

THE MASSACRE OF BLACK BRAZILIAN IN THE WAR ON DRUGS

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- *Reflections on race, necropolitics and the control of psychoactive drugs based on the construction of a black experience* •

ABSTRACT

The distribution of death as an organised exercise of state power, militarised topographies where experiencing the early burial of peers is part of the socialisation of generations of people, the vocabulary of homicide and slaughter integrated into the formation of black people's experience from the time of their childhood in war-torn territories and necropolitics, which promotes a set of racialised and racialising categories and undertakings, define the political agenda, permeate televised narratives and distribute fear to market the idea of social peace. These are all part of a broad range of actions legitimised by the idea of war, including against other peoples, under another spectre of war – the so-called side effects. The selectiveness of prohibitionist drug policies is one of the tools used to perpetuate a series of injustices that are the result of a perverse regime that operates today via an economy marked by violence, which continues to have effects even today.

KEYWORDS

Drug policy | Racism | Youth

Brazil has never dealt well with its past marked by slavery. While “abolition freed the white people from the burden of slavery”,¹ as historian Emília Viotti da Costa states, the regime of exploration was allowed to change without curing any of the fractures exposed by the new regime that was under construction. It was in the context of the struggles undertaken in the early 20th century by the poorest sectors of the population and the dynamics promoted by the new landscapes of the cities, marked by a huge mass of former slaves, that the types of crime began to draw more attention from the debates at the time and became the object of interest of those who intended to influence the course of the nation. The survival of slavery through mechanisms that originated in that model but that have been constantly updated since the time of abolition produce a black positionality that is unique and incommunicable within contemporary society: a positionality whose main characteristic is gratuitous and structural violence.

This anti-black violence, as researcher João H. Vargas noted, is gratuitous because contrary to what non-blacks experience, “it is not contingent upon an infringement of hegemony by civil society” – in other words, it is not the result of the state’s response to a violation of an established norm. This author goes on to explain that when non-blacks protest, for example, “the violence that they may suffer is a consequence of the protest and therefore, contingent; for black people, on the other hand, experiencing violence does not depend on a protest or some explicitly antagonistic attitude: for them, violence is normalised, predictable in its unpredictability”.²

The distribution of death as an organised exercise of state power, militarised topographies where experiencing the early burial of peers is part of the socialisation of generations of people, the vocabulary of homicide and massacre integrated into the formation of black people’s experience from the moment of their childhood in war-torn territories and necropolitics, which promotes a set of racialised and racialising categories and undertakings, define the political agenda, permeate televised narratives and distribute fear to market the idea of social peace. These are all part of a broad range of actions legitimised by the idea of war, including against other peoples, under another spectre of war – the so-called *side effects*. The selectiveness of prohibitionist drug policies is one of the instruments used to perpetuate a series of injustices that are the result of a perverse regime that functions based on an economy marked by violence, which still has effects today.

Since mid-2012, the authors of this article have been working in the anti-prohibitionist movement and conducting professional and activist research. Through our work, we have observed an increase in the number of deaths of youth and black people, which is justified by the fight against organised crime in poor communities in Brazil, and in arrests for drug-related offences. These observations indicate that it is fundamental to link the policies and laws in this field with the data on violence against poor and black youths that we found.

There is a very common, profoundly racialised discourse that must be challenged: one that intentionally associates youth to drugs and violence. We cannot help, however, but to point out that the Brazilian state’s actions, justified by the war paradigm, corroborate

and accentuate pre-existing vulnerabilities and violations linked to race, gender, generation and class in Brazil. There is a punitive architecture based on a set of practices of control that interact with the construction of the prohibitionist paradigm. This architecture raises important elements for observing its implications for the reproduction of the conditions of life or death, which are informed by one's racial identity in the world today.

Changes to the paradigm for the development of public policies for youth between 2003 and 2016, thanks to the creation of the Secretaria Nacional de Juventude (National Youth Secretariat) and the adoption of the Youth Statute and other social policies during this period, had direct impacts on the lives of thousands of young people. Even so, they were unable to reverse the dramatic situation where rates of fatality, incarceration and other related forms of violence were extremely high, disproportionately so when compared to other segments of Brazilian society.

In our efforts to make the connections between drug policies and youth, we contributed in 2015 to the elaboration of the working group on drug policies established by the Conselho Nacional de Juventude (CONJUVE, or the National Youth Council, a space for social participation linked to the National Youth Secretariat). CONJUVE was responsible for the organisation of the seminar entitled "Autonomy, Citizenship and Human Rights for Youth: The necessary reinvention of drug policies".³ On the occasion, anthropologist Luana Malheiro, one of the organisers of the event and a member of the Rede Latino-Americana e do Caribe de Pessoas que Usam Drogas (LANPUD, or the Latin American and Caribbean Network of People who Use Drugs), declared that the goal of the event was to make "an effort to build possibilities for debate with various youth actors on the struggle against the war on drugs".

1 • But why talk about drugs and racism?

The series of elements gathered at the CONJUVE seminar confirmed the need to create an organisation that would mobilise around a black agenda on the issue of drug policies and develop actions capable of influencing the disputes and debates underway in Brazil. The data that emerged on drug policies, the justice system, public security and undignified care for drug users led us to realise that this policy brings together, in an orderly manner, the repetition of state mechanisms that result in the shortening of the lives of black people, which has been going on for centuries in the country. This process led us to begin building the Iniciativa Negra Por Uma Nova Política sobre Drogas (INNPD, or the Black initiative for a new drug policy) as a space for taking action to confront the challenges that we had identified.

Since Law no. 11.343/2006 (known as the Law on Drugs)⁴ was approved, the number of arrests has continued to grow. According to data from Infopen, in 2016, Brazil had the third largest prison population in the world: it surpassed the 700,000 mark, of which 64% identify themselves as black. Of the total prisoners, 40% have not been tried – that is, nearly half of them might not be deprived of their freedom today had their case been brought to

trial.⁵ Furthermore, the increase in sentencing for drug-related offences was justified by the attempt to decrease the power of criminal organisations, which also exist inside the prisons. In this sense, the law has also not achieved its objective, as not only has it increased the burden on the justice system and government spending on prisons, it contributes indirectly to the strengthening of these organisations by putting more people in prison. What is more, every year, the emotional ties of thousands of people are abruptly severed, especially women who in the large majority of cases assume sole responsibility for their children.

Furthermore, how can one possibly measure the social cost of the loss of the lives of the more than 60,000 Brazilians who die every year? The disastrous impacts on the lives of their families and of other affected persons are very difficult to calculate. The economic costs of this war can also be observed. According to data published by the Secretariat of Strategic Affairs of the President's Office, between 1996 and 2015, the economic costs of "criminality" jumped from close to R\$113 billion to R\$285 billion, an average increase of close to 4.5% each year. According to an analysis carried out in collaboration with the Igarapé Institute on this data, the components of this amount are as follows (listed in order of importance): public security (1.35% of GDP); private security (0.94% of GDP); insurance and material losses (0.8% of GDP); legal costs (0.58% of GDP); loss of productive capacity (0.40% of GDP); incarceration (0.26% of GDP); and medical costs and therapy (0.05% of GDP). Together, they reach a total of 4.38% of national income.⁶

In addition to the high level of public expenditure, this policy also negatively affects the health of public servants. The suicide rate among police officers is higher than the average rate for other professions; this does not include death, severe injury or sick leave. According to research conducted by the Grupo de Estudo e Pesquisa em Suicídio e Prevenção (GEPeSP, or the Group of Study and Research in Suicide and Prevention) at the Universidade Estadual do Rio de Janeiro (UERJ, or the Rio de Janeiro State University), which was coordinated by political scientist Dayse Miranda in partnership with the Rio de Janeiro military police, of the 224 military police officers interviewed, 10% said that they had attempted suicide and 22% affirmed that they had thought of committing suicide at one point in time.⁷

In the past fifteen years, the number of homicides reported in Brazil alone was higher than in another eight South American countries all together or than all the murders registered during the same period in the 28 countries of the European Union. Close to 56% of all these murders involved youth of up to 29 years of age; of them, 71% were black. To this, one must add the inexistence of a system to produce reliable data on the circumstances of these deaths and the conditions needed to assess cases where death by homicides have been concealed and how many are caused directly or indirectly by police action.

The disastrous results of the fight against organised crime and drug trafficking criminalise social relations in entire "peripheral" territories, where security forces act more conspicuously employing mainly violence, and there is rampant corruption of their agents. This model of combat completely ignores the existence, in equal frequency or proportions, of the use

and constitution of other forms of organisation of drug trafficking in other social classes, which offer white and high-class people the privilege of a secure market. Moreover, it does not take into account the fact that there are no plots of land available in favelas to grow marijuana or coca plants, nor are there any arms factories. In other words, if the goal was truly to dismantle the illegal trade of certain substances, there is no rational justification for the concentration of resources and overt interventions in these places.

Finally, it is fundamental to note that many programmes and policies use part of the public budget to pursue the objective of “recovering” people from drug addiction so that they permanently abstain from use. Public resources are spent on stays in hospitals or therapeutic communities linked to private interests, which are incapable of achieving the desired goal of caring for the suffering of individuals who abuse certain illegal substances, such as crack. Research shows that for drug users in situations of extreme vulnerability, it is not substance abuse that is the source of disruption in their lives, but rather exposure to violence or the absence of basic rights, such as income, food and housing. Places offering treatment in confinement are proposed as a solution for emergencies, but have become permanent, and several municipalities and states allocate a large portion of their resources to these facilities. Many of them have been denounced by human rights and anti-asylum organisations for serious physical and psychological abuse against the individuals in confinement and their family members.

The war on drugs did not invent racism in Brazil. However, its ideology is behind the organisation of state actions with major impacts and broad social consent, which allows the lives of black people to continue to be worth so little. The violent action of security forces in areas of the periphery and favelas, the absurd levels of arrests, the number of deaths in the war on drugs and the other criminal actions of the state provide a set of motives that are reason enough for our country to take urgent action to find solutions to this complex problem. However, the lethargy to stop this war costs us millions of lives every year, without mobilising research and studies or producing efficient public policies. It is the result of centuries of racism that naturalises the various forms of violence that affect black people the most.

2 • The construction of a new organisation

INNPD was born in 2015 with the goal of comprehending and proposing changes that have an impact on the nature of discriminatory practices in Brazil – which, through the war on drugs, develop devices of racial control – and the way they are connected, feed on one another or are realigned in order to achieve a given strategic objective. These practices serve as the operational arm of the current Brazilian state’s project of genocide.

It is our understanding that the debate on the changes for a new law on drugs involve profound issues that are dear to Brazilian people. This discussion could be a historic opportunity to review and recognise the historical gaps caused by racism and painfully reproduced among our people.

Over the past three years, INNPD has been consolidated as an important experience in black advocacy on drug policies. It has organised studies, data, seminars and forums and produced communication materials that make the connection between the policy known as the “war on drugs” and racial relations in Brazil. It has done so with the goal of producing training technologies and political actions to intervene on the subject of drug policies, while paying special attention to the issues of incarceration, the justice system and public security.

One of INNPD’s main areas of action is the elaboration of a strategy to coordinate the efforts of black actors (individuals, movements and organisations) from different fields to alter the current drug policies. This involves organising networks, promoting synergies between black and non-black organisations and supporting the expansion of organised civil society’s participation in the main national and international agendas, all with the goal of influencing the direction that the reform of the drug policy will take.

In 2016, INNPD received its first donation from the Open Society Foundations for the strengthening of its actions and the organisation experienced a period of expansion in its advocacy work between 2016 and 2018. From April 19 to 21, 2016, we participated in the UN General Assembly in New York where we presented the Letter of Brazilian Black Organisations to the Special Session of the United Nations General Assembly on the World Drug Problem. The letter was signed by 46 organisations from the black movement from all over the country. In it, INNPD presented an in-depth diagnosis of the consequences of the current anti-drug policy and affirms that “this model increases the vulnerability of our country, especially the black population, which is directly or indirectly related to the illegal drug market, whether in relation to people who use drugs; those who work in this informal market; state men and women employees, especially those working for security forces; and entire communities through the militarisation of territories, which is justified by the fight against drug trafficking”.⁸

INNPD’s actions have been developed organically by a group organised as a network, through a coalition promoted by its coordinating teams in Salvador and São Paulo, which connected us to different agendas in several regions of the country. This network enabled us to promote and connect with the debate on the drug policy in relation to various issues: public security; racial redress; policy for black women; sexual and gender diversity; de-incarceration and the fight against genocide; and care and harm reduction policies.

After an intense period of mobilisation to denounce the links between drug policies and racism, the fundamental challenge for INNPD in its third year of operation is now to develop actions to guarantee its sustainability and autonomy. This includes: formally registering the organisation, institutionalising its governance, optimising its resource management to ensure sustainable development and consolidating a network of agendas and agencies that support it.

From this new phase on, we will seek to clear the way so that, as a network, we can build a common agenda of proposals for drug policy reform in Brazil. The consolidation of the

first black advocacy organisation working on this issue – one that is capable of providing answers and promoting studies to identify solutions for new policies – serves as the basis for this. In our view, discussing drug policies is merely a starting point for rethinking other state structures that culminate in our deaths.

3 • The urgent future that we need to build

There are enormous challenges for building a national agenda on drug policies that guarantee rights in Brazil, as changing the paradigm requires a political alternative that does not give continuity to the warmongering model currently in place in the country. This change will only be possible if a broad political alliance between the three state branches and civil society actors who share this political line of action is in place. However, the results of the 2018 general elections indicate that the scenario will be entirely different. The extremely violent and belligerent discourse of elected president Jair Bolsonaro, together with his approximation to the new governors of Rio de Janeiro and São Paulo, favour a scenario in which the war apparatus will be increased.

In addition to their belligerent discourse, these newly elected leaders already have support in the legislature for changes they wish to make in order to stiffen the penalties under criminal law and make regulation on police action even less rigorous. This is the case of Bolsonaro's campaign promise to approve measures that will exempt homicides caused by police action from being judged as legal or illegal acts. What is under threat are the agendas related not only to drug policies, but also to guaranteeing rights and reducing inequalities in general. There is even a real threat of restrictions being imposed on political liberties and the activities of social movements through changes to the Law on Terrorism⁹ that are currently being examined by the Brazilian Intelligence Agency of the Institutional Security Cabinet.

In light of this new political scenario, INNPD has added to its list of institutional challenges that of participating in a broad coalition with other sectors that defend human rights and that are seeking to build an agenda to guarantee their legal security so they may continue to engage in their actions. It will also continue to work to strengthen its core message, which affirms that social peace can only be built in the absence of violence.

It is increasingly urgent to recognise that we are living in the midst of a highly lethal conflict that criminalises people, behaviour and territories, corrupts state authorities and private entities and causes a real massacre of Brazilian people every day.

Recognising this and understanding the urgency of ending this conflict will enable us to build common commitments and agendas that can and must be assumed by different actors and that will lead us to implement, for example, mechanisms of action under the aegis of post-conflict justice. This would be guided by a set of measures that promote reconstruction and overcoming the different forms of violence perpetuated during the war on drugs.

We need to focus on aspects that range from ensuring accountability for acts committed during the implementation of the drug law and recognition of the atrocities suffered by their claimants to the reconstruction of collective and shared memories and truth, especially the ones based on the experience of the affected communities so as to create the necessary conditions for their reconstitution. Without this, it will not be possible to build peace processes. This process is clearly a path that must be taken to truly establish the rule of law. From the drug policy, we can begin to construct the elements of this transition that will serve as a tool for not only bringing the country's past to justice, but also for moving towards a future in which the right to life and to living well are, as a matter of principle, effectively guaranteed to all.

NOTES

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