drugs Monitoring Platform.

⁶ United Nations Office on Drugs and Organized Crime Drugs Monitoring Platform. COVID-19 and the drug supply chain: from production and trafficking to use. Available: <<https://www.unodc.org/documents/data-and-analysis/covid/Covid-19-and-drug-supply-chain-Mai2020.pdf>> Accessed: January 1st, 2021.

Figure 1: Modes of Transportation, by substance (as a percentage of weight seized), UNODC Drugs Monitoring Platform, January 2017-April 2020

These numbers may change in the next few months or years with gains in the participation of the maritime modal for the transport of opioids. After all, according to the aforementioned report, “there are early indications that heroin trafficking from Afghanistan to Europe may indeed be shifting southwards and from land to maritime transportation”⁷.

In terms of means used to transport drugs via sea, maritime drug trafficking can be divided into two general categories: 1) use of own means/vessels; 2) use of third-party vessels.

In the first category, criminal organizations manage to buy or build their own vessels. Usually, small port vessels, such as yachts and sailboats, are built or adapted to carry drugs inside them in order to do not attract the attention of the authorities or prevent them from locating it in case of inspection. The use of small vessels also brings a logistical advantage: the dispensability of organized ports for loading or unloading the drug, so that these operations can take place on any pier or dock - legal or not.

The search for not attracting the attention of the authorities made criminal organizations go beyond traditional vessels and create new specialized smuggling vessels. Since the beginning of the 1990s they have been using submarines to move narcotics to Europe and to the United States, which can submerge a few meters in order to avoid the maritime authorities' radars.

This kind of vessels is also known as narco-submarine (or drug sub in a popular language) and, as stated by Carsten Weerth, although they are known to be used since the

⁷ United Nations Office on Drugs and Organized Crime. Op. Cit.

early 1990s, “a new Narco-Submarine Epidemic is under way since 2018 when 35 Narco-Submarines were seized and in 2019 when 36 Narco-Submarines were seized”⁸.

This situation is aggravated by the fact that – in addition to the Pacific Route from Colombia to the United States – narco-submarines are being used to smuggle narcotics from South America to Europe, crossing the Atlantic. As stated in the United Nations’ World Drug Report 2020, “the use of submersibles or semi-submersibles traversing the Atlantic Ocean is a new development that poses additional challenges for law enforcement authorities trying to intercept cocaine shipments”⁹.

In one of those cases, for example, a Spaniard and two Ecuadorians were arrested in December 2019 after the submarine on which they were on - and which carried around three tons of cocaine - stranded on the coast of Galicia, Spain. The twenty-meters long vessel had left Leticia, on the Amazonian border between Brazil and Colombia, traveled the Amazon River and the Atlantic to reach the Iberian coast, where the mission was aborted due to engine problems associated with unfavorable sea conditions¹⁰.

On the other hand, smugglers use third-party vessels – usually cargo ships and container ships – to smuggle the narcotics to their final destinations.

In this genre of maritime trafficking, the criminal organizations bribe port workers that operate in the logistics chain to smuggle drugs into containers among legal cargo that are being exported by reputable companies, without their knowledge, either bypassing the container scanning system or using small boats and ropes to hoist packages full of cocaine into ships at sea - in a kind of “drug fishing”.

⁸ Weerth, Carsten: Cocaine Smuggling by Help of Narco-Submarines from South America to Europe and Africa: A Proven Case – A Last Wake-Up Call for Customs Services Around the World, Customs Scientific Journal CUSTOMS, ISSN 2518-1599, University of Customs and Finance, Dnipropetrowsk, Iss. 1/2020, pp. 37-42, <<http://csj.umsf.in.ua/archive/2020/1/7.pdf>>

⁹ United Nations Office on Drugs and Organized Crime. World Drug Report 2020. Booklet 3: Drug Supply. Available: <https://wdr.unodc.org/wdr2020/field/WDR20_Booklet_3.pdf>

¹⁰ P. Ortega Dolz; N. Carreter; A. Galocha; Ma. Zafra. “26 dias no submarino com cocaína que atravessou o Brasil”, Available at: <https://brasil.elpais.com/brasil/2019/12/13/internacional/1576232797_250425.html>

Besides the means used to transport narcotics via sea, it is possible to highlight two main international routes of maritime drug trafficking: 1) the Southern Route and; 2) the South Atlantic Route.

The first one consists of a well-established maritime path for the outflow of opioids produced in Central Asian nations through the Arabian Sea towards both West and East. In the East, they are transported in the Indian Ocean through South Asian countries, including India, Sri Lanka, and the Maldives, and reach further destinations. In the West, it flows from the major producers of opioids (Afghanistan, Islamic Republic of Iran, and Pakistan) to Europe through the West Coast of Africa.

The second one is the main subject of this paper, so it will be studied in a specific topic below.

4. The South Atlantic Drug Trafficking Route

As explained in the introduction, the South Atlantic route has as its starting point the countries of the American arc of the South Atlantic— especially Colombia, Venezuela, Brazil, and Argentina - and the United States and Europe as its destination, commonly using African countries as pitstops. This route “has the world’s most concentrated net of drug trafficking”¹¹.

This route is responsible for overflowing the production of narcotics to Europe from South America, where are located the major cocaine producers in the world: Colombia, Bolivia, and Peru, in this exact order. Colombia has around 70 percent of the global area under coca cultivation, Peru 20 percent, and Bolivia 10 percent¹². That means the region concentrates almost the totality of world production.

¹¹ DUARTE, Érico; MARCONDES, Danilo; CARNEIRO, Camilo. Facing the Transnational Criminal Organizations in the South Atlantic. In: Maritime Security Challenges in the South Atlantic. Available at: <https://doi.org/10.1007/978-3-030-05273-7_2>

¹² United Nations Office on Drugs and Organized Crime. Op. Cit.

This production flows through two different routes: the first one starts in Colombia and goes to the United States either by sea through the Pacific Ocean, by land through Central America, or by air. The second one starts in South America and has its end in Europe, the second-largest market for cocaine worldwide¹³.

In the second route, although most of the cocaine trafficked to Europe continues to be smuggled directly from Colombia, every year Brazil gains more importance as a major departure point for cocaine trafficked to Europe¹⁴.

The country has been used as a way to overflow most of the cocaine produced in Bolivia and part of the Colombian production. The narcotics cross Paraguay and get in Brazil through its land border and is carried hidden in vehicles on Brazilian highways to storage points or directly to important ports, such as Santos (SP), Itajaí (SC) e Paranaguá (PR).

At those ports, the narcotics are shipped on cargo ships – generally hidden among legal cargoes – and then proceeds to European ports. The main destinations are the ports of Antwerp (Belgium), Rotterdam (Netherlands), and Algeciras (Spain)¹⁵.

Another possibility is the shipment of these drugs by ship to countries in the Gulf of Guinea, such as Nigeria, Cameroon, Ghana, and Togo, and then flying in small quantities to Europe. In other words, even though they are not producers or consumers of drugs, these regions are used by criminal organizations as transshipment areas for narcotics addressed to Europe and other profitable markets.

Below, the chart describes in detail the regions used by criminal organizations for drug trafficking on the South Atlantic route

¹³ Ibid.

¹⁴ European Monitoring Centre for Drugs and Drug Addiction and Europol. EU Drug Markets Report 2019. Available at: <https://www.emcdda.europa.eu/publications/joint-publications/eu-drug-markets-report-2019_en>

¹⁵ United Nations Office on Drugs and Organized Crime. Op. Cit.

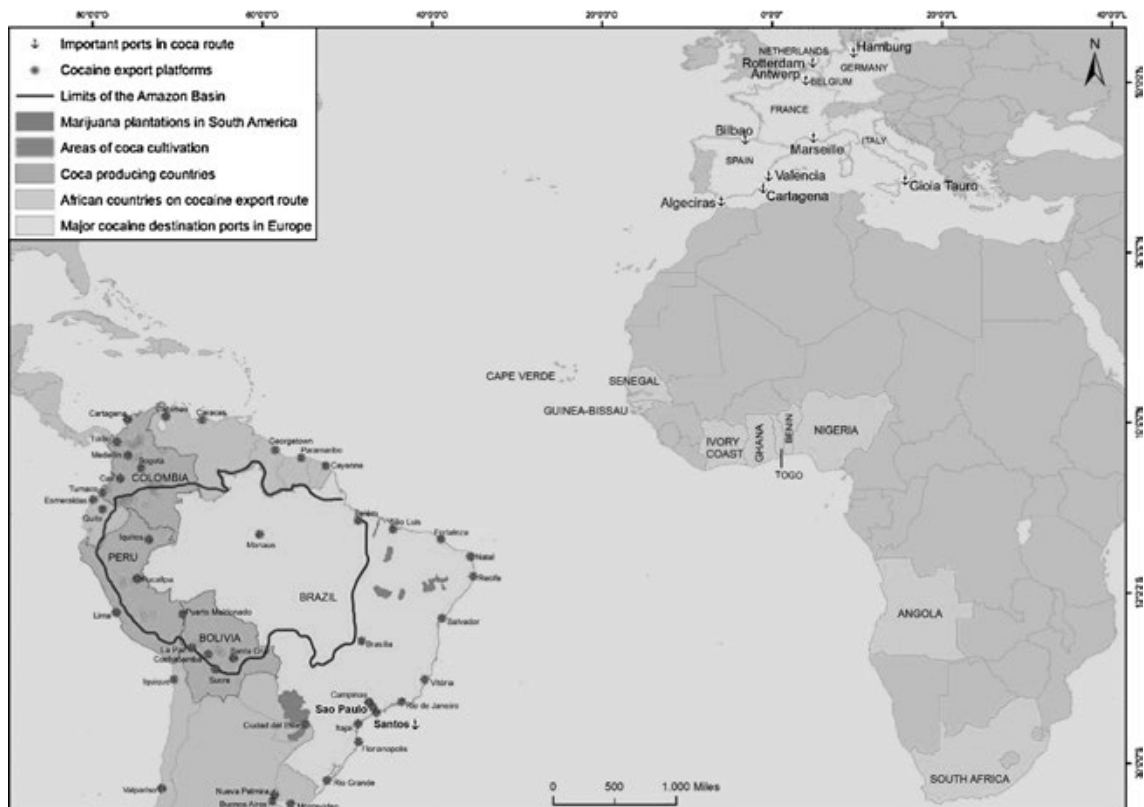


Figure 2: Drug trafficking logistics across the South Atlantic

Source: Camilo Carneiro¹⁶

Analyzing the numbers, it is possible to notice a growth in cocaine seizures in all stages of the South Atlantic route: from the shipper states (South America) to the recipient states (Europe), including the transshipment states (those used as pitstops for the narcotics between South America and Europe).

In Brazil, the Federal Revenue Service – responsible for customs control – registers record amounts of cocaine seized at ports year after year. For example, the cocaine seizures carried out in the Port of Paranaguá – second-major in the country - reached the mark of

¹⁶ DUARTE, Érico; MARCONDES; CARNEIRO, Camilo. Op. Cit.

15.23 tons in 2019, which exceeds by 211% the amount seized in 2018, which was 4.89 tons¹⁷.

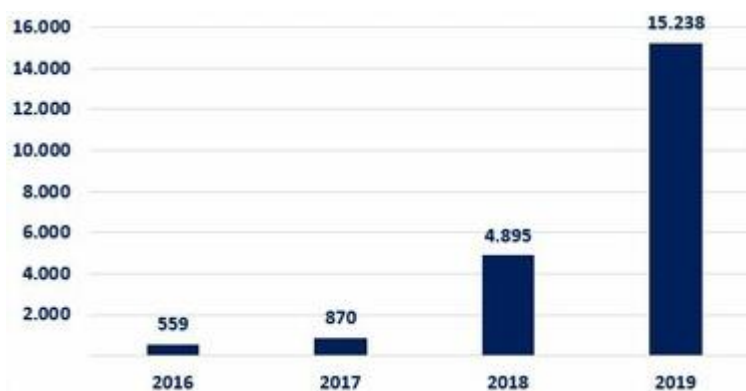


Figure 3: Evolution of the cocaine seizure at Port of Paranaguá

Source: Brazilian Federal Revenue Service

It is worth mentioning that the trend is that a new record will be set in 2020. Only in December, Brazilian Federal Revenue Service has made at least four major seizures at Brazilian ports. In one of these operations, almost 3 tons of narcotics were found at the Port of Santos in a single cargo of aluminum coil destined for the port of Rotterdam, Netherlands¹⁸.

The rising numbers of seizures can also be seen at the recipient States, which means those where the narcotics are sent to. According to UNODC, the amount of cocaine seized

¹⁷ Brazilian Federal Revenue Service. Receita Federal bate recorde de apreensões de cocaína no Porto de Paranaguá em 2019. Available at: <<https://receita.economia.gov.br/sobre/acoes-e-programas/acoes-da-receita-federal/noticias/2020/janeiro/9a-regiao-fiscal/receita-federal-bate-recorde-de-apreensoes-de-cocaina-no-porto-de-paranagua-em-2019>>

¹⁸ Brazil Federal Revenue Service. Receita Federal faz apreensão histórica de cocaína no Porto de Santos. Available at: <<https://www.gov.br/pt-br/noticias/justica-e-seguranca/2020/12/receita-federal-faz-apreensao-historica-de-cocaina-no-porto-de-santos>>

in Western and Central Europe almost tripled between 2014 and 2019. While 62 tons were apprehended in 2014, in 2018 it was registered the seizure of 177 tons¹⁹.

Lastly, the transshipment states also record growth in cocaine seizures. Considering Africa as a whole, cocaine seizures rose from 1.2 tons in 2015 to 5.6 tons in 2018. On the other hand, considering only the countries used on the South Atlantic Route, in 2018 cocaine seizures rose 73 percent in Ghana and 26 percent in Nigeria compared to 2017²⁰.

In addition, the recurring registration of significant individual seizures of cocaine in African nations in 2019 and 2020 suggest that the total amount of cocaine seized may have risen over the historical record of more than 71 tons achieved in 2018, most of it resulting from major apprehensions in West and Central Africa²¹ - exactly the region used on the South Atlantic route as a pitstop between South America and Europe – in which were seized more than 41 tons.

By reading these data, it is possible to reach to main conclusions. The first one is that Brazilian seaports have become a fundamental crossing point in the route of cocaine trafficking between the Andean countries that produce the narcotics and the consumer market in Europe. The second one is that the rising cocaine seizures in West and Central Africa suggest a major expansion of cocaine trafficking to/via this region.

On the other hand, it is not clear whether this increase in the number of seizures and the amount seized is directly due to the increase in the use of these means for the international transport of drugs or, it is only due to the increase and innovations in the means of inspection used by public authorities.

In Brazil, for example, the Federal Revenue Service selects cargoes for more detailed checking by objective risk analysis criteria, including non-intrusive inspection by scanning

¹⁹ United Nations Office on Drugs and Organized Crime. Op. Cit

²⁰ United Nations Office on Drugs and Organized Crime. DATAUNODC: Seizure Trends. Available at: <<https://dataunodc.un.org/data/drugs/Seizures%20trend>>

²¹ United Nations Office on Drugs and Organized Crime. Op. Cit

images and, in addition, the use of sniffer dogs to detect the presence of drugs. For this purpose, it separates the cargoes by channels (green, yellow, and red) according to the risk of the presence of drugs according to the reliability of the exporting company. Eventually, the Revenue changes the classification and inspects green channel cargoes in a more detailed way to surrender criminal organizations that try to smuggle narcotics in reliable cargo.

Thus, because of this more incisive action by public authorities and the considerable increase in the number of seizures, criminal organizations are seeking alternative departure points (ports) for narcotics trafficked from South America. In December 2019, for example, Uruguayan law enforcement authorities apprehended more than 6 tons of cocaine at the Port of Montevideo, which were addressed for Togo, in West Africa²².

5. Drug Trafficking via the South Atlantic Route and Its Consequences to the Regional Security

There is no doubt about the negative repercussions for the internal security of the countries involved in international drug trafficking. From the sending countries to the recipient states, through those used as pitstop for narcotics. All of them face social and security problems related to this illegal activity. This, however, is not the focus of this paper.

The objective of this topic, then, is to present the two main reflexes of drug trafficking by the sea on the South Atlantic Route to the regional security, namely: the possibility of creating or elevating tension between States and the strengthening of criminal organizations that operate in international drug trafficking.

²² Lucia I. Suarez Sang, “Uruguay seizes 6 tons of cocaine worth \$1B in country’s largest bust”, Fox News, 28 December 2019.

5.1. Possibility of creating or heightening tension between states

The first consequence of the drug trafficking in the South Atlantic Route is that the constant flow of narcotics and criminals – most of which belong to those nations - can give origin or intensify existing tension between the States used by criminal organizations on this route. Either due to the difficulty in establishing or limiting the responsibility of each state in combating trafficking or because of state interests in the situation, especially with regard to its citizens.

As an example of this possibility, it is possible to mention the Rich Harvest Case, which took place between August 2017 and February 2019.

In this case, three Brazilians and a French national were hired by a British citizen to deliver a British-flagged yacht, called Rich Harvest, from Salvador (Brazil) to Azores (Portugal), with a dock up in Natal (Brazil) to refuel, pick up supplies and for maintenance, after it spent nearly a year undergoing repairs in a Brazilian boatyard.

A few days before Rich Harvest set sail from Natal, Brazilian Law enforcement agents raided the vessel. They carried out a six-hour inspection even using sniffer dogs, but nothing was found, and the ship was allowed to leave.

It happens that during navigation, bad weather and unfavorable sea conditions, along with a fire in the engine, and mechanical problems, had thrown the vessel off course and the crew was forced to divert to the port of Mindelo, Cape Verde.

At the port, Cape Verde marine cops were waiting and proceeded an inspection on the vessel, in which more than a ton of cocaine was found hidden in secret compartments. It was buried beneath concrete in a false hull, which could only be accessed by removing fitted furniture, lifting a 600L water-tank, smashing through the fake floor, and taking grinders to a steel plate.

Initially, all the crew was arrested and sentenced to 10 years in prison in Cape Verde. However, the Brazilian government – believing in the innocence of the Brazilian crew members – put pressure on the Cape Verdean to release them. Officially, the Brazilian President at the time went to Cape Verde to a meeting of the Community of the Portuguese Speaking Countries (Comunidade dos Países de Língua Portuguesa –CPLP), but during the trip had a private meeting with the Cape Verdean President to demand their release²³.

Five months after this meeting, the Cape Verdean Justice revoked the judgment, allegedly for the affecting of the right to an adversary system and full defense, declaring innocent the Brazilian crew members and releasing them in February 2019²⁴.

Although there was no report of open tension between the States involved – Brazil and Cape Verde – in this case, it is undeniable that situations like that are able to generate diplomatic misunderstanding. Even though officially, the Brazilian only have asked for “attention” to the case, this attitude can be interpreted as an attempt to unduly interfere in the state sovereignty and the independence of its justice system.

Therefore, the matter of the South Atlantic Route may have the States’ attention as it is able to create or elevate tension between them due to the internationality of the illegal activities, consequently, of their perverse effects.

5.2. Strengthening of criminal organizations and extremist networks

²³ MIRANDA, Giuliana. Temer pede a líder de Cabo Verde atenção a caso de brasileiros presos por tráfico. **Folha de São Paulo**. 17 jul. 2018. Disponível em: <<https://www1.folha.uol.com.br/mundo/2018/07/temer-pede-a-lider-de-cabo-verde-atencao-a-caso-de-brasileiros-presos-por-trafico.shtml>> Acesso em: 12 dez 2020

²⁴ **G1**. 02 dez 2018<<https://g1.globo.com/ba/bahia/noticia/2018/12/02/justica-de-cabo-verde-determina-anulacao-do-julgamento-dos-velejadores-brasileiros-presos-com-1-tonelada-de-cocaina.ghtml>> Acesso em: 12 dez 2020

Beyond state relations, the drug trafficking in the South Atlantic Route may cause internal issues to the states as the criminal organizations involved – both from Europe and South America – exchange knowledge and supplies to strengthen their operation and improve their profits.

According to Armando Marques Guedes, modern criminal organizations, instead of establishing hierarchical relationships with members and groups spread across the trafficking route, tend to establish “social networks” of crime.

Besides the practical effects and advantages of establishing social networks, Marques Guedes perfectly highlights a psychosocial one: subjective ductility (ductilidade subjectiva):

“In a hierarchy, the obedience to “superior orders”, in the material author of an action, a higher or lower sense of unaccountability for the effective success of a plan, or campaign, a plan in which the outline was by someone else's norm and whose objectives sound so strange to him or are relatively indifferent to him. In a network, on the contrary, each character may have the impression that he adheres spontaneously and voluntarily to a model that inspires him, but a model that leaves him a sufficient degree of conformation to feel his actions as his actions and dedicated to a purpose with which it fully identifies its Weltanschauung [Worldview; ideology]. For that reason, networks constitute a much more seductive structure, capable of generating a desire for adherence on the part of the most disparate actors and their availability to perform on such distant places [...].”^{25 26}

In the South Atlantic Route, it is clear the existence of a network. While the clandestine transport of the narcotics from the producing states (Colombia, Bolivia, and

²⁵ In a free translation: Numa hierarquia, a obediência a “ordens superiores” gera, no autor material de uma acção, um maior ou menor sentido de desresponsabilização pelo sucesso efectivo de um plano, ou campanha, um plano cujodelinear lhe foi por norma alheio e cujos objectivos lhe soam tantas vezes estranhos, ou lhe são relativamente indiferentes. Numa rede, pelo contrário, cada personagem pode ter a impressão de que adere de maneira espontânea e voluntária a um modelo que o inspira, mas um modelo que lhe deixa um suficiente grau de conformação para sentir as acções como acções suas e dedicadas a uma finalidade com a qual identifica plenamente a sua Weltanschauung. A rede constitui, por isso, uma estruturação bem mais sedutora, capaz de gerar uma vontade de adesão por parte dos sujeitos mais díspares e uma disponibilidade deles para actuar em palcos tão distantes.

²⁶ MARQUES GUEDES, Armando. *Ligações Perigosas: Conectividade, Coordenação e Aprendizagem em Redes Terroristas*. Coimbra, 2007. Edições Almedina S/A. p. 139

Peru) to Brazilian ports is done by Brazilian criminal factions, especially by the one called First Command of the Capital (Primeiro Comando da Capital – PCC), European organizations are responsible for receiving, disembarking, and distributing the narcotics to the consumer markets. There is no hierarchy between the organizations, which acts as true “business partners”.

In the South Atlantic Route, there are several examples of networks established by South American criminal organizations – especially PCC and Red Command (Comando Vermelho) to overflow narcotics. Duarte, Marcondes, and Carneiro have shown that there are reports of the arrestment of members of Colombian FARCS, Chinese “Pi Xiu”, Japanese Yakuza, Mexican cartels (Los Zetas, Jalisco New Generation, and Simola), Nigerian “419 syndicates”, Italian Ndrangheta and Balkan and Russian/ Chechen “mafyas” in Brazil and Argentina in the last decade²⁷.

As if the strengthening “traditional” criminal organizations were not enough to alert the international actors – states and organizations - to the dangers of the drug trafficking in the South Atlantic Route, Jack Cann, and Christopher Ploszaj precisely describes a link between the financing of terrorism and the drug trafficking in West and Central Africa. In their words:

“In West and Central Africa, well-organized, well-equipped, and well-funded drug trafficking networks are manipulating and corrupting weak governments, which is creating an environment where extremists operate unencumbered and where they exploit otherwise unrelated criminal enterprises to facilitate their operations.”²⁸

In this sense, they highlight that drug enforcement agents and African experts associate the extremist group Hezbollah with the drug trafficking in the South Atlantic Route.

²⁷ Duarte, Érico; CARNEIRO, Camilo. Op. Cit.

²⁸ CANN, Jack and PLOSZAJ, Christopher. “Combating the Trans-South Atlantic Drug Trade” IDA Research Notes, 13-15, March 2010.

As aforementioned, this route usually uses West Africa as a pitstop and that is where the group works.

This situation undoubtedly exacerbates the risk associated with drug trafficking along the South Atlantic Route as it involves and strengthens extremists with international action and sufficient war power to cause incidents with large-scale fatalities.

It happens that, despite the widespread knowledge of this association between "traditional" criminal organizations and extremists in the drug trafficking along the South Atlantic Route, both national and international law enforcement agents insist on compartmenting crime and extremism into separate missions and organizations, on diverting resources and manpower from counter-terrorism priorities to "traditional" crimes, such as counternarcotics. Thus, has not been many attempts to harmonize these fields.

6. International Efforts to Combat Drug Trafficking on the South Atlantic Route

Indeed, the performance of one country alone is not enough to combat international drug trafficking. To fight this practice, international cooperation - whether from states or international organizations - is more than important: it is a sine qua non condition, without which international drug trafficking must not only last but also intensify.

As stated by Ralph Espach over the major importance of international cooperation at sea:

"Cooperation at sea, from the sharing of information to the agreed-upon crossing of maritime borders in the line of duty, to actual joint operations, can enhance public safety and security. Money is saved, and effectiveness improved when neighbours agree to share information from their radars or sensors, operational infrastructure, lessons learned from recent operations, and intelligence. Security cooperation has strategic benefits: dialogue and cooperation on matters of security promote international understanding, confidence, and peace. For all these reasons,

promoting and engaging in MSC are a great deal of what most coast guards and navies do on a daily basis.”²⁹

Thus, in this chapter, some of the main international initiatives to combat international drug trafficking via the maritime South Atlantic Route will be presented - from the most general to the most specific - at the end of which a qualitative analysis of such instruments will be made.

6.1. United Nations Convention on the Law of the Sea – UNCLOS

At the same time that the United Nations Convention on the Law of the Sea - UNCLOS is the main instrument to govern state relations over the sea, it scarcely mentions the trafficking of narcotics along with its 320 articles and 12 annexes. As a matter of fact, UNCLOS has only two articles concerning drug trafficking.

The first one is Article 108, which imposes the state obligation to “cooperate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to international conventions”³⁰ and allows the States to request the cooperation of other States whenever there is “reasonable grounds for believing that a ship flying its flag is engaged in illicit traffic in narcotic drugs or psychotropic substances”³¹.

On the other hand, there is Article 27, which forbids the States to exercise their criminal jurisdictions – that means arresting any person or conducting any investigations - over foreign ships during its innocent passage through the territorial sea, unless “such

²⁹ ESPACH, Ralph. Reflections on the Ends, Ways, and Means of Maritime Security Cooperation in the South Atlantic. In: Maritime Security Challenges in the South Atlantic. Available at: <<https://doi.org/10.1007/978-3-030-05273-7>>

³⁰ UNITED NATIONS. United Nations Convention on the Law of the Sea. Montego Bay, 1982.

³¹ Ibid.

measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances”³².

This absence of objective rules and duties for the states is explained by the differences in economic, organizational, and social power between coastal states – either signatories or not. It is not possible to demand the same actions and level of commitment from developed and developing states, so that is impossible to establish a single general rule for all.

6.2. The 1988 Vienna Drug Trafficking Convention

Just as UNCLOS, the 1988 Vienna Drug Trafficking Convention has a specific article concerning drug trafficking via sea – its Article 17. Conforming to the Montego Bay Convention, it imposes a general duty to “cooperate to the fullest extent possible to suppress illicit traffic by sea”³³.

However, unlike UNCLOS the Vienna Convention confers objective prerogatives to the signatory states, such as the right to board and search and take appropriate actions with respect to the vessels of other State parties engaged in illicit drug traffic - promptly informing the flag State concerned of the results of that action.

As rightly noted by Gauthier Moureau:

“The two international conventions mentioned before (the 1982 United Nations Convention of the Law of the Sea and the 1988 Convention) should be applied together to get a broad view on the legal framework in order to fight against drug trafficking by sea. Often, the 1988 UN Convention against Illicit Drug Trafficking in Narcotic Drugs and Psychotropic Substance will be far more detailed than this one

³² Ibid

³³ UNITED NATIONS. United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Vienna, 1988.

dedicated article in the UNCLOS, but in the area of cooperation between states the UNCLOS also has a very broad scope.”³⁴

However, due to its general nature, the 1988 Vienna Drug Trafficking Convention lacks specific rules for combating trafficking by sea. After all, this convention alone does not establish specific rights and duties of the states, so it is not sufficient for this purpose.

6.3. United Nations Office on Drugs and Crime (UNODC)

The United Nations Office on Drugs and Crime (UNODC) is the agency linked to the UN responsible for studying, gathering data, provide information, and encourage the development of national and international instruments to combat drug trafficking.

The Office bases its actions into five normative areas of activity: Strengthening Member States’ capacity to confront threats from transnational organized crime; Tackling corruption and its catastrophic impact on societies; Strengthening crime prevention and building effective criminal justice systems; Countering terrorism; Supporting Member States in implementing a balanced, comprehensive and evidence-based approach to the world drug problem that addresses both supply and demand.

In this sense, UNODC has launched its Global Maritime Crime Programme (GMCP). Initially, it was created in response to United Nations Security Council resolutions calling for a concerted international response to address piracy off the Horn of Africa. Then it was gradually expanded and today it aims to fight crimes committed at sea in five different regions: Latin America and Caribbean; Gulf of Aden and Red Sea, Indian Ocean (East and West), Pacific Ocean, and Atlantic Ocean.

³⁴ Moureau, Gauthier. The legal framework in order to fight against drug trafficking at sea: A critical analysis. Master Dissertation, Universiteit Gent, 2017. Available at: <https://lib.ugent.be/fulltxt/RUG01/002/376/203/RUG01-002376203_2017_0001_AC.pdf>

This last region includes the States located at the Gulf of Guinea (West Africa), used as a pitstop in the drug trafficking South Atlantic Route, where it works primarily to strengthen the criminal justice systems by providing workshops for the maritime law enforcement authorities to effectively investigate, prosecute and punish maritime crimes, support legal reform, ensure effective institutions and to encourage regional and international cooperation³⁵.

6.4. African and South American efforts

Besides the aforementioned international conventions and agencies linked to the United Nations, it is important to highlight that the States used by criminal organizations on the South Atlantic Route have their own treaties and efforts to combat the drug trafficking via sea.

The first that worth mentioning is the Economic Community of Central African States (ECCAS)'s joint maritime strategic, launched in 2008, and followed by the Kinshasa Protocol concerning the sharing of information and maritime law enforcement responsibilities, the Gulf of Guinea Commission's maritime strategy (2013) and the Economic Community of West African States (ECOWAS), 2014. As mentioned by Duarte, Marcondes, and Carneiro:

“The convergence of West and Central Africa's cooperation resulted, in 2013, in the ‘Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships, and Illicit Maritime Activity in West and Central Africa’, better known as either the Gulf of Guinea Code of Conduct or the Yaoundé Code of Conduct”³⁶

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36 DUARTE, Érico; MARCONDES, Danilo; CARNEIRO, Camilo. Op. Cit

All those instruments and structure were gathered in an “umbrella structure to articulate all those regional and zonal arrangements and to attend as a source of best practices and instruction on maritime security procedures”³⁷.

On the other hand, the South American States also have joint initiatives with regard to combating drug trafficking by sea. These initiatives, however, seem to be more integrated with the States of destination of narcotics trafficked by the South Atlantic Route:

“In the other side of the South Atlantic, Brazil, Argentina, and Uruguay share a level of cooperation in maritime traffic control through the Regional Centre of Maritime Traffic of South Atlantic Area. This institution attends most of the existing protocols for interface with European and US systems, though the articulation with ICC and other African maritime security structures is very incipient.”³⁸

From an inter-regional point of view, African and South American States have already tried to establish instruments to act jointly in order to ensure the peace and the security of the South Atlantic region. Nevertheless, even though it is possible to mention the existence of the Zone for Peace and Cooperation in South Atlantic (ZPCSA) – which exists since 1986 -, this organization has no outstanding or effective action in combating drug trafficking along the South Atlantic Route.

6.5. The United States of America and the European Union action

In addition to the initiatives of the shipper and transhipper States, it is also important to demonstrate the actions taken by the two main international actors involved in the situation: the United States of America and the European Union - the main foreign donors

³⁷ Ibid

³⁸ DUARTE, Érico; MARCONDES, Danilo; CARNEIRO, Camilo. Op. Cit.

of South Atlantic security initiatives³⁹. Their interest in the region interests in the region goes beyond the fact that they are the final destinations on the South Atlantic Route and the consumer markets for the trafficked narcotics.

According to Machado, for example: “The U.S. is interested in maintaining the security of the region, ensured by the presence and activities of state and multilateral actors, combating drug trafficking, illegal immigration and ensuring freedom of navigation”⁴⁰.

For that reason, its Department of Defense created the Unified Combatant Command, the United States Africa Command (USAFRICOM) in February 2007. A military division primarily responsible for planning and leading military in Africa but formed also by civil staff to face other humanitarian activities in conformity with the US defense strategy for preventing conflicts⁴¹.

On the other hand, the European Union action on the matter can be divided into two categories: declaratory policy (output), operational policy (outcome)⁴². The first one consists of the elaboration of policies and documents of interregional cooperation (EU–Africa and EU–Latin America) aimed at combating drug trafficking on the South Atlantic Route, such as the European Pact to Combat International Drug Trafficking – Disrupting Cocaine and Heroin Route (Council of the European Union, 2012).

Besides that, worths mentioning that the EU has adopted several projects to support South America primarily in order to reduce the narcotics supply in its territory. The main one is the Cooperation Programme on Drugs Policies (COPOLAD) which aimed to “improve the coherence, balance, and impact of drugs policies, through the exchange of mutual

³⁹ DUARTE, Érico; MARCONDES, Danilo; CARNEIRO, Camilo. Op. Cit.

⁴⁰ MACHADO, Luís Rodrigo. Cooperative Security Strategy in The South Atlantic: United States Internal Determinants and Region Resignification. Master Thesis. Master’s in international strategic studies. Federal University of Rio Grande do Sul, 2017

⁴¹ Ibid.

⁴² Joren Selleslaghs (2016) The EU’s performance in Latin America’s fight against drugs and related organized crime, *Global Affairs*, 2:5, 527-537, DOI: 10.1080/23340460.2016.1276403

experiences, bi-regional coordination and the promotion of multisectoral, comprehensive and coordinated responses”⁴³.

7. Conclusion

In view of all the exposed in this paper, it is possible to conclude that, despite the increasing numbers of apprehensions and international attention focused on drug trafficking on the South Atlantic Route, all efforts that were undertaken to combat this practice - whether regional or international - do not demonstrate be sufficient for this purpose.

As a matter of fact, although impressive and extremely necessary, the presented initiatives lack a harmonical and effective strategy against the structural sources of transnational organized crime⁴⁴ and seem to be much more responsive than preventive, not attacking the cause of the problems - just their consequences.

As perfectly highlighted by Cann and the growth of the drug trade through the South Atlantic drug trade is particularly troublesome because there is not a clear or harmonic strategy for countering it⁴⁵. This is partly due to the organizational and cooperative level of the countries of South America and West Africa:

“First, the South Atlantic regional organizations do not have anything equivalent to the range and functionalities of the European Union’s border and maritime agencies. Regional organizations with security roles around the South Atlantic have acquired increasing relevance and functionality, but they do not perform regulatory tasks with cross-jurisdictional authority and institutional and operational structures.”⁴⁶

⁴³ European Commission. (2016). Latin America – COPOLAD – Cooperation programme on drugs policies with EU. Retrieved from https://ec.europa.eu/europeaid/regions/copolad-cooperation-programme-between-latin-america-and-european-union-drugs-policies_fr

⁴⁴ Ibid.

⁴⁵ Cann, Jack and Christopher Ploszaj. Op. cit.

⁴⁶ DUARTE, Érico; MARCONDES, Danilo; CARNEIRO, Camilo.. Op. Cit.

Furthermore, Duarte, Marcondes, and Carneiro highlight the important role that the United States and the European Union can play in building an international cooperative solution to combat drug trafficking on the South Atlantic Route, as they:

“[...] could contribute to the strengthening of SADC’s maritime development agenda, as well as designing general notions from South Africa’s project to be widened and gradually adopted in the rest of the South Atlantic. They should proceed without imposing a standardized approach to the whole area, but by presenting positive results and a reservoir of lessons learned, which may enhance the chances of engendering shared notions on the maritime governance and development throughout the South Atlantic.⁹⁸ If this strategy is pursued, there could be more space for cooperation and engagement with countries like Brazil, Argentina, and Angola, but as well as the USA, which have historically interpreted that it is important for countries of the region to take responsibility for their regional security”⁴⁷

Therefore, it is clear that South Atlantic security architecture needs a strategic review, prepared with the participation of all the actors involved and interested in the issue – producers, transshipment and consumer states, international organizations, among others - and ensuring sufficient human and financial resources for effective performance. On the contrary, in the absence of coordinated efforts aimed at dismantling the international networks formed by transnational criminal organizations, the political economy of the drug trafficking on the South Atlantic Route will remain largely unscathed.

⁴⁷ DUARTE, Érico; MARCONDES, Danilo; CARNEIRO, Camilo. Op. Cit.

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