

# **Transnational Crime and Peacekeeping:**



## **Comparative Perspectives**

**McCormick Tribune Foundation  
Transnational Crime and Corruption Center**

Since 1995, the Transnational Crime and Corruption Center (TraCCC) has studied the political and economic facets of transnational crime and has sought to offer strategies and solutions for policymakers and practitioners alike. A non-partisan, non-profit institute, TraCCC provides information and facilitates discussion and cooperation among the international scholarly community, legislative and executive branches of government, non-governmental organizations, law enforcement agencies, the business community, the media and the public. TraCCC maintains a number of overseas organized crime and corruption research centers in St. Petersburg, Moscow, Irkutsk, Yekaterinburg and Vladivostok, Russia, and Kharkiv, Ukraine. Using a multidisciplinary approach, TraCCC has focused in recent years on the problems associated with money laundering, the trafficking and smuggling of human beings, the role of information technology in transnational crime, and how transnational crime intersects the security community—especially terrorism.

Conference Report

**Transnational Crime and Peacekeeping:  
Comparative Perspectives**

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## Foreword

The McCormick Tribune Foundation's Cantigny Conference, *Transnational Crime and Peacekeeping: Comparative Perspectives*, was held at the beginning of September 2001, preceding Sept. 11 by only a few days. Yet those few days would make an enormous change in the international mindset. A concluding remark of a keynote speaker no longer holds true: Americans failed to understand the full impact of transnational crime and terrorism because there had never been a large attack on American soil. In the following days, these comments had a new resonance as Americans experienced firsthand the high personal costs of the nexus of terrorism and organized crime and prepared a military response.

In the pre-Sept. 11 environment, the participants had the possibility to reflect on the crucial issues of national security in an increasingly borderless world. They agreed that in a globalized world, threats to peacekeepers emanate not just from traditional military enemies, but from transnational crime groups whose network structures stretch across continents. The profits of the crime groups are often more conducive to the perpetuation of the violence than the original political and economic conflict.

The analyses of this conference, based primarily on observations from on Colombia and the Balkans, have even more relevance today in the context of contemporary security challenges faced in post-Taliban Afghanistan. Once again, U.S. military and peacekeepers from many countries will try to maintain order in a country where drugs and arms trafficking are key components of the economy. The crime groups and warlords that control territory are major determinants of the future of Afghanistan. Military personnel, in their post-conflict role in Afghanistan, will be confronted with organized crime groups closely connected with terrorist networks.

The McCormick Tribune Foundation approached the Transnational Crime and Corruption Center (TraCCC), whose focus on national security issues made the topic of peacekeeping and the challenges it faces from organized crime a natural fit with its ongoing programs. TraCCC, committed to comparative analyses, security perspectives and civil society development, assembled a group that does not ordinarily meet to address this new security challenge. Limited to a day and half, there was not enough time to address all regions of the world where peacekeepers confront the problems of organized crime groups. The focus of the sessions was on two highly visible areas in Latin American and Europe in which there is American military involvement either as peacekeepers or as military advisors. They provide very different examples of transnational crime that challenge peacekeeping.

In Colombia, the enormously profitable drug trade supports the conflict, whereas in the Balkans, there is enormous range of illicit activity including drug trafficking and smuggling of arms, people, and licit and illicit commodities. Despite the divergence of the crime problems, the profits of this crime and the incentives to perpetuate this activity undermine long-term stability in both Latin America and Southeastern Europe.

The increasing security challenges posed by transnational crime groups are outside the scope of most military training or strategic deployment. Moreover, the contemporary crime groups that many peacekeepers encounter are a far cry from gangsters on the street. They are groups that have enormous political impact. For example, in Colombia, crime groups were able

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to prevent the extradition of drug lords to the United States even after the signing of an extradition agreement between the United States and Colombia. Crime groups are a major reason for the absence of regional stability in the Balkans, and their penetration of political structures undermine the commitment to the peace process.

Military forces are accustomed to fighting traditional enemies motivated by political goals, ethnic hostilities, and conflicts over territories. Therefore, the rise of transnational crime challenges traditional military peacekeeping paradigms. Among the underlying questions of the conference were: How is peacekeeping different when a major source of unrest and instability is a crime group rather than an ethnic conflict? To what extent should peacekeepers become policemen? How can they contribute to long-term stability if the conflicts are prolonged by the financial interests of the crime groups?

Peacekeepers are sometimes part of the crime equation. For example, a recurring theme in our discussions was the trafficking of women by the Balkan crime groups for marketing to the peacekeepers and foreign contractors. The fees paid for the trafficked women by the foreigners provide large profits for the organized crime groups permitting them to maintain and even expand their operations. The complicity of the peace workers in the trafficking networks means that they are part of the problem rather than the solution.

Peacekeeping may be localized but the transnational dimensions of the crime have global dimensions. The conflict in Colombia is prolonged because the narcotics traffickers, crime groups, and terrorist-guerrilla organizations can move their drugs internationally. The profits generated overseas from international drug sales provide arms and financial support for those perpetuating the conflict. The organized crime activities of the Balkan crime groups are more diverse than their Colombian counterparts, but the impact is similar. Perpetuation of the conflict is in the interests of the crime group because in the chaos of wartime, there is no effective state control apparatus to limit their criminal activity.

The centralization of crime in areas of peacekeeping means that military officers are assuming law enforcement functions. Many participants, particularly those from military backgrounds, argued that there needs to be a separation of military roles from those of policemen. But others suggested that the protection of citizens in these war-torn regions requires a blending of functions. Law enforcement alone, in the absence of military backup, leave citizens vulnerable to the violence of the crime groups. Many with experience on the ground believed that for the rule of law to be established and maintained, there needed to be greater on-the-ground coordination among the military, the law enforcers, the multilateral organizations, and civil society. These new alliances are needed to face challenges not faced previously by the military.

An overarching conclusion was that the military is the last resort after diplomacy and less visible forms of intervention have failed. The rise of regional conflicts, supported and sustained by organized crime, will prevent the military from being everywhere and assuming responsibility for maintaining the police in all situations.

The chapters of this report are drawn from the conference panels and they provide a rich summation of the reports and animated discussions. The Rapporteurs carefully built the chapters to represent the voice of the participants, and we hope that each chapter captures their insights comprehensively. The final chapter, entitled “Future Considerations,” is an original piece that the Rapporteurs wrote based on the information gained from the conference and their own experience. Since the conference was held on a “not for attribution” basis, the reader will not see any direct quotes. Clearly the participants did not hold back their wealth of experience and

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analysis, and for that we owe the participants a debt of gratitude.

On behalf of the Rapporteurs and Conference Organizers, John T Picarelli and Chris Corpora, I would like to again thank the McCormick-Tribune Foundation for their intellectual and logistical support of this conference, and thank the participants for their preparation and participation.

Sincerely,

Dr. Louise I Shelley  
Conference Chair

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# Introduction

At first glance, many scholars and practitioners might question a relationship between peacekeeping and transnational organized crime. However, this conference demonstrated that such linkages exist, and that the linkages prompt two important considerations. The first linkage is before the fact—transnational organized crime accelerates and leverages the state failures that contemporary peacekeeping operations are assembled to address most often. The other linkage is that transnational organized crime often operates within the territorial scope of these peacekeeping operations, threatening their security and hampering their goals. The introduction examines these linkages directly, places them in the larger context of the new security paradigm, and concludes with a foreshadowing of the responses to the challenges from transnational organized crime.

## Transnational Crime and Peacekeeping

Participants noted a number of different contexts that link peacekeeping operations and transnational organized crime. First, both are drawn from the same scenarios of failed or weak states saddled with internal or regional conflict—but obviously for very different purposes. Peacekeeping operations try to restore stability, while transnational criminal organizations prey on that instability and profit from it. The fact that half of the heroin traffickers in Swedish jails and four-fifths of the heroin traffickers in Norwegian jails originate from Kosovo and Albania details the process of how weak states produce and export criminal organizations. Thus, the context of weak or

failed states whose sovereignty is contested or compromised is often the milieu for considering the two phenomena together.

Participants also noted that the issue of globalization also links the topics. In essence, one can define globalization as a combination of three processes—open societies, open economies, and open technologies—that they rely upon each other to work and to deliver their full punch, much like the AIDS triple cocktail. Hence, the three trends together are more than the sum of their parts. The processes magnify, amplify, and intensify one another. Thus, combining democratization with economic liberalization form the foundational pressures for capitalist systems, and when combined with open access to information technologies, intensifies this pressure. Furthermore, globalization renders unintended consequences, often referred to as the dirty underside of globalization. Terrorists and tourists use the same infrastructure of globalization, and thus it is difficult to screen out the criminals and contraband while opening the borders to international trade and persons.

The complex nature of globalization is linked to an increase in internal conflict, an increase in peacekeeping operations, an increase in failed and weak states in the post-Cold War period, and an increase in transnational organized crime. Over the past decade in particular there has been a period of rapid globalization, and many experts argue that globalization is somewhat the cause behind these simultaneous trends. For example, the National Defense University in Washington, D.C. published a two-volume set on globalization and security, drawing these connections.



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Some experts and scholars, including the authors found in the NDU studies mentioned earlier, argue that globalization generates increasing pressure on governments to open their societies and economies that, should it occur too rapidly, can fracture states. Such a hypothesis carries over into the realm of transnational organized crime. For example, after Russia liberalized economic and political structures rapidly in the 1990s, these same processes provided a number of opportunities for criminal organizations to penetrate and weaken state structures. Finally, globalization provides increased access to semi-legal and illegal contraband, such as weapons. The global arms trade is an important consideration as it provides power to groups wishing to challenge state authority or splinter from state authority.

Information technology, especially in relation to the media, is another factor of note as it provides greater scrutiny of government operations. If a state is struggling or failing, it is generally well publicized through the international new media. Transnational organized criminals see this as well and can leverage that information to establish their next base of operation.

A fourth factor raised during the panel is that the end of the Cold War decreased the amount of aid from developed states. During the Cold War, aid money oftentimes kept weak states afloat during part of all of the era. Now that money is effectively dried up, and money that is available is more accountable and regulated than it was in the past.

Finally, some noted that public sector capacity, meaning government capacity, is either decreasing or not growing as fast as private sector capacity. This is as true in weak, failing and collapsing states as well as in strong states. The United States, Canada, and Britain have all set streamlining

government as a high priority, especially through the incorporation of information technology, to lower budget costs. Further, government scaling back or not growing as fast as the private sector is another result of the “triple cocktail” since globalization, democratization, and movement toward capitalist economics all grow the private sector. One result is that government has a difficult time tracking and catching up with the growth occurring in the private sector.

These are the arguments supporting the statement that globalization is creating the circumstances that drive increasing internal conflict, peacekeeping operations, and transnational crime. Divergent views to this scenario arose during the discussion, noting that peacekeeping operations, internal conflict, and weak states are endemic characteristics of international relations that existed before the onset of rapid globalization. Furthermore, another criticism is that this collection of factors is over determined—that is, there exist numerous other causes and factors that lead to internal conflict and the like. Globalization may be one part of it, but you can’t explain all the instances through the onset of globalization.

### **The New Security Paradigm**

However, the empirical evidence seems to support the notion that globalization plus internal conflict provides a new security dilemma—one that we are witnessing now. As the participants noted before, globalization amplified and accelerated the problems, but did not create them. Weak and fragile states existed before the rapid period of globalization, but globalization forced their hands and allowed the whole world to witness their demise. Globalization is thus an accelerator, a magnifier, and an amplifier.

Some noted that globalization catalyzes breakdowns in state authority and capacity in terms of greater reach, rate,

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intensity, and impact. More importantly, these catalyzing processes carry over into the realm of security. For example, it is not only a domestic problem if authority breaks down in Yugoslavia because the infrastructure networks of globalization will transmit security issues arising from the failed state elsewhere. Hence, if we then turn to the issue of transnational criminal organizations, we see that these same infrastructures can move those criminal problems elsewhere, along with the instability they breed, because borders are more permeable. Hence, threats from the new security dilemma are decentralized, diffused, and fluid.

The participants generally agreed that new security paradigm is a problem since traditional security architectures are not constructed to screen out or cope with it. Thus, while many stated that the internal conflict in the former Yugoslavia poses a lesser problem to U.S. security than did the Cold War standoff with the Soviet Union, at least the United States had a mechanism that was able to cope with the threat to its security during the Cold War. Current bureaucratic and organizational mechanisms are not well suited for this new security paradigm.

In order to illustrate this further, we can compare Cold War security threats with the post-Cold War dilemmas. The largest disparity between the two comes in the form of resource allocation. During the Cold War, quoting the famous line from John F. Kennedy Jr., resources were available: "We shall pay any price, bear any burden..." Compare that with a quote from George H.W. Bush that "we have more will than wallet" in the post-Cold War era. In summation, post-Cold War problems are decentralized and diffuse. States cannot just ramp up resources against one target or one state because the dilemmas we face are primarily not state threats. Rather, they are

the threats that result from states failure.

Security experts knew how to fight states, but it is very difficult to figure out how to marshal resources to face diffuse, decentralized nonstate threats. Traditional security studies, oftentimes referred to as strategic security studies, focused on threats emanating from strong states and international conflict, especially nuclear warfare. The paradigm centered on the security spiral, which is containing how one addresses security concerns from the adversary without antagonizing the adversary into taking measures that actually decrease one's own insecurity. The mechanism led to heated conventional and nuclear arms races. However, today this security spiral is not our major concern.

In the current era, participants noted, the threats originate not from strong states but primarily from weak states, regional conflicts, and *transsovereign* issues.<sup>1</sup> The dilemma that faces states is not how to contain the problems of strong states without making them stronger, but how to contain the problems of weak states without making those states weaker. Such a dilemma is reflected in the increase in peacekeeping operations that attempt to foster stability by halting human rights violations and separating the combatants involved in an internal conflict, as well as the peacekeeping operation's goal to avoid further denigration of what state institutions remain. The worst-case scenario is to stop an internal conflict or a failing state and replace it with a kleptocracy. Hence, the larger purpose for this report is how to conduct peacekeeping in such a way that is stabilizing, that does not deteriorate the situation further, and

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<sup>1</sup> Maryann Cusimano-Love coined the term *transsovereign* to describe those issues of world politics that "move beyond sovereignty and traditional, state responses," including transnational organized crime. For more, see her *Beyond Sovereignty: Issues for a Global Agenda* (Bedford/St. Martin's; Boston, MA: 2000).

bolsters those state institutions that remain.

## **Responding: Networks vs. Networks**

Moving to implications, participants noted that the temptation in the Cold War period was to over-respond to security dilemmas—to throw more firepower at a problem, oftentimes resulting in a destabilizing security spiral. The temptation in the post-Cold War period, with this new security dilemma, is to under-respond, returning to what one participant noted was the “more will than wallet” problem—using just enough resources through a more effective marshaling of assets. The most significant setback, some noted, is that the bureaucratic and organizational structures are not prepared for this type of scenario. Hence, it is clear that responses must reflect post-Cold War realities.

Globalization, as part of the problem through its functions as an accelerator, a magnifier and an amplifier, can also contribute to the solution. Participants noted that while globalization enables and accelerates the contacts between criminal organizations and illicit actors, it can also help enable, accelerate and spread the network contacts and connections among actors trying to combat transnational organized crime. Furthermore, globalization helps bring together a greater diversity of actors—not just states, but nonstate actors such as nongovernmental organizations (NGOs). Thus, the fight against transnational criminal organizations has witnessed increasing cooperation and networking among and between the NGO community, with military units, with government units, and with the private sector. One participant noted that an oft-spoken phrase concerning this issue is to “use networks to fight networks.”

According to a number of participants, transnational criminal

organizations are often organized as diffused, decentralized networks, while governments are not traditionally organized as networks, and hence it is difficult for their hierarchical bureaucracies to combat network-oriented structures. One participant noted that David Ronfeldt of the Rand Corp. has examined the history of organizational structures and identifies four enduring structures throughout human history—networks, hierarchies, free markets, and families. He found that hierarchies specialize in providing orders and accountability, while networks specialize in providing information. Thus, some experts note that a significant challenge to states is that they are a function of the first information revolution that resulted in bureaucracy, hierarchy and the nation-state system. The globe is entering the second information revolution, and a major issue is how to adjust hierarchies to better cope with the challenges of networks that hold advantages in terms of information gathering, dispersal, and utilization.

The discussion continued to note that the construction of networks to combat transnational organized crime has begun in many forms. Some networks are based on cooperation among governments, others on cooperation among regional organizations, and some on cooperation with and among United Nations organizations. Those are examples of state networks, or states building networks among each other. However, as noted earlier, states cannot accomplish this mission alone, and can only accomplish the goal of reducing the destabilizing effects of transnational organized crime in cooperation with nonstate and civil society actors. Nonstate actors bring to the table a different set of skills and capabilities that can help mitigate these issues. For example, in trying to reconstitute states after internal conflict or collapse, states can work with the segments

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of civil society that remain and to try to rebuild a law and order or justice system in the country. Furthermore, in many post-conflict restitution situations, churches and other religious organizations have played a significant role in providing justice support, in forming or operating truth commissions, and in trying to reconstitute justice in countries that have experienced long and debilitating civil wars. Increasingly, therefore, the presence of NGOs and the ways that they interact with peacekeeping operations are becoming important issues. Thus, the bottom line is that strategists should consider what domestic groups retained some social capital in post-conflict societies, and how can peacekeeping operations tap into that social capital—for example, who has networks and how can peacekeepers exploit those networks.

Participants identified three responses to *transsovereign* problems. The most common involving states is through cooperative arrangements, and number of energetic, progressive, and creative ideas have come to the fore that are getting states to cooperate better with one another and with intergovernmental organizations. However, participants felt that the international community has not developed the other two options that are available. First are coalitions involving nonstate actors, such as the global business compact that identifies ways for businesses to rein in crime and corruption. Other participants noted that these cooperative arrangements could tap civil society actors in order to attempt to reign in crime, corruption and conflict.

The third option is one that some participants held out as possibly the most effective—a mixed response or public-private partnership. Such coalitions would combine the resources and capabilities of the government sector and the private sector. Public-private partnerships are frameworks

that help NGOs to cooperate with the military and peacekeeping operations, and experience has demonstrated success in getting the business sector to cooperate with law enforcement to try to control crime and corruption. Coalitions of local, federal, and global actors, such as attempts to use civilian policemen to try to reconstitute police networks in post-conflict situations, was promoted as an example of law civilian-military partnerships for addressing the issues raised in the discussion.

Participants were quick to note that partnerships are easy to form and maintain. First, partnerships are complex, involving numerous actors with different incentive structures and interests that form the basis for difficulties in terms of coordinating actions and ensuring communications. Another problem has to do with transparency—identifying who is accountable within organizations and coalitions, which goes beyond the question of who is in charge after activating these networks. Government organizations may be transparent, but some nongovernmental organizations may not be transparent at all. Third, the discussion noted that there are resource disparities between actors in the two sectors. Likewise, some of these organizations have bureaucratic cultures that make it difficult to cooperate with other organizations. Numerous obstacles hamper the working order of public-private partnerships.

While this is a long list of cons, participants returned to note that public-private partnerships hold out a strong promise for addressing these dilemmas and are worth the risks. Organizational pluralism, the combination of disparate or contradictory organizations into a coalition, draws in more strengths and resilience. In other words, should one of the nodes fail, other partners of the coalition can continue the work. Such structures provide greater



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flexibility, and the dilemmas facing these potential coalitions are very flexible, fluid ones themselves.

The strength of the private sector is its robust nature given it is where resources are increasingly located. During the Cold War, government increased its functions and size, centered on the notion of citizen-soldiers. Security was not only the government's responsibility, but during the Cold War, especially with its focus on nuclear security, government assumed more responsibility for security. In the post-Cold War era, as many participants noted, there has been a move back to more of a partnership with the private sector since the government cannot address new security dilemmas alone. The international financial action task forces are a prominent example, such as the Financial Crimes Enforcement Network, as well as the numerous efforts to fight cyber-crime. Since the private sector is the greatest beneficiary of globalization, some participants noted that it maybe should assume more of the costs of globalization. Put differently, if transnational organized crime is a cost of globalization, then maybe the chief beneficiary should absorb more of that cost.

Summarizing the participants remarks, matching or overtaking the challenges from new security paradigm requires an organizational structure that has a greater flexibility than current government bureaucratic hierarchies. Such flexibility allows organizations to move away from one-size-fits-all answers and enhances the ability to fine-tune answers in different scenarios with different groups of players. Underscoring this reality was a 1996 U.S. State Department strategy document that said foreign policy was dead—that is, the common approaches to conducting diplomacy were collapsing. The present era contains greater blurring of the lines between domestic and foreign policy,

between agencies and issues, and between the public and private sectors. Rather than lament the lack of neatness in this scenario, one suggestion was to focus on the innovations focusing on improving management of these new types of relationships because efficiency gains from networks and cooperation are trends that appear will continue in the future—an era when government cannot solve important security dilemmas alone and when government has more will than wallet to address more diffuse, decentralized threats.

One cautionary note that arose during the discussion of using networks to counter networks was that such structures oftentimes are more complex and subtle than the discussion noted. In practice, networks in fact overlap. As one participant noted, the inability to derive a clear distinction between “good networks” and the “bad networks” often forms gray networks. History is rather transparent on this point. One example from the discussion was that of Panamanian President Noriega, who was a friend of the United States in the early 1980s but turned enemy toward the end of the decade. Other examples that arose included the Contras in Nicaragua, the relationship between Colombian paramilitary organizations and the Colombian Army, and the KLA in Kosovo. Participants concluded that keeping the notion of gray areas in mind when investigating these networks is an important consideration for public-private networks that will combat transnational organized crime.

### **Outline of the Report**

The remainder of the report will probe these relations further. Chapter 1 explores the phenomenon of transnational organized crime, defining its scope and addressing the ways in which these criminal groups interact with countries. The next chapter turns to

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placing the relations between transnational organized crime and peacekeeping into three empirical contexts: Bosnia, Kosovo, and Colombia. The grounded discussions from these chapters led to more conceptual discussions about response and policy. Chapter 3 addresses how transnational organized crime impacts civil-military relations in peacekeeping situations. Chapter 4 next addresses how transnational organized crime is driving a requirement for policymakers and security planners to reconceptualize their approach to assessing the necessary capabilities for peacekeeping

operations. The next chapter peers into the future and identifies key trends that point to a shift in the approach to peacekeeping operations. Foreshadowing the conclusion, it is clear that, depending on the analytical framework one chooses to employ in approaching this issue, that transnational organized crime is a seminal issue that, alongside other contemporary security concerns, is forcing planners to think more broadly about the mandate, capabilities, and indeed, composition of future peacekeeping operations.

# Factors For Growth Of Transnational Organized Crime

This chapter serves as an outline of the issue of transnational organized crime and the closely related topic of corruption.

Conference participants cited a number of reasons for the growth of transnational organized crime. First and most prominent in their minds was the notion that, in the era of globalization, transnational organized crime is a manifestation of, as one participant put it, “the dark side of globalization.” The same trends and forces that foster mobility in goods, ideas, people, and services across boundaries also ease the way for criminal enterprises to accomplish their own goals. Manifestations important to explaining both globalization and transnational crime include:

- Looser border controls;
- Greater international travel;
- Healthier and growing, until recently at least, national economies;
- Increasing trade;
- Simpler international communications;
- Growing embeddedness of information technology, from the use of cell phones and the Internet to the use of encryption.

Additionally, the end of the Cold War led to increased instability—and hence, contributed to the growth of crime—within the numerous countries that emerged after the breakup of the Soviet Union. These nations still are struggling with economic and political transitions, and the instability that has resulted from these transitions has led to the breakdown of order and public security across a wide territory—an area that became fertile ground for domestic crime

and corruption to thrive and for foreign criminal organizations to transverse and penetrate. Thousands of Russian criminal organizations accumulated in the initial years following the demise of the Soviet Union, a good deal of them drawing resources from extortion, kidnapping, and car theft, among other criminal activities. The funds accumulated from these activities allowed the organizations to corrupt public officials and buy into the legal economy through the control of banks and a number of other enterprises, especially during the crash privatization of the Russian economy.

Participants also noted the increased opportunities for migration of people from transitioning and developing countries. In the Soviet Union, it was nearly impossible to emigrate. The opening of borders, however, and the increasing freedom of movement has allowed for the creation of new nodes of criminal enterprises in places like Europe, the United States, and Israel. It also has facilitated the formation of new alliances with existing criminal groups, for example between groups located in Colombia and Italy.

The discussion cited a number of authors who have noted that criminal network structures improve the ability to acquire and share information and reduce transaction costs among members of the network, especially across long distances. One example of this occurred when Albanian human trafficking organizations managed to shift their smuggling transshipment site from the port of Vlore, Albania, to a port in Greece within days of Albanian authorities closing the former.

Finally, some participants returned to a theme of the opening discussion, noting that governments generally are not

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organized to deal efficiently with transnational organized crime or their networks.

### Transnational Organized Crime: A Brief Typology

While there exists a litany of major illicit enterprises in which transnational organized criminals engage, the panel examined only the most prevalent activities. The examination was cursory and gives the reader a basic sense of the magnitude and the scope of the problems.

#### ***Narcotics Trafficking***

Experts often cite narcotics trafficking as the most prolific of transnational criminal activities. Some statistics that arose during the discussion include:

- \$300 to \$500 billion in illicit income a year from narcotics trafficking alone;
- U.N. estimates of 200 million customers worldwide for marijuana, cocaine, and heroin;
- An economic cost to the U.S. government of \$110 billion a year;
- \$100 billion being spent on narcotics by U.S. consumers annually.

One participant modeled narcotics as running on a production cycle “from field to street” and

organized in the way similar to that of a commodity-producing industry but in a much more flexible way. While synthetic narcotics, such as amphetamines, and other chemically produced drugs are becoming more prevalent, the reality in terms of total sales and the number of people involved shows that traditional drugs like cocaine and heroin are the narcotics that provide the

majority of this income for criminal organizations.

The participant continued that there exists a severe disparity between the costs of the inputs, or “gate,” and the sale price of the finished product. For example, the value or “gate price” for coca leaves (cocaine is a refined product of the leaf of the coca plant) and opium poppies (the basic element for producing heroin) is estimated at roughly \$1.2 billion. However, after a series of production and distribution techniques, these products acquire a value of \$300 to \$500 billion annually on the street, and hence, the dramatic markup of the product throughout the process—a key reason for the continued strength of the narcotics market.

The discussion next turned to the geography of narcotics, starting with the global distribution of main production or origination centers. Colombia in the Andes region was noted as the major center for the production of coca, and the Golden Crescent (Afghanistan and Pakistan) and Golden Triangle (Burma, Thailand, Laos) regions as centers for opiates, with Colombia seeing increasing production of heroin for the North American market. Europe increasingly has become the center for production of synthetically and chemically produced drugs, particularly amphetamines and MDMA, more commonly referred to as

ecstasy. One participant then noted that the main transit routes are worth investigation, as they often parallel the

transit routes for other forms of transnational organized crime, including:

- Colombia via Mexico and the Caribbean to the United States;
- Colombia to Europe;
- Southeast Asia via ship to the United States;
- Asia via the Balkan route (Turkey and

“Adam Smith would be very, very proud of the drug cartels, because they do a superb job of reconciling supply and demand.”



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the former Yugoslavia) to Europe and the United States;

- South Asia (especially Pakistan) through Central Asia and Russia to Europe;
- Eastern Europe to Western Europe, particularly for amphetamines;
- Asia to South Africa and then onward to Europe;
- Latin America to South Africa and into Europe;

While not a complete list, these routes have become well established, both in terms of the venue and in terms of the people who are involved.

### ***Trafficking in Persons***

Another activity that the panel explored was the trafficking in persons, which involves the illicit movement of persons for the purposes of exploitation, and revolves around two generalized categories: illegal immigrants seeking employment abroad who turn to alien smugglers; and persons, oftentimes women and children, trafficked specifically for forced labor in prostitution, sweatshops, households, and other legal and illegal ventures. One participant provided a detailed example of alien smugglers who bring people from China to the United States and Western Europe. Known as snakehead organizations, they are sophisticated smuggling operations with illicit capabilities to move people from China and other origins in Asia to points all over the globe. Many of the migrants who pay for the “services” of snakeheads originate from Fujian Province in southeast China, paying from \$10,000 to \$40,000 for the trip. Many times, the migrants sign contracts that indebted them to the smugglers and ensure their enslavement at the end of journey, while other times they are held hostage at the end of the trip, forcing a ransom payment from the relatives of the hostage for their release.

Turning then to the other category,

human traffickers, participants noted that traffickers oftentimes recruit victims through promises for false jobs, offers of marriage, or other techniques to lure persons overseas, and after their arrival, force them into servitude through the use of physical or mental violence. According to participants, the victims of trafficking come from a wide spectrum of nationalities, including Russians, Eastern Europeans, South and Southeast Asians, and many from Latin America as well. Paralleling the narcotics trade, traffickers in persons use a combination of air, sea, and land routes and use similar geographical courses. For example, Colombia has been a traditional transit point due to the high-quality forgeries of immigration and other documents that Colombian criminal organizations have produced. Once a smuggling route is developed, it is often used for numerous types of criminal activities.

The discussion noted that trafficking in persons is considered the second-most lucrative illicit enterprise. One participant quoted UNICRI, the U.N. Interregional Crime Research Institute, in stating that transnational criminal organizations earn up to \$7 billion a year in this trade. Women or children forced into prostitution can earn \$120,000 to \$150,000 a year for a criminal syndicate.

Turning to the numbers of persons involved in the trade, another statistic offered was that Pino Arlacchi, the chief of the U.N. Office on Drug Control and Crime Prevention, stated that up to 200 million people may be in other countries as a result of trafficking, and the U.N. estimates that 100,000 trafficked persons in the United States, 50,000 in Japan, and about 200,000 in the EU are working as prostitutes. Finally, the discussion also noted that a U.S. government report quoted a U.N. source as saying that 4 million people are trafficked annually worldwide, 700,000 of those

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women and children, and that 500,000 have been smuggled across U.S. borders—45,000 to 50,000 of those being women and children. The discussion concluded by noting that victims suffer severe physical and mental harm from trafficking, and thus the numbers quoted demonstrate that this is a serious issue that has only gotten worse over the past decade.

### ***Illegal Arms Trafficking***

The last transnational organized criminal activity singled out for significant discussion was illegal small arms trafficking. The international community has only a sense of how many small arms such as rifles and handguns there are around the world. One participant noted that 500 million was an estimated figure that is often cited, but only about 60 percent are present in the hands of legal authorities or authorized persons.

Also noted was the fact that the international community cannot guarantee that legal authorities purchasing small arms will remain in the hands of legal authorities. The discussion also noted that small arms take a heavy toll, especially in conflict areas, citing that the U.N. blames smuggled small arms for close to 500,000 deaths a year while playing a significant role in 46 of 49 major conflicts fought since 1990. Finally, one participant noted that while the total value per year of this trade is difficult to determine, it is certainly in the hundreds of billions of dollars.

### ***Financial and Other Crimes***

The discussion then shifted to consider other activities in which transnational organized crime engages. For example, criminal groups smuggle all kinds of contraband, ranging from stolen art to rare flora and endangered species. Rings have also engaged in various types of financial crimes, ranging from credit card theft to insurance scams, which garner upwards of \$200

billion a year. Counterfeiting currency remains a staple of the international criminal sector. The theft and resale of automobiles, especially in central and Eastern Europe, was another area cited as having significant transnational organized crime participation. Likewise, one of the more watched trends in criminal activity recently is the exploitation of the Internet, or cybercrime. Finally, the implication of transnational criminal organizations in the reported smuggling of fissile materials and other critical components of weapons of mass destruction, especially from the former Soviet Union, remains a key concern.

### ***Money Laundering***

One of the major criminal processes on which law enforcement agencies focus is money laundering, because transnational criminal organizations must convert their illicit profits into legitimate funds in order to use their money in the global economy. Ill-gotten gains often become part of a three-step process: the money is *placed* in the international system, *layered* through various techniques, and then *integrated* into the economy for use by the criminal. The key to this process is the point at which illicit funds enter the international electronic transfer system that moves trillions of dollars a day. Once it enters the system and the criminal can electronically transfer it, money laundering is difficult to stop.

Transnational organized crime generates income ranging from about \$1 trillion to \$1.5 trillion a year, a considerable sum that one participant noted outranks all but a dozen or so countries around the world in terms of gross domestic product. Such a comparison also illustrates that developed states have an easier time absorbing transnational organized crime than do developing states. For countries with struggling or transitioning economies, the

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influence transnational organized crime can obtain is considerable.

### Patterns and Trends

Having examined the reasons that gave rise to transnational organized crime and the forms of criminal activity, the discussion next turned to patterns and trends. The first was that smuggling generally follows a flow from transitioning and developing to developed countries. Put simply, transnational organized crime targets failed and struggling countries that have weak and fragile institutions, especially criminal justice systems, to serve as a base of production and operation or as nodes for transport and transit. For example, the Balkan region has long been singled out as a major transit area for smuggling and trafficking in persons. However, this pattern does not always hold true, one participant said, stating that rich countries such as the United States are often the primary target for the theft and illicit export of such things as stolen cars and currency.

A second trend was that transnational criminal organizations are becoming more politically involved. Transnational organized criminals have continued to penetrate political and economic institutions through corruption in order to enhance impunity and to centralize power. One participant singled out the Colombian Congress, stating that it overturned extradition agreements with the United States and thus protected its criminal bosses. It widely has been believed that bribes from narcotics syndicates generated support for the action of the Congress.

Finally, participants noted that transnational criminal organizations are

diversifying. A number of “polycrime” organizations are the rule now, whereas in the past groups specialized in a limited number of activities. The panel noted that presently it is rare to find an organization that only engages in singular smuggling conspiracies. One result of this is an increase in the use of temporary alliances that come together to conduct a single criminal transaction and then disband. While nominal internal hierarchies often exist within these alliances, the fact remains that polycrime organizations remain flat networks based on marriages of convenience among organizations rather than a hierarchical structure such as is seen in traditional portrayals of Mafia “families.”

### Transnational Organized Crime as a Security Issue

Conferees then went on to discuss that countries have a strong interest in promoting stability and security to enhance their national interests, and that transnational crime, as it attacks these goals in a number of ways, can be viewed as a security threat.

First, it was noted that transnational crime undermines democracy and good governance through the use of corruption and the weakening of public institutions that in turn creates an atmosphere of cynicism among the citizenry. One manifestation of this process at work is found in former communist states, where an undying nostalgia for a return to autocracy has arisen

**One participant summarized the different impact transnational organized crime has on developed and developing countries by stating “If you think of transnational organized crime as a brick, then imagine the difference in impact of throwing the brick into the ocean as opposed to a puddle.”**

because of a public perception that autocracy provided stability and order. Clearly, such sentiments are a danger to the construction of democracy. Participants also noted that the corruption of public officials reduces their reaction to society’s needs,

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oftentimes leading to social failures that threaten the well being of citizens.

A second threat was the distortion of national economies due to the injection of large amounts of money obtained from illegal activities—a phenomenon that hinders economic development and creates an attraction to easy money within disadvantaged segments of the population, such as the coca growers in Peru, Bolivia, and Colombia. The attraction to easy gains fuels ethnic conflict by directly or indirectly supporting groups seeking to overthrow or disrupt legitimate governments. Examples of this mechanism in action include:

- Trafficking of arms in Africa;
- The control of narcotics production, especially heroin, in Afghanistan;
- The smuggling routes that the Kosovo Liberation Army leveraged in its conflict with Serbia;
- The National Liberation Army's control of smuggling in its conflict with Macedonia;
- The Colombian FARC and paramilitary use of drug trafficking and kidnapping in lieu of the support they once received from elsewhere;
- Groups in Myanmar's border regions that have created sovereign-free zones based on income from drug trafficking.

One interesting corollary to this discussion was that it clearly described the links among transnational criminal organizations, rogue states, and terrorist groups.

### Importance of Diplomacy and Law Enforcement

Participants noted that some positive actions have been undertaken over the years to counter transnational criminal organizations. In the early 1990s, during the first Bush administration, the United States worked

with its allies to build a number of international institutions that could multilateralize the issue of transnational organized crime. Since then, there has been a growing recognition of transnational organized crime as a national security issue in a number of states and the crafting of international institutions to cope with the problem.

Within the United States, for example, the security aspect of transnational organized crime is reflected in the Clinton administration's Presidential Decision Directive 42, entitled *International Organized Crime*. Furthermore, the U.N. Office of Drug Control and Crime Prevention was divided into a narcotics component and a crime prevention component, enhancing the focus on these two important and linked issues. Furthermore, the EU has created a regional law enforcement institution known as Europol, and the Organization of American States has created CECAD, an institution that has developed effective model legislation for states seeking to combat narcotics trafficking. What the discussion made clear was that extensive international cooperation is required if states are to combat transnational organized crime successfully.

The international community also has built an impressive legal regime against organized crime. One example given was that in 2000, the international community completed the U.N. Convention on Transnational Organized Crime, a comprehensive treatment of the issue with special protocols addressing the trafficking in persons and the illegal small arms trade. Furthermore, the various conventions—some 11 in all—against terrorism created a loose legal structure that has created basic standards for state behavior that serve as a baseline for efforts to combat international crime. Finally, the EU set an example as



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well in its continued pursuit of money laundering and transnational crime.

One conferee then made the point that law enforcement and diplomacy increasingly have been joined. Training techniques, institution building, and legal assistance programs, conducted both bilaterally and multilaterally, are crucial to combating transnational organized crime. Multilateral anti-money laundering institutions that developed over the years are one example of this trend. The Financial Action Task Force, founded by the G-8 and other countries, now has become an effective network to attack money laundering and to set standards to force certain states to alter their behavior.

Likewise, diplomacy resulted in a number of bilateral law enforcement agreements worldwide that are proving useful for combating transnational organized crime. Mutual legal assistance treaties, for example, facilitate judicial and law enforcement cooperation between two countries: the United States has used these treaties with Colombia to combat the Medellin and Cali cartels, as well as with Italy against Mafia organizations.

### **Conclusion: Political Will and Goal Setting**

In conclusion, even with this progress, the experts remained mindful that criminal organizations are resilient, flexible, unfettered by legislatures, courts or public opinion, and continue to find hospitable failed and failing states, fragile institutions, corrupt officials, and weak civil societies that allow them to flourish and challenge international security. Participants noted that while economic and social development in these vulnerable countries may provide governments the help they need to cope with transnational organized crime's subversive nature, the primary question remains: Can the state, along with the international

community, marshal the patience, persistence, and political will to carry on a long, difficult battle against a very difficult adversary?

Political will was singled out as a complex problem for fragile governments, particularly those in the developing world, because it is difficult for such governments to reconcile among developing its economy, democratizing its ruling institutions, and serving the needs of its people (especially those in the middle classes) against the opportunity costs incurred from fighting transnational organized crime and trying to prevent its citizens from profiting, directly or indirectly, from any form of it. One participant, for example, asked rhetorically how the Colombian government would prioritize its national interests. Should it place the drug issue on top? Given the fact that a significant portion of the country is outside the control of the central government, might it approach other problems first, such as generating economic well being for the people, addressing the breakdown of institutions, and continuing the reconstruction of the country's infrastructure?

One potential position to counter transnational criminal organizations was modeled on the containment theory from the Cold War. Because societies and governments develop lists of social ills, prioritize them, and most often, try to contain those problems and keep them within manageable proportions, it seems logical that public policy should try to contain transnational criminal organizations first and then break the ties among them that can amplify the harm they inflict. Discussion of this notion, however, suggested that should a containment policy be initiated, participating nations must first consider what effects the criminal groups will have while remaining entrenched in the foreign country, and if, given the ease with

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which these criminal groups have skirted border controls in the past, containment is even feasible in the first place.

It was agreed that containment was a goal that was not as lofty as “winning” a war

against transnational criminal activities, but was grounded as a policy option that governments often undertake on behalf of their populations.

# The Geography Of Crime

The focus of this chapter is to consider several geographic cases, after establishing several points of view concerning the place and role of transnational organized crime (TOC) in the larger processes of peacekeeping, peace maintenance, and the establishment of a viable civil society. The cases of Kosovo, Bosnia, and Colombia were discussed in an effort to establish an empirical record of where and how TOC intersected with and disturbed local, regional, and international efforts to bring stability and development to these places—impeding attempts to establish a viable rule of law. The selection of cases created an opportunity to conduct a multilevel study of the issue, allowing for an intraregional and international comparison. The presentations and discussion framed several crucial points of concern in the way one comes to terms with the issue, and the realities of the relationship between TOC and international stability efforts, such as:

- Multiple points of view on the issue and relationship between TOC and international stability efforts;
- Broad issue areas that must be approached from a multidisciplinary, interagency framework;
- Calls for closer, more accountable civil-military and public-private cooperation.

Each presentation highlighted the need to understand the issues from the point of view of the local people. This is necessary to capture both the full catalog of facts, making any analysis more accurate, and to better evaluate efforts at intervention and institution building. Second, the entire conversation clearly noted the width of the issue, spanning across political, economic, and social boundaries. The character of the

presentations and discussion acknowledged the need to take a broad, multidisciplinary approach toward understanding, explaining, and strategizing countermeasures. Finally, and following from the second point, it became clear that the civil-military and public-private relationships—national through international—were poorly configured and maintained. A myriad of anecdotes were cited, capturing a variety of these issues from haphazard and ad hoc information sharing and nonintegrated communications procedures to poor media relations and use of public affairs planning.

## Kosovo

Two specific points make the organized crime issue especially problematic in Kosovo. First, organized crime is local, regional, and transnational. It is local in its manifestation on the ground—from petrol monopolies to high-level kidnapping and extortion—and is predominant primarily because the lack of accountability in the region. Several personal anecdotes clearly made this point. In one case a ranking member of the Kosovo Liberation Army (KLA) lost possession of a significant piece of property he had commandeered shortly after Operation Allied Force. A new public official determined that the property rightfully belonged to someone else. Within 48 hours this official was murdered and the property apparently did not revert.

In another instance it became clear that both the Kosovar Albanians and Serbs were ransoming prisoners captured during the conflict for amounts ranging upward to DM 50,000. Organized crime is a regional issue as Kosovo is a historic transit point for smuggled goods. In this respect, it is clear that Serbs and Kosovar Albanians (as well as other regional crime groups from Croatia,

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FYROM, and Albania) work closely concerning these transactions. The regional dimension of cooperation is further complicated by transnational links. TOC stepped in and is taking advantage of the situation and services available in Kosovo. A key-enabling factor in this, beyond the lack of legitimate government, is the vast Albanian Diaspora, sprinkled across the globe. This Diaspora is instrumental in procuring arms and securing illegal distribution deals with TOC. An example of this is the arrest of several Serbs and Kosovar Albanians in Sweden for running a forced prostitution ring. In many cases the women were kidnapped or duped out of Eastern European countries, brought through Kosovo (and other parts of the former Yugoslavia) and to Western Europe, where their documentation was held and they were forced to be prostitutes under subhuman conditions.

Finally, political corruption and organized crime are virtually inseparable in Kosovo. This corruption is within both Kosovar and international institutions. As alluded to above, there has been much war profiteering, extortion, and actions of revenge taken through the auspices of the government. Although UNMIK has taken some steps to legitimize higher levels of the government and judiciary, the results continue to be poor. In many cases the leadership of a given city or town reflects the makeup of the fighting units around these areas. Shortly after the war, the KLA, and the local clans that supported their efforts against the Serbs, took control of local governance, commerce, and social services. It has been difficult to unseat these people, and in many cases they have bribed and coerced their way to holding an elected position. In many cases these are the people who used the smuggling routes and relationships with TOC to procure arms, supplies, and money via drug smuggling.

These capabilities continue to be a legitimate vehicle toward prosperity and local development.

Beyond the local aspects of corruption come the intended and unintended consequences of having a large, and in many cases, poorly trained international cadre in the country. The international organizational presence (not counting KFOR and private NGOs) totals around 10,000 people, making them close to the second largest population in Kosovo. A large part of the illicit economy in Kosovo was established to provide goods and services for the international community, ranging from unlicensed restaurants to inconspicuous brothels and drug houses. Beyond this classic display of illicit supply and demand economics, the international police force, which makes up roughly half of the official international presence, ranges from poorly trained and corrupt to highly skilled and frustrated. There have been many cases of international police corruption and collusion with TOC. In many ways, these people can provide the best conduit into the country. Their activities range from supporting livestock smuggling to a range of human trafficking. Despite several investigations, the U.N. and OSCE prefer to remove the individual and cover up the embarrassment, rather than address this systemic problem of variable capabilities and poor screening and training of prospective officers.

### **Bosnia**

The phenomena of organized crime and official corruption are endemic in Bosnia and Herzegovina (Bosnia for short). It negatively affects political, social, military, and economic efforts toward stability in the country, weakening internal and external efforts to create an atmosphere of trust and responsibility that is crucial to the survival of peace. However, Bosnian (referring to the



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whole territory) organized crime and official corruption are poorly understood by most Westerners. Three manifestations of these phenomena exist that wrap and separate in a triple helix logic, often confusing the more parsimonious sentiments of Western policymakers and interested analysts:

- Local/Historical
- International/Regional
- Myths

Coming to terms with the dynamic interaction of these three aspects will assist interested persons in navigating the issues, events, and people involved, as well as provide an excellent point of departure for analyzing Western theories and methods for addressing the phenomena. Additionally, there is little use in separating organized crime from official corruption because, in Bosnia, the two practices manifest themselves in tandem. Where an analyst might feel compelled to treat the two issues as distinct, this is done at the cost of understanding the larger social dynamic at play.

Taking the socio-historical roots of Bosnian informal society seriously provides the analyst with a finer-tuned picture of the current phenomena. Bosnia has a well-known yet poorly understood legacy of being dominated and then ignored. This unique social history provided the foundation and the need for developing informal, local social networks. Where the region was administered as an official part of an empire (Rome, Byzantine, Ottoman, Austrian, and French) this loomed largely as oversight with little in the way of economic, political, or juridical development. This superficial administration led to the development of an informal society, based on local needs for security and sustenance, and continued to play an important role in local society up to the present.

Organized crime and official corruption in Bosnia today manifests itself primarily through these socio-historic informal networks. In many cases, these local leaders approve, finance and defend criminal activities to secure local needs and interests. Given the weakness and questioned legitimacy of the Bosnian federal government, many of these local networks believe they are doing what is necessary and in the best interest of their community. They function with the tacit approval of their community, which is not always received through coercion and violence. These tactics are often used to capture dissenting individuals, rival networks, or external interference. Brcko, Mostar, and Bijeljina are examples of areas where there has been frequent violence due to contestation among rival leaders.

To date, the internationalization of Bosnian organized crime has been limited primarily to arms and human trafficking (however, drug trafficking and music and software pirating is on the rise). The numbers vary with estimates suggesting anywhere from 80,000 to 150,000 illegal immigrants made their way to Western Europe in 2000 transversing Bosnia. From June 2000 to June 2001, 6,704 illegal immigrants were arrested by the Bosnian or Croatian Border Police. However, the forests in Northwestern Bosnia are vast, allowing for a fairly easy trek in the last leg from Velika Kladusa Canton. The border between Croatia and Bosnia, especially along the Bosnian Cantons of Grude, Ljubuski, Capljina, Neum, and Ravno, is more virtual than literal. This provides for easy movement of illegal weapons cargoes from deep-water Croatian coves to the interior of Bosnia and on to Kosovo, FYROM, or in the other direction to Africa or elsewhere. However, despite these very real problems, most local organizations have resisted direct international infiltration.

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Rather, a series of “licensing” deals has afforded local groups the opportunity to make rather quick money by facilitating and supporting transitory criminal operations. Russian, Ukrainian, and Chinese criminal groups have established a limited presence in the country. Surprisingly, the Chinese groups are the fastest growing, as can be seen most dramatically by visiting the Arizona Market.

More troublesome are the regional links among local networks. These regional links are often jokingly referred to as the one place interethnic cooperation abounds. The primary materials smuggled through these associations are gas, cigarettes, and other durable goods. Oftentimes, the same lines of communication are used to transport guns, people, or cigarettes. Agreements of safe passage are forged through these local networks, making regional smuggling a fairly transparent and unquestioned activity. These regional agreements have proved to be a quick and easy way obtain substantial sums of money (at least in a Bosnian context). The money gained from these activities financed large portions of the war, including arms procurements, intelligence technologies, and funding for special units. This profitability has increased since 1995, providing the incentive for deeper resistance to Bosnian federal government legitimacy.

The categories and concepts of organized crime and official corruption suffer from a distinct popular manipulation, confusing the application of the terms to certain social phenomena. This popular manipulation is demonstrated through most media (myths of organized crime and official corruption), and effect the way analysts, as well as the subjects of the categories, identify the activities and themselves. These myths range from ascribing an Al Capone cum *Godfather* or *Sopranos* structure to the moralizing language of evil and random, half-crazed

acts of violence. One sees these references to Mafia and senseless brutality in most of the popular and professional literature. However, most the people and events defined by these terms are not part of a rigid hierarchy and use violence in a methodical manner to encourage certain outcomes. Along with these organizational and mental health myths ride a plethora of related submyths that are used to navigate this world.

The U.S. military community, through the voices of the Supreme European Allied Commander of NATO and the Commander of the Stabilization Forces (SFOR) in Bosnia, has identified organized crime and official corruption as key destabilizing factors. The position is that a culture of criminality is holding the possibilities of peace in Bosnia hostage to their own greedy desires. The language of any given statement by NATO or SFOR on the topic makes it clear that ethnic rigidity has been joined by criminality as the primary evils inhibiting democracy, development, and stability. A slew of institutions were introduced in the country to stem the tide of this evil; yet, several years into it, the process has yielded little success. There are three primary reasons why the U.S. military has not been able to come to terms with organized crime and official corruption in Bosnia: a lack of understanding of the issue; inadequate inter-organizational communications; and rigid expressions and interpretations of jurisdiction.

Although the U.S. military is not the largest player in Bosnia, many other participants in the larger peace mission look to it as a source of comfort and consternation. If the U.S. military can begin to reevaluate the problem of organized crime in Bosnia, it may spark a larger organizational review of how the international community misunderstands the

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issue. A reevaluation of this sort likely would lead to a reformulation of policy and actions taken to address the problem of organized crime in Bosnia. However, success of such a reevaluation hinges on capturing and understanding the local perspective, cognizant of the multiple dimensions of the issue, and the capability to communicate findings to appropriate international military and security organizations within the mission. Organized crime—local, regional, and transnational—poses a direct threat to the ability to build a legitimate, stable civil society and rule of law in Bosnia. Without proper analytic engagement the problem will only continue to grow and frustrate continuing international efforts to apply one-fit solutions to a region historically suspicious of such intrusions.

### Colombia

Focusing on the rule of law in Colombia is useful for two reasons. First, Colombia is a country where one finds the most complicated situation: an internal conflict, drug trafficking, left-wing guerrillas, right-wing paramilitaries, and huge social problems that have enabled coca cultivation, especially in the southern part of the country. Second, this convergence of problems makes Colombia an excellent laboratory for investigation and solutions. Like organized crime and peacekeeping, law enforcement is a global issue today. One cannot talk anymore about enforcing the law in countries without the participation and the cooperation of the international community. Many Colombia experts think that these problems stem from the Cold War, but this is only a half-truth.

The situation in Putumayo, in the southern part of Colombia, is an excellent example of this multilevel problem. Most of the coca in the country is concentrated in and around this area. Putumayo is a very

poor and underdeveloped area that is disconnected from the rest of the country. It is a region where subsistence agricultural workers are the victims of drug lords, in concurrence with an ongoing war between left-wing guerillas and right-wing paramilitaries. The convergence of these factors makes Putumayo a prime target for TOC exploitation. Despite the fact that the FARC movement originated in the 1950s, the level of internal violence did not increase dramatically until the 1970s with the Colombia's entrance into drug cultivation—mainly marijuana in the north. Born out of *La Violencia*, the FARC began as a socialist guerilla movement calling for agrarian reform that transformed into a component of the drug cartels. Today the FARC accounts for 15,000 to 20,000 soldiers who tend to be *campesino* from the southern part of the country.

In the 1960s a second leftist guerrilla movement, ELN, formed. The ELN currently accounts for 4,500 to 5,500 soldiers. Originally, the ELN focused their efforts on sabotage against the oil and mining companies, specifically targeting infrastructure. As the ELN operated mainly in the north near the Caribbean coast and the majority of marijuana fields, they began to collude with the increasingly powerful and rich (some estimates suggest by 1975 Colombia produced 60 to 70 percent of the global marijuana crop) drug groups. Eventually, several of these successful marijuana producers diversified into the distribution of coca. Coca is not indigenous to Colombia, but rather is more common in Brazil, Peru, and Bolivia. In the beginning, coca was grown in Peru or Bolivia, but processed and distributed from Colombia.

In the early 1980s, before the leftist groups became too involved in the drug trade, some landowners and drug traffickers created several self-defense groups (paramilitary groups). The MAS (death to

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kidnappers) was one of the more famous cartel-controlled paramilitary groups, organized to conduct counter-kidnapping operations against the FARC and ELN. In the 1980s, these paramilitary organizations sprung up throughout the drug-producing region of the country as personal armies for the cartels. The illegal paramilitary groups were well-funded and equipped through drug money. By the late 1980s the FARC and ELN realized the funding possibilities from drug trafficking and began to enter the game more aggressively, taxing the process more than doing the actual work. Currently, despite the mid-1990s successes in capturing and killing several drug lords, all of these organizations (and some additional ones not mentioned here) profit from drug trafficking proceeds that far exceed any amount of money the Colombian government could hope to generate for addressing this problem.

Why did that happen in a place like Colombia, despite the violent history of the country? By looking at a simple map one clearly sees that Colombia is a country divided into two parts. The first part, from the Andes to the west and north, is an area that is more or less the size of California and has 95 percent of the country's population, infrastructure, and cities. The second part, the Amazon basin to the south and east, is the size of Texas and has only 5 percent of the population and nearly no infrastructure. This area is primarily a jungle frontier with little to no permanent government presence. The contrasts between the two areas are akin to a time traveler's experience crossing centuries. In this area the guerrillas have provided some minimal assistance to traffickers, allowing them to benefit from the proceeds. As the FARC and ELN realized the potential profits from the industry they became more involved, which allowed them to grow substantially and purchase high-tech weapons and training.

These activities have transformed the guerrillas, along with the drug traffickers, into TOC groups. A good example of this is the recent arrest of five IRA members, who clearly were providing explosives training to the FARC, as a technical monitor detected a large amount of associated material on their clothing.

The power associated with the money and connections derived from the drug trade allows those associated with it an unprecedented opportunity to corrupt Colombian government officials. For example, the last Colombian president received money for his campaign from one of the cartels, which did not mean he was a trafficker but demonstrates the reach of the cartels into official Colombian politics. This problem is amplified by nearly flat growth over the past few years. It was clear the situation needed reevaluation and a strategy devised to interdict in the ever-worsening crisis.

In 1998 President Pastrana came into office, finding this desperate state of affairs and quickly established the working group, which would ultimately lead to Plan Colombia. This plan was devised to address the social issues that allow the cartels and guerrillas to exploit the *campesinos* as well as the flagging Colombian military and security forces. Currently, Plan Colombia, largely funded by the United States, is building infrastructure—like medical clinics, schools, and roads—in the Putumayo and throughout the Amazon basin. The goal of this plan is to build trust between the people of this region and the government by establishing a presence and making a clear investment in the region. A full economic stimulus package is part of the plan that hopes to create several thousand new jobs in the coming years, as well as provide re-education services to skilled laborers whose industry has shifted or left the country. Additionally, the plan has provided the basis



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for expanding Colombia's relationship with the United States, receiving much needed professional military and security training, equipment, and advisory assistance.

In conclusion, several cautionary notes are necessary. First, the situation in Colombia is not black and white. One cannot create a rigid tool to measure the myriad of actors and actions taking place in the country. Rather, a flexible plan, capable of reaching as many people willing to bring a lasting peace to the country, needs to grow and adhere to the fabric of Colombian society. As part of this procedure, the *campesino* and the guerrilla should not be vilified—an opportunity for a dignified atonement must be sought if the peace is meant to be durable. Second, the counter-narcotics effort must be sustained and supported by all concerned parties. The goal of 50 percent coca eradication over the next five years is attainable only with such a united effort. Finally, the only way to bring Colombia under the rule of law is to create an environment conducive to such a state. Coca is the foundation for many of the country's ills and has exasperated the social problems and political violence that predates the industry. In this light, coca eradication is imperative if Colombia hopes to build and sustain lasting, legitimate stability and prosperity.

### Critical Assessment

Three main points were addressed during the discussion on Kosovo and Bosnia. First, the extent to which the phenomenon of organized crime in Kosovo and Bosnia was similar to the southern Italian experience and whether this might be seen as a consequence of serious social upheaval. Several discussants suggested that one might be able to compare these, possibly taking a civil society approach such as that used Robert D. Putnam in *Making Democracy Work: Civic Traditions in Modern Italy*.

Others believed that a comparison with Italy might lead to a false equivalency, suppressing the unique aspects of the current Balkan situation. The different levels of violence associated with organized crime in Kosovo and Bosnia was also noted in this context as a point of further complication in approaching the issue as inevitable. Additionally, a discussant opined that economic recovery in the region may hinge not on breaking the criminal elite, but on cooperating with a certain segment—attempting to bring a significant portion into legitimate society. In response, a panel member agreed with the opinion, but stated that the IC currently is taking the opposite approach.

Second, the point was made that the region has little to no experience with democracy or free market capitalism, making attempts to establish institutions that would encourage this kind of development difficult or premature without extensive educational groundwork. Following from this point a participant from the region suggested that organized crime continues to exist primarily because the IC and SFOR have conducted themselves as an administrator over the region. In this way they are not fully aware of the situation on the ground and implement rules from above without taking stock. Although many positive things can be said about the IC's activities in the region, the only way to make a real and lasting change is in a long-term partnership with the new countries of the region. Finally, it was suggested that it would be useful to locate people on the ground who understood the local and social context of the organized crime problem to help find solutions.

The last area of discussion addressed specifically what the IC and SFOR were doing to address the problem of organized crime in the region. The discussion started with an accusation that U.S. forces were

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fully aware of the problems, especially dealing with human trafficking, and they were doing little about it. This was especially true in the context of the Russian forces stationed within the SFOR Multinational Division North. Another discussant pointed out that many of the issues concerning organized crime that come to the attention of SFOR are reported, but the military has no jurisdiction over such matters so they can do little about the issues. Regarding the Russian forces in Bosnia, it was clear from several comments that the political imperative of showing the United States-Russian military relationship as positive in Bosnia outweighed the urge to pursue various accusations about Russian military members' involvement in organized crime. Finally, several points about the International Police Task Forces (IPTF) in Bosnia and Kosovo were made, confirming earlier comments that there was a serious gap in capabilities and training within the organization. In the end, it was pointed out any attempt to correct the IPTF mission would be costly and cause several nations unwanted public embarrassment over the capabilities and activities of their police officers.

Turning to the Colombian case study, several areas of interest emerged during the discussion. First, the issue of media relations and the very U.S.-centric focus only on drugs as the problem, when it is clear the TOC issue stems from many different, interwoven factors. It was acknowledged that Colombia may be losing the public relations war, but the lack of success on this front was tied directly to the way the United States officially represented the issue.

Second, several discussants inquired about the guerrilla's motivation for peace, given their relative security, wealth, and equipment. The internal makeup of the FARC and ELN is predominantly farmers

from the region who have few other options. The possibility of amnesty and a different, legitimate lifestyle could be enough to entice the bulk of these organizations to put down their arms. However, this coupled with the FARC leadership's lack of interest in holding political office may be seen the opposite way, stressing the access to money and goods that the government may never replace. The only option from this viewpoint is to return to poverty and subsistence farming, which likely would not sway many toward a peace agenda. Despite the fact that the guerrilla movements are relatively new to narcotics trafficking, they have established a lifestyle that may prove difficult to abandon. So, a tactic toward peace must have a serious military component that threatens the groups sufficiently to provide the "stick" to the scenario. However, even with peace, it is likely some of the cadre from these groups will continue in TOC.

The discussion then turned toward issues of professionalizing the Colombian military and extracting the various affiliations with paramilitary organizations. The process of making the Colombian military fully professional and under direct control of the civilian authorities is a long-term goal of the government, which has made some excellent strides forward in the recent past—especially through its relationship with the U.S. military and security agencies. However, corruption continues to be a problem for the Colombian military, specifically in disassociation from various paramilitary organizations. Additionally, much is being done to address the human rights issues in the military, but there is a problem of accountability for past incidents. The answers to these questions need to be addressed before full professionalization can be met. However, the constant focus on drugs takes away from making the kinds of investments

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necessary—for pay, equipment, and professional mobility—to give the military a good chance at tackling these difficult challenges. The political reality of the drug focus is understood, but the empirical situation suggests a more diversified approach may have better yield in addressing narcotics trafficking.

Following from the issue of corruption, several discussants raised questions concerning counterfeiting and money laundering activities in Colombia. These are both seen as byproducts of the narcotics trade and a clear lane into the transnational aspects of the activity. Colombia finds it difficult to address these issues without cooperation from other states. Where there is a fairly close working relationship with the United States on issues of counterfeiting, money laundering has

been trickier because of the number of countries often involved in such processes. TOC purposefully locates countries with weak banking and business regulations to cover their laundering tracks.

Finally, there was some discussion of where the war on drugs should be focused—on the supply or demand side of the issue. Discussants made cases for both sides, suggesting a dual approach may be warranted. In this exchange, several points of concern were raised about the small impact of interdiction on the street value of drugs and the extent to which the Colombian judiciary was equipped to deal with the problem. In the end the discussion pointed out the need for further efforts to address the many issues that complicate the unique Colombian problems.

# Civil-Military Relationships

This chapter explores a variety of institutional perspectives, exposing several gaps in civil-military discourse. Two important points were brought out in the session that warrant mentioning. First, there is a large gap between the empirical and the ideal. Despite a doctrinal belief that the military should play a limited role in social issues, it was made clear that this has rarely been the case—even in the West. Second, the military and civilians, generally, have different perspectives and sensibilities when referring to common issues. This was brought out in the variety of references to oversight, training, and operations. Thus, substantial effort is required for productive, efficient civil-military relations in democratic political systems.

## An Ideal Type for Peacekeeping

In considering the issues of crime and corruption in peacekeeping missions, one should keep in mind the proper roles of civic and military institutions. For example:

- Soldiers can learn to be policemen, but *should* they be policemen?
- Should they be the people to sustain the rule of law, or should they, as in Latin America, be supervisors of elections?
- Should they do extensive civic action, bringing education and health to large sections of national societies?
- Should they serve as peacemakers in domestic or internal conflicts?

The answers to these questions are crucial for shaping a healthy democratic civil-military relationship best suited to maintain a just rule of law.

Most important in coming to terms with these roles and answering these questions is to keep in mind the specter of mission creep. Where soldiers have been trained to be teachers or police officers, this is not normally the most efficient way to use them, or to have police and education functions carried out. When soldiers are tasked with nondefense functions, there can be negative implications for building democracy and enhancing civilian capacity. There are situations in which soldiers have to be called upon to take on extraordinary roles, and they should be trained for those roles, but these should be short duration exceptions. A state's armed forces should not be the first resort for solving social problems; they should be the last resort. The military is tasked to deal with emergency situations where transnational crime and corruption or internal conflicts can overwhelm the rule of law, usually in a weak political system. However, this is an institution that should not be used before taking other, more appropriate measures.

In the context of this discussion, the goal is the containment of crime and corruption, and carrying out other functions so that designated specialized civilian agencies and entities in the private sector can deal with those situations without the help of the armed forces. The best-case scenario is the armed forces effectively carrying out defense-related roles and civilians successfully taking on other roles for society and the political system. The worst-case scenario is a grim situation, where civilian agencies and private sector organizations are overwhelmed by the circumstances, having to surrender their roles to the armed forces. Even worse would be a situation in which the armed forces are ineffective in carrying out these roles—a



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situation where both military and civilian agencies may become corrupted and fall prey to the social forces that give rise to organized crime. These are ideal type scenarios. However, in Latin America, at different points in time over the last 50 years, one can find situations close to the worst case in Colombia, Peru, Paraguay, Panama, Guatemala, and Mexico. These are scenarios from which we want to move, and into a situation where the armed forces and civilian agencies, both in the public and private sector, are carrying out their proper roles.

### **Implementing Steps**

There are five steps a state can take to improve the circumstances of civil-military relations:

- Keep the core missions of the military clearly in mind and be sure this area of focus is sustained;
- Pay the military a living wage and be sure both the military and civilians are proud of their roles and service;
- Make sure that military responses to emergency and peacekeeping follows due process;
- Identify a range of potential emergencies where the military may be called to action and create joint military-civilian training programs to prepare for these circumstances;
- Establish professional, civilian agencies to deal with problems that may become emergencies.

Step one: Keep clearly in mind the traditional core missions of the armed forces—combat readiness, enemy awareness, and protection of national sovereignty. For foreign relations and global peace reasons, international peacekeeping is an additional mission that is becoming more important in the 21<sup>st</sup> century. Another

additional military mission is emergency response preparation. Many current military mobilizations find the armed forces responding to situations that have been defined as emergencies. These include natural disasters, such as floods and other situations, running customs organizations, taking care of national crime, or dealing with drug trafficking. These often are defined as emergencies in which the armed forces, in many countries, are asked to play a role.

Step two: Pay the military a living wage. Make sure they are sufficiently equipped and proud of their institution. The armed forces in most countries are the largest and best-organized national institution. The core military functions are critical for giving the political system the kind of stability that it needs to build a democratic government and to facilitate the kind of free market exchange, which is increasingly important in the 21<sup>st</sup> century. Without proper financial support, a state's armed forces are less likely to be prepared to carry out their core missions. This step will be made both more difficult or easy in the context of globalization: a more mobile technology-based military will require fewer soldiers, but will require that they are better trained and appropriately paid.

Step three: Any military response to an emergency must follow due process, which, in most states, at a minimum requires executive branch identification of an emergency and authorization for military intervention. Following along the lines of due process, there should be congressional or parliamentary oversight of continuing emergency operations. Finally, there should be a clearly defined "sunset plan" for military demobilization and turnover to civilian authorities. However, this part of the process often is absent. It is important to have clear thinking about how the military will get out of the business of providing, for

example, health care in rural areas, or other similar nonmilitary services. How can the military get out of the business of monitoring elections or being in charge of customs operations? What are the circumstances in which the military can end its peacekeeping role in the Balkans? It is a difficult task, but to move ahead—to build the kind of political systems and societies that move closer to the positive ideal type—it is necessary to have a serious exit strategy.

Step four: Identify a range of possible emergencies and train the military to respond in full cooperation with civilian authorities, meaning the armed forces need to be trained for combat as well as this range of other missions. Increasingly, joint military-civilian training is necessary because many of the roles are the same and in many cases they will have to work together to meet their objectives. The idea behind such training is to prepare both for situations where the military is called to respond to an emergency, in which there is appropriate civilian oversight, and provide for reasonable freedom for the military to conduct operations.

Step five: Establish specialized civilian agencies to deal with issues such as transnational organized crime and social issues that may pose a threat to the state. It is corrosive to the armed forces' core missions to stack all of these issues on their back. When addressing these 21<sup>st</sup> century issues and the pace at which criminals get better and more complex, it only makes sense to develop specialized agencies, training civilians in specific skills. Too often, political leaders “call in the cavalry” because it appears in the short run to be easier and cheaper than the process of training specialists. The leadership of existing civilian agencies that have concerns in these areas should “step up to the plate” and recommend such actions.

## **Avoiding Hazards**

Following from these steps there are several dangers that need to be avoided in the civil-military response to emergencies. First, avoid using a blunt instrument when sophisticated tools are needed. In these scenarios the military is a blunt instrument, called upon in emergencies because there are no other instrument available. To avoid this other instruments should be designed to deal with the kinds of problems faced in the 21<sup>st</sup> century. These organizations should have civilians carrying out the roles, both in countries where there are internal conflicts, and also in international interventions, to the extent possible.

Second, avoid creating a militarized public sector, which is unwieldy and inefficient. This may seem trite, but mission creep can be observed in the Americas, where the numbers of people in uniform is increasing. This is the opposite direction from the way free-market commerce and the expansion of democracy should grow smaller, more nimble states. Instead, some states are growing and sometimes use the bluntest, least nimble institutions. Although this backward move is slow-paced, there should be a concern with the frequent under-performance of new democracies.

Finally, avoid corrupting the forces that are needed to sustain the rule of law in an emergency situation. When asked or urged to be involved in counter-drug operations, many military officers throughout the Latin American region expressed the following concerns: They were not trained to do this mission and feared that it would put them in a position where their subordinates might be corrupted through close contact with criminals. This is not to suggest that the armed forces be excluded from dealing with these emergency situations, but to illustrate seriousness of the matter—prematurely involving, without proper training, an institution of last resort.

## **Role of the Private Sector**

The private sector can play many roles in building a proper division of labor between the armed forces and civilians—relations that could facilitate progress against organized crime and corruption, making peacekeeping more effective. An important private sector role is creating institutions for educating civilian defense policy experts in regions all over the world. In Latin America and the Balkans military institutions have few civilian employees. Traditionally, there are very few career paths in which civilians receive training to provide oversight or to construct defense policy. It is crucial that the military carries out its missions in response to the political priorities of a nation. Strong private sector training and a civilian defense professional track can help build important bonds in civil-military relations. A second role for the private sector would be to make the topic of organized crime and corruption a specific issue of interest for political society. The goal is to create a priority agenda within the political ranks, which requires real discussion, debate, and legislative attention. In this context, a clearer understanding could be built, regarding the appropriate circumstances under which the military should be involved in counter-organized crime activities

Organized crime and corruption should become an important issue for nongovernmental organizations (NGOs). Certainly, there are NGOs, like Transparency International, that focus on these issues. However, there are many other organizations that would stand to gain and could assist in addressing these problems. For example, dealing with business regulations might be something that is natural to talk about in chambers of commerce, or other aspects of foreign relations may be something that is comfortable to talk about in an international relations-NGO context. However, talking

about defense matters, civil-military relations, and organized crime and corruption may not be as prevalent when it probably should be part of these institution's agendas. These issues are key to security discussions today that should span political system—from the state and political society to civil society. This should not just be a discussion or debate, but an establishment of NGOs that can provide the kind of civilian oversight necessary to approach the positive ideal type.

## **Conclusion**

The military is the last resort, not the first alternative, for dealing with national political problems. However, a state needs to be aware of possible threats and pending emergencies that may require military assistance. In these cases, strong civil-military ties and understanding are essential for success. The ultimate goals are to create conditions where the rule of law is operating, individual citizens can have their interests reflected in the political systems in which they live; and to institutionalize that process to avoid future emergencies.

## ***Critical Assessment***

Concerning the state of civil-military dialog, at least in the United States, it appears to be poor—where the military feels it is being hunted by civil organizations and conversely these organizations believe the military is purposefully unspecific in addressing concerns and requests for information. One problem complicating improved dialogue is how each party defines civil-military relations. The military sees these relations in terms of deployment and operations under way, where they need to manage interaction and process information quickly. The civilian sector either avoids contact with the military (governmental organizations) or does not interact with the military because of neutrality issues or a lack of resources

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(NGOs). As a related point, the communication problems in civil-military discourse are further complicated by the lack of institutional memory as these issues are debated. Rarely are the findings of conferences and such parlayed into the larger knowledge base—guaranteeing the recitation of familiar problems. However, several initiatives are under way, attempting to improve this situation—namely, a U.S. attempt to establish a civil-military dialogue that would establish operational guidelines prior to an intervention or significant military action. This follows from a number of civil-military cooperation training modules that have been prepared in Europe. Additionally, the UK, through the British Development Agency, has gone a long way in codifying civil-military procedures and communications that appears to have been very successful in facilitating a more open dialog through transparent procedures. Despite these efforts, most discussants agreed these were steps in the right direction, but far from a full resolution.

Following from the first area of discussion, several participants pointed out the disparity between military and civil institutions. In cases “on the ground,” the military often treated NGOs and other civilian organizations as customers, rather than partners. Several discussants believed that this imbalance in the relationship seriously thwarted NGOs’ capabilities to provide military oversight. During a mission, the military has responsibility for the means of coercion, which puts other organizations largely at their whim to determine the level, style, and means of cooperation. Complicating this problem is the lack of communication between civilian organizations, especially true among NGOs. This normally follows from a lack of resources and the tendency for NGOs to operate only within their niche. Rarely is there a formal exchange of information

across these boundaries, but rather on an ad hoc basis.

Furthermore, it was noted by several discussants that soft security issues, like organized crime, need to be part of the military readiness agenda because, for better or worse, armed forces increasingly are called on to deal with a long list of social emergencies. Part of the process of coming to terms with soft security issues is to have a definitive political statement about the boundaries of the security sector. Several arguments suggested the United States military historically has been involved in these types of missions—from Nicaragua and Panama to Vietnam and Somalia—pointing out the empirical reality of mission overlap even in the West. Other respective points of view concerning civil-military relations included:

- From the viewpoint of a civilian government practitioner: The military normally is brought into soft security missions because it receives the largest or a substantial portion of the state’s budget, allowing it to develop several key capabilities—intelligence collection, information analysis, strategic planning, and high technology. Despite the fact that these capabilities do reside in a collection of other civilian organizations, public and private, nowhere does it exist in such concentration in a virtual one-stop process.
- From the viewpoint of a member of the military: The military is a malleable tool that can work well with civilian organizations, providing security and support through sharing information and assisting law enforcement. However, too often the civilian organizations do not understand military limitations and push it beyond a comfortable range or with ambiguous goals. When the military acts in these circumstances there is little

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coherence or consensus in the civilian response, ranging from criticism about “not enough being done” to overstepping the appropriate boundaries.

- From the viewpoint of an NGO: NGOs are limited in their capabilities to play an equal role in civil-military relations because often there is a necessary barrier between the two in peacekeeping operations. It is important for NGOs to maintain a reputation of neutrality and build a bond of trust with local populations, but more often than not the military is seen as favoring one side or another. Open contact and information sharing can be perceived by the local population as a distrustful act.

Finally, the conversation was sprinkled with references to military and police roles. It was made clear that a prime example of the problems civil-military relations can be seen in this interaction. In certain places the military is given a policing role that may slow efforts to introduce a civilian law enforcement organization. Additionally, there is a clear disparity in how the international community views the proper relationship between the police and military. In some cases, there is a strict, purposeful separation. However, in others the legislated relationship is closer, to the extent that several state’s armed forces maintain large military police forces that have a wide-ranging jurisdiction.



## The Rule Of Law

The rule of law entails three principles, the first two of which are the peaceful resolution of disputes and the formal institutions of government. The first two are important as they provide for law and order, but alone can easily serve as the foundation for a repressive regime and thus are not sufficient unless operating in concert with a third principle—operating in a manner that is accountable and relatively transparent to the public or civil society. For example, judicial decisions are made available to the public, as well as arraignment proceedings to prevent the use of secret evidence as the lone reason for detaining suspects. The problems of organized crime and corruption have blinded the international community and have led a misdiagnosis of how to address a criminalized political economy—a conceptualization that prevents durable or self-sustaining peace from being obtained. Criminalization of the political economy is a major reason at the core of why states fail. The solution or fix relies on the institutionalization of the rule of law.

### Understanding the Issue: Three Myths

In order to enter into a meaningful discussion of capabilities, the discussion opened with an elaboration of two factors that often describe the relationship of organized crime, corruption, and peacekeeping operations. The first factor was that, from a purely law enforcement perspective, transnational crime and organized crime are two distinct issues, and thus approaches and required capabilities focus somewhat differently on the problem. Organized crime debilitates failed states and regions like Bosnia and Kosovo, and transnational organized crime's cross-border activities, such as narcotics trafficking and

trafficking in persons, empower domestic organized crime groups. One participant offered the organized crime problem in Kosovo an example of this relationship in action, noting that, since it is linked to significant transnational organized crime, UNMIK is unlikely to succeed should it try to seize the assets of an organized crime group in Kosovo, as it is likely that the assets are already in Switzerland or elsewhere. The other factor that the discussion briefly noted was that the violence organized crime employs is an instrument of power and a way of imposing its will. This observation is important for peacekeepers or others setting out to address organized crime to keep in mind, because when organized crime resorts to violence to protect its interests, the police forces must be capable of delivering a similar response.

The discussion then noted that present approaches to combat organized crime employ law enforcement techniques that seek to increase the risk for organized crime in order to impose constraints that groups and individual criminals understand, and the participants outlined a series of policy goals and capacity requirements for law enforcement that could increase the risk of conducting organized crime.

One such risk is that violence brought onto law enforcement is met with violence. Another is that authorities can ensure incarceration for committing criminal acts. The extradition of criminals from overseas was another way of bringing risk to organized criminals, making the flight of criminals overseas more perilous and halting the influx of foreign criminal groups seeking safe haven. Fourth, the certainty of asset forfeiture is an important risk to introduce, thus what organized crime has stolen in the past and anything they plan to steal in the

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future is not theirs after arrest and conviction. Fifth, authorities can turn to the community within which organized crime operates and form an approach that punishes supporters and collaborators, making sure that the people who harbor criminals understand that they take a risk as well.

Next, one can employ the use of rewards to increase the worth to local citizens of giving law enforcement information needed to confront the problem of organized crime. Another is the establishment of witness protection, which one participant noted need not be as involved as the U.S. program, but an institution that can protect those witnesses that come forward.

Finally, from a law enforcement standpoint, the transnational aspect of the problem arises when one focuses on a criminal group's

methods of generating means and how law enforcement can combat or deny it—the peace mission will have to direct resources against transnational organized criminal activities to engage that challenge.

One participant noted that the conference could not rely completely on traditional law enforcement policies and capacities to solve the operation of organized crime in the context of failing and failed countries. Such an observation is one that practitioners and scholars alike have failed to recognize in the past, and this has led to the perpetuation of three myths that often color the analysis of the issue. The first myth concerns the notion of primacy, where member states of peacekeeping operations believe that their sets of principles should serve as the foundation for a functioning democracy and thus should use to try to refashion a failed state. One

illustration of primacy was how different countries believe the different components of peacekeeping operations should operate. Many believe that the military and the police should remain separate since most Western democracies use the military to focus on external security matters and the police to focus on the law and order functions and internal security matters. However, such a framework relies on a foundation of established democracies with institutionalized rules of law and order that do not exist in failed countries.

In application, the participant continued, primacy most often impedes the ability of peacekeeping operations to reduce

or eliminate spoilers. Political violence, for example, was certainly behind Milosevic's regime, or his kleptocracy, and it manifested itself in the Serbian Kosovo campaign. Further

examples of spoilers are found in the warlordism in Africa and other places, where it has been a prominent factor. Kosovo, however, provides some of the more appropriate examples. At the outset of the peace operation in Kosovo, each sector had to reestablish a number of institutions to get them functioning. The German sector contained the regional detention center, which the Germans reestablished and operated. Some time after, UNMIK police sought to establish primacy in the area, and thus a plan was in motion for them to take over the prison. Acting as if the situation were a functioning democracy, when the UNMIK police initially undertook control of the prison, the German military left, taking with them the concertina wire, the mess facilities, and everything else but the prisoners and the bare walls. Thus, UNMIK

**“The problem of political terrorism, those who are willing and able and ruthless in using political violence to thwart the peace process, call them spoilers if you will, [are] the most difficult to deal with, and neither the international military nor international civilian police and others involved in the public security area are able to deal with this alone.”**

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police were left to begin the process of founding the prison all over again.

The latter example is the kind of situation that the myth of primacy creates. The myth concerning primacy, the participant noted, is that “either I have it or you have it and there’s nothing in between.” The experience of prior peacekeeping operations therefore shows that a period of partnership is required where civilian and military portions of the operation work closely together. Such cooperation is most important in initially dealing with the problems of political violence and then should shift into a cooperative continuum where primacy shifts from the military to the civilian sector as mission requirements shift from intelligence to incarceration.

Another myth that arose during the discussion was that political leadership and policy goals should not guide law enforcement authorities and operations. In democratic societies, especially in the West, this is a foundational principle. The societies demand that politicians restrain from instructing the police who to arrest or who not to arrest. However, such principles often do not translate to a place like Kosovo because if peacekeepers arrest organized criminals as they come across them, then the resources of the operation will dissipate quickly. One participant noted that when a multinational specialized unit shut down a number of brothels in Kosovo, it did not appreciably further a successful outcome in the peace process in the region. The peace process must have primacy over more *laissez-faire* principles of law enforcement, and the executive authority of the peacekeeping operation must have the ability to guide scarce and limited international law enforcement resources.

The discussion then led to considering, assuming this is the case, what problems the executive agent and law enforcement should address. First, the

operation should learn who the spoilers are and how they operate. Spoilers are oftentimes linked to organized crime, thus if the peacekeeping operation can identify them, it can marshal resources, especially criminal investigative resources, to gather evidence and can submit them to legal proceeding. While many other pieces must come into place for a successful operation, the central point here is that the political manager has to decide then such an operation should commence.

One participant noted that an August 2001 article by Jeffrey Smith of *The Washington Post* concerning Sami Lustaka, the most significant warlord in Kosovo that operated with constant impunity, asserted that UNMIK’s leadership prevented the arrest of Sami Lustaka because he was covering for him before the elections took place. What resulted was that at least 60 percent of the people of Kosovo voted for either a pacifist or for the party that stood for a nonviolent path toward independence, in turn rejecting the associates of Sami Lustaka and others. The participant noted that if UNMIK had tried to arrest him before the election, it would have had no witnesses, would have had no judge ready to find him guilty, and even no any armed guards on the Dubrava prison where he would have been interned. What this illustrates, referring back to the first myth, is that all the pieces of the continuum must be in place. It would have been a futile and ultimately dysfunctional gesture to arrest Lustaka and then have to release him.

The final myth was that building the rule of law is as simple as developing local capacity. Such a myth has focused peacekeeping operations in the past on police training programs, but as one participant noted, the judicial and penal systems, as well as the legal code, also require attention. However, since the focus in the past was on formal institutions,



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peacekeeping operations remained largely blind to the informal realities of power, especially the role of transnational crime. The latter is, in reality, where power resides in the many failed states that peacekeepers operate within. The formula of the developmental community was build capacity and turn over ownership to local authority, or as one participant put it “don’t give them a fish, teach them to fish,” but such a formula will not work unless the nature of the environment changes.

The discussion also noted that experts often forget to examine the nature of the relationship between the institutions of public security and *uncivil* society. If a nexus among intelligence apparatus, criminals, corrupt politicians, the police, and others was the reality of wealth and power in society, and thus structure was either not recognized or addressed, then training policemen and organizing human rights courses would either get policemen killed or force them to conform to the uncivil society to survive. For example, when the assessments were conducted in Bosnia for the IPTF, basically two questions were asked: how many police and police stations are there, and where are they located. That addressed the problem in terms of capacity, but a realization has recently taken hold that the international community failed to identify the root of the problem. While the peacekeeping operation was able to get the ethnic communities to cooperate, the organized criminals in those ethnic communities also cooperated with each other and reestablished old ties to conduct illicit activities.

A solution to this particular problem that arose during the discussion is possibly to shift the focus from capacity to partnership and eventually to ownership. The international community’s law enforcement specialists work with selected members of local society to help establish

them for success—a process that is currently occurring in Bosnia. Until those pieces are in place, the political manager would have to decide when possible and appropriate to take action, using a strategy that focuses on the sources of the conflict as a guide. As one participant relayed during the session, U.S. peacekeepers in Kosovo leaving places like Mitrovica, which enjoyed significant police and military presence, for more difficult spots like Vitina, thought they could employ the methods that appeared successful in Mitrovica as strategy. The nature of the strategy was “deal with the symptom, but not with the source.” Hence, the peacekeepers poured resources into this area, which then stretched the operation thin elsewhere and similar problems merely cropped up where the peacekeepers were not present. Thus, strategy must focus on the sources of the problem, not merely the symptoms, and that requires a political manager to guide police and other law enforcement capabilities like the international judges and prosecutors.

### Mind the Gaps

Once the problem is identified, the next step is to focus on the institutional gaps in capabilities. Assessments of such gaps are necessary in advance, and such assessments are likely best carried out in concert with private organizations that have expertise in the region and/or a field such as transnational organized crime. The international community has not tapped this expertise in the past.

One capability that participants felt was required was that proper authority had to be endowed in the mandate alongside credible legal codes. In Kosovo, for example, UNMIK exercises the sovereignty of Serbia, an arrangement that provides internal authority within Kosovo while requiring that it work within the confines of the Serbian legal code—clearly an issue that

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requires addressing. If future peacekeeping operations could begin ready and equipped with a criminal code, and even more importantly, a criminal procedure code, the participants felt it would have a much better chance of success from the start.

A second capability, and one most central to implementation of legal codes and stability programs, was personnel. The recruitment and personnel program, most participants felt, must do better in the future. In the context of combating transnational organized crime specifically, the development of stability requires personnel with sophisticated skills in terms of enforcing laws and understanding judicial systems, but the personnel who are most often available are inexperienced. Such a statement was not an indictment of the people, but rather blame resides in the system that recruits and sends the wrong personnel for the mission and does so often in an ad hoc manner. Furthermore, there has been no “learning curve” or “lessons learned” available for the personnel sent to these missions, and thus training regimens must improve.

The specific kinds of professionals necessary for combating organized crime in stability operations are people who understand the organized crime problem—criminal investigators, forensic scientists, international judges and prosecutors, penal system specialists, police supervisors or managers, and field training officers. In this regard, participants noted that there are signs of progress, especially within the U.N. First, the U.N. now has a Criminal Intelligence Unit constituted with personnel from the key NATO allies in Kosovo: the United States, the United Kingdom, Italy, France, and Germany. The unit will continue to increase its ability to analyze intelligence and then make useful intelligence actionable for law enforcement by either sanitizing it for sources and methods or through some other

method. While intelligence sharing arrangements still hamper the operation of the unit to some degree, it still provides tips to local and UNMIK police so that they move in the right direction. The latter is also an example of implementation of the intelligence to incarceration continuum. Another example from Kosovo that arose during the discussion was that in the British sector, a member of the Royal Ulster Constabulary was placed in charge of the local police station. The force was able to identify the suspects who were responsible for grenade attacks and bombings aimed at the Serb population by using the same techniques the British used in Northern Ireland in trying to deal with similar situations. Such personnel structures allowed British troops to work effectively together with law enforcement and with considerable success.

Aside from legal authority and personnel, procedures were the final gap the discussion addressed. For example, when UNMIK began operations, it did not have the ability to gather evidence, and then did not have the ability to store or utilize evidence it collected, but now changes have been implemented to address this shortfall in procedures. International judges and prosecutors have been placed into the system to assist with evidence collection, and they have been empowered to take control over cases. There also now exists a majority international forum to adjudicate cases and legal requests. Thus, the continuum is basically in place except for the criminal investigative capability that, since Kosovo has a civil law tradition, requires investigative judges to gather or oversee the gathering of evidence.

## **Implementation and NGO Capabilities**

The session next turned to implementation, and a question that drove the discussion was

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how to superimpose a criminal justice system over a political culture that is already accepting of this kind of criminality and is linked to clan-style networks of organized crime, especially because earlier discussions noted that such a culture would undermine the legitimacy of even the best judges, police officers, and criminal justice systems. The simple answer was that culture is not immutable and it will change if a structure is put into place that can change its power relations. Put another way, foster the rule of law through structure, and over time, values will change. However, participants were quick to note that the issue was not as simple as imposing a new or different system, as the role of culture is important. The issue was not one of insisting on human and minority rights, but rather hinged on how to go about doing that in a particular society—for example, being sensitive to the norms and values in that society as one conducts training.

Such a solution cannot be imposed, but rather must be engineered between the international and local members. The participants noted, therefore, that the peace process must co-opt formerly implacable elites on either side of the dispute, having them give up their original aims and take risks for peace, and minimize the spoilers to prevent them from paralyzing the process by killing or intimidating the former. Such a process is absolutely critical for consent, as it is not imposed upon, but works through collaboration with international personnel assisting the actions of local police and judges.

What this means, returning to a theme that ran throughout the conference, was that implementation would rely on partnerships in which the international community provides the surrogate for the safeguards that exist in stable civil societies and government structures in order to engender support for the rule of law in a

way that is consistent with transparency and accountability. Such safeguards are not present in a failed state, and thus it is a part of the political culture that requires nurturing. During that lengthy process, the international community would have to help to fill that void in a partnership model.

Participants also noted that nongovernmental organizations (NGOs), acting in public-private partnerships, make important contributions to meet these ends. First, because an international organization often cannot brand another member state a failed state until it has failed, it is often difficult to conduct assessments or mobilize resources in advance of a state's failure. Both dilemmas are an important niche that NGOs have the expertise to address—conducting anticipatory assessments, planning in advance, and other activities that lay the groundwork for a peacekeeping mission. Second, NGOs can help meet the personnel needs for such missions in terms of senior supervisors and managers, police officers, international judges, and others by identifying or recruiting, from every country, effective law enforcement personnel and leadership.

One final discussion of capacities concerned the privatization, under U.N. or other international mandate, of prison and other services under proper supervision and appropriate controls on due process and human rights. In some situations, participants noted, such arrangements have worked successfully. In Kosovo, for example, UNMIK used Gray's Security Services, which is primarily constituted of Gherka's, to provide delivery of the cash for the monthly payroll and to guard the bank in Pristina. However, other types of privatization could complicate the situation. One difficulty in any country in a supposedly post-conflict situation is that it is often awash in weapons and thus many individuals or groups fashion themselves as

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private security firms, and without oversight of these firms they often cause problems for peacekeepers.

## **Organizational Capabilities**

The discussion continued on the topic of developing specific capabilities, and started with law enforcement. One participant noted that because an effective police force must work together in a unified effort and that the members of such units must trust each other, they must be trained together. Thus, the U.N. mixing of a roster of people to do such a mission and going to the lowest common denominator because it is the only way to agree on the composition of the force is a capability requiring overhaul.

Participants also noted that a number of U.S. bilateral and U.N. multilateral programs are addressing the need to build rule of law capacities. For example, the construction of courts and the training of judges in a certain way that will protect judges through such mechanisms as anonymous proceedings, where the judge remains anonymous and thus cannot be targeted by a criminal group. Furthermore, there are the ICITAP and OPDAT units of the Department of Justice that conduct trainings of police and prosecutors overseas, respectively. Finally, there is the establishment of task forces between prosecutors and police officials working on specific cases. Such examples demonstrate the ability to create a structure in which the police, judges, and prospective judges have some competence and some responsibility to the public.

Finally, participants noted that some have argued that the constitution of such capabilities ought to influence efforts under way in many countries to reform the security sector to better match post-Cold War realities. For example, the issue arose of whether the U.S. Army's force structure might benefit from the creation of a specific

unit, a "super MP brigade," devoted to training in such capabilities like rule of law, incarceration principles, and evidence gathering. However, such an arrangement is not likely the most efficient way to spend resources, as it is a one-mission organization, and untapped resources in the Reserves and National Guard, such as guardsmen who are policemen in their civilian capacity, might prove more useful. For example, the soldier heading the criminal intelligence unit is an UNMIK policeman and an American Army reservist with a policing background. Thus, a current plan proposes having a roster of guardsmen and reservists who are policemen, and then allowing them to obtain U.N. police training as part of their reserve time and making them available for missions.

One participant noted that it is clear that the deployment of an armed, disciplined, organized force into a nation is an opportunity for the peacekeeping function to take hold because it is a shock action. However, if the operation is not prepared to fill in immediately with the police forces and other parts of the security sector, the opportunity is lost for stability and the criminal elements will likely take hold. Citing the Kosovo mission, the participant noted that the military was supposed to patrol for 90 days and transition to civilians. The first hundred civilians showed up 60 days into the intervention, and one year after the intervention civilians comprise 75 percent of their complement. In the meantime, 27 different nations are trying to conduct policing with their military forces, and they often cannot agree on such basic standards as the definition of murder. Thus, if contingencies are not in place before the military begins the operation, it is not likely to happen while the military is in place.



## **Conclusions and Reactions**

While the discussion did not provide a traditional assessment of current capabilities, it did demonstrate that the remedies for challenges that transnational organized crime and corruption pose to peacekeeping operations lie within the institutionalization of the rule of law. Referring to organized crime specifically, what was of particular concern to participants was not criminal activity per se but rather their role as spoilers to the peacekeeping mission.

One example was that the Renter Transport Co. hosted the largest organized criminal network in the Croat part of Bosnia. The criminal group, which held the power in that sector, was reportedly linked to smuggling arms, stolen automobiles, women and children for exploitation, and narcotics while engaging in significant money laundering and criminal innovation, such as the development of a new pistol that looks like an ordinary cell phone. While these criminal activities are debilitating, the reason that they are of particular concern for the peace process is their linkages to the Hevedro Veterans Association and the intelligence apparatus from Croatia—a linkage between the wealth and power of Herze-Quosna and the political and security institutions of the region. Thus, it was not organized criminal activity that was of most immediate concern but the fact that the peace mission must sever the linkage to political and security institutions in order to obtain success.

Implementing such a strategy involved marginalizing those people on either side of the linkage and co-opting the network. Therefore, concerning Milosevic, the international community should expose his crimes against his own people in an attempt to repudiate him. In order to accomplish that, intelligence assessments and publishing of that information are

required. Such an approach has an impact on future missions, which will not achieve the rule of law in a country unless somebody can expose the criminal misdeeds of leaders and elites that commit crimes against their own people. Thus, while the broader context of what is required in terms of the peace process and the primacy of the peace process is important, the interest here remains on organized crime not because of its criminal content but because it paralyzes the peace process.

Some participants found that such an approach would prove difficult to implement or rested on troublesome assumptions. One participant noted that this approach appeared to categorize individuals into those supporting the peace process and “the bad guys” in the role of spoilers. However, prior discussions had shown that individuals occupy different roles simultaneously, acting in the role of organized crime member, political leader, freedom fighter, or in any of a number of other capacities. Hence, such a simple categorization might represent a false dichotomy. Other participants responded by noting that while it was correct to note a gray area where actors assume numerous roles, primacy provides a way to distinguish between actors. In support of this assertion, one participant provided an example of a hypothetical leader that may have been a war criminal—if he or she was part of the peace process, then the problem lies with those political leaders not engaging in the process and the international community should place its focus there. In so doing, of course, the international community notes that the risk of continuing to engage in their old form of conduct is high but bringing them into a new *modus operandi* can reduce it. But participants also noted that there are those who will never be co-opted into the process, such as the organized criminals, and if they are also political leaders, then

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UNMIK or others must cashier such people, as they did to five Kosovo Protection Committee commanders at U.S. insistence.

Another participant noted that the very basis of this approach stems from the foundation of a strong, well-organized peace process, and the participant felt such foundations did not appear in either Kosovo or other sections of the former Yugoslavia. Other participants disagreed, noting that UNMIK had formed pillar one, which brought together the UNMIK police and the Department of Judicial Affairs—an important innovation in that it cements the foundation for a more holistic approach to the problem. Also, participants felt that since UNMIK adopted an incrementalist approach, one problem might be that progress is slow to the point of it being relatively imperceptible in short-term analysis and thus might lead to conclusions that a peace “process” did not exist. Participants cited such examples as the capability for the international community and the Department of Judicial Affairs to prosecute cases effectively and the establishment of regulatory authority for the local government as signs of progress.

Regarding primacy and cooperation, another point of dissent raised during the discussion noted that national interests often play against the solutions to problems in a peacekeeping environment. Countries must surrender a bit of their prerogatives and their sovereignty if solutions are to be found within the context of international organizations, but they are often unwilling to do so. For example, countries are supporting the expansion of the training and evaluation service that the U.N. is setting up to develop proper standards for peacekeepers and even a doctrine for the numerous nations providing troops to peacekeeping operations. Because each country’s military has its own doctrine and way of conducting operations, it will likely

preclude the formation of a formal U.N. doctrine. Thus, a solution is the foundation of guidelines that allow for nations to train similarly yet gives the U.N. a standard to evaluate nations against. Thus, countries are not likely to give up an element of sovereignty, but will conduct training and run some of the courses for other countries so as to prepare for future peacekeeping operations.

Regarding the need for transparency, participants noted that human rights organizations have an enormous problem in the field because what they often find is that the international community maintains a lack of transparency. This has particularly come to light regarding military contractors, rather than peacekeepers in uniform, who actually engage in illegal activities such as trafficking in persons. On this topic, there is a tremendous reluctance on the part of UNMIK and UNMIB to make that information public, and further investigation simply alerted the human rights organizations to the fact that the immunity structure under Dayton provides total U.N. immunity for IPTF personnel and functional immunity to SFOR contractors. Thus, human rights organizations are watching very carefully to see how the international community behaves in these communities and to see if there is accountability for members of the international community who actually engage in organized crime activities. Furthermore, the leadership of the peacekeeping operation in Bosnia states that those who violate the law are repatriated to their countries, but their home countries do not actually prosecute them. Even today, the U.N. does not have a mechanism for tracking who was repatriated, allowing them to return and serve. Thus, there is a definite need for more transparency, especially as it is in direct correlation to supporting the rule of law, and thus imposition of that same



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standard on the international community is essential.

Finally, a discussion arose regarding the ways to categorize or think about the nexus between peacekeeping operations and organized crime. One is in terms of a capacity gap—do peacekeeping operations have the ability to deal with the crime problems—and bridging that gap. Another conceptualization of the relationship is peacekeepers as customers of organized crime. A third is peacekeepers *as* organized crime, where peacekeepers are actually coordinating or conducting criminal activity. Such a relationship is not unheard of. For example, one participant noted that a particular country sent a peacekeeping contingent into El Salvador whose supposed specialty was combating drug traffickers, but in actuality helped the local police traffic in confiscated narcotics. However, a fourth way of categorizing the relationship is peacekeeping organizations as the *cause* of organized crime.

In examining if peacekeeping is conducive to causing the conditions for criminal activity to take place, it is useful to return to and contrast the cases of Bosnia and Kosovo as they occurred in slightly different fashions. In Kosovo, the refugees returned on the heels of the peacekeepers, as did emerging organized crime leaders that took advantage of the NATO forces that entered the area. In Bosnia, however, the criminal elements were already in place and they either stayed in power, or new forces came in power to replace them, but the structures remained the same. Such networks connected local criminal and transnational criminal activities in a situation where there was absence of the rule of law. The structures soon found some allies for their criminal activities in peacekeepers from fellow nations, such as those from the former Soviet Union.

In all, however, what was most daunting for the peacekeeping operations was the lack of any sense for the rule of law. Thus, the peacekeeping organizations soon realized that, in order to foster a basic respect for the rule of law, they needed to back up the international justice and police units to provide a cohesive and respected force for mitigating the operations of criminal groups.

One final consideration when examining the linkages between transnational organized crime and peacekeeping is that it is important to keep in mind the much broader manner in which the criminal enterprises operate outside of regional conflict. The primary reason for this is that the economic and power base of transnational criminal organizations often stretches outside of the region of conflict. For example, one participant noted a meeting in which the chief Belgian prosecutor on organized crime from Brussels working Balkan organized crime cases was receiving death threats in Brussels from criminal groups elsewhere in Europe. Furthermore, when one considers the significant proceeds that transnational criminals store overseas, it also becomes apparent that international cooperation outside of the region of conflict is necessary to embargo transnational criminal operations, such as trafficking in women or narcotics, that fuel conflict.

### **Social Transformation**

One final discussion arose concerning the centrality of social issues that underpin organized crime and serve as the foundations for institutions supporting the rule of law. Often these relations are found among citizens, government, firms, markets, and other social organizations. If there is no basis for social transformation, then the institutions and capacities described above are troubled from the start. Furthermore,

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even a strong policing effort will experience resistance at many levels. What results is that when a member or leader of organized crime is removed from an informal social organization, there are others waiting to step into that position. Organized crime is not a very rigid structure, but rather is something that is structural in the society. Thus, social transformation is necessary to instill a useful rule of law while constructing these institutions.

Primacy also is useful in addressing the loose social networks of organized crime. It is true that if one decapitates a clan, a new leader will emerge. However, the strategy seeks to eliminate the spoilers that present risks to the success of the peacekeeping mission and its supporters. The focus remains on shaping the peace process, co-opting people into that process, and marginalizing the spoilers who are paralyzing the peace process—not on trying to eliminate organized crime. Thus, the

focus remains on shaping an environment in which “the good guys” at least have a fighting chance and then shifting authority to them.

In this regard, then, the partnership model is again important as it serves as the foundation for social transformation. The international community initially serves as a surrogate for civil society, including human rights organizations, a responsible free press, public opinion polls, and of course attitudes that the public security apparatus is to serve rather than oppress, among others. But those are long-term processes and ultimately the way the government is structured, and its transition to a pluralist model is also an important transition for making the peace process work. Thus, during that fairly lengthy phase-in, there must be a period of partnership with professionals working throughout the criminal justice legal system.

# Future Considerations

Over the past two decades, espionage and terrorism have primarily been the focus of U.S. national security. However, in the past decade or so, organized crime and transnational organized crime arose as one of the largest national security threats to the United States. Participants noted that in an interdependent world, the fact that transnational organized crime has enough economic and political power in many countries to destabilize their economies, to hijack their political systems, and to penetrate their legislative and justice systems is troubling. The sovereignty of other countries as well as their economic and political well being is very important to the economic and political well being of the United States. Using two different issue frameworks, the participants explored this further and extrapolated into the future.

## Issue 1: Transnational Organized Crime

One of the initial observations from the participants was that transnational organized crime is an international issue. For the last 350 years, international problems have been approached with a particular paradigm that springs out of the Peace of Westphalia. In that paradigm, states look first to diplomacy as the way to solve an international problem, and then turn to other methods should it fail, such as the use of political action or economic sanctions. Should all else fail, countries turn to the use of force. However, one participant was quick to note that there is a fifth, poor stepchild to this paradigm—law enforcement.

Law enforcement, the participant continued, has always been a poor stepchild for a number of good reasons. First, the laws between countries are not always coincident, and thus law enforcement does not work

easily with other countries. Jurisdiction is a primary problem, but other problems exist as well. Some crimes are not crimes in other countries for one reason or another. Venue is always a problem, witnesses are often a problem, and finally evidence is a major problem. The evidentiary requirements of the United States and Great Britain are very high, and thus they usually are not the same in other countries. Such are the hindrances for law enforcement as a way to solve an international issue. However, turn now to organized crime, and particularly transnational organized crime, and what was evident to participants is that diplomacy, political measures, and economic sanctions do not work efficiently because the adversary is not a country. The use of force could, on rare occasion, prove a useful option, but primarily is not applicable to the phenomenon.

Thus, the fifth poor stepchild, law enforcement, is the most appropriate option for meeting the challenges transnational organized crime poses. Though coincident laws do not exist worldwide, countries tend to criminalize the same types of things, like murder, robbery, and burglary. Further, as nations develop, some of the more complex criminal issues become more common as well. For example, while many countries around the world still do not criminalize money laundering, great strides have been made in the last five years through diplomatic pressure and political pressure. As one participant noted, more and more countries are beginning to take steps to get hold of the banking systems that money launderers utilize. Another participant noted that law enforcement is also important because it is perhaps the least threatening to the sovereignty of other countries, as it is an orderly process and it promotes rule of law.

## **Issue 2: Peacekeeping as Intervention**

Peacekeeping, the other framework, is one form of humanitarian intervention for which the international community has developed standards over the years. The discussion noted that the notion of equating peacekeeping and intervention may appear just a semantic device, but in actuality it is an important operative distinction. For example, some noted that peacekeeping is an inappropriate model for intervening in cases of genocide, because waiting for a “permissible environment” to form so peacekeeping forces can enter leads to increased bloodshed. By noting that peacekeeping is an intervention, it shifts the discussion to traditional military planning. Thus, humanitarian intervention by military forces may be absolutely necessary in modern society, but that doesn’t mean that it should be a peacekeeping force.

The factors and issues participants noted that have driven the need for and the manner of intervention are diverse and multifaceted. For example, the absence or abuse of authority in a country often results in this kind of an intervention. The minimal interference with self-determination is another standard, and an important one at that. Under the standards of the Peace of Westphalia, the sovereignty of countries is the ordering principle, and thus drives this form of intervention. One participant noted that in 1964 the Congo had an uncontrolled rebellion, with rebel forces taking thousands of hostages and threatening to skin them alive—a not so idle threat. The United States tried but failed to resolve the issue through a regional organization, the Organization of African Unity, and at the same time became aware that orders had been given to kill the hostages if there were an intervention. Thus, an intervention was undertaken, involving British and Belgian paratroops with U.S. air support, which rescued the hostages and

returned control to the civilian government. Such is the model for peacekeeping as intervention—quick actions taken to interfere minimally with self-determination.

However, when analysis turned to the operations in Bosnia and Kosovo, one participant saw the same types of issues but with new twists. For one, a problem exists with central authority being uncooperative with the international community. Furthermore, both cases involved a paralyzed security council. Up to the moment the intervention began, everything was the same. The most appreciable differences, however, are in terms of the stability of the government and the economy. In the Congo, the United States was able to conduct brief operations due to minimal disruptions in the established governments and economies. In the former Yugoslavia, on the other hand, central governments were nonexistent and the economy was a shambles. While peacekeeping has therefore traditionally operated under the Congo model, concluded the participant, the Balkans and other more contemporary peacekeeping operations present problems for which no traditional solution exists.

Discussion led to note that focus should remain on whether or not practitioners are using the right kind of models. Historical or traditional knowledge of peacekeeping techniques is not readily applicable to countries that are failing or have dissolved, or for that matter, to transnational organized crime, especially when the latter is placed into the context of the former. The time appears ripe for a critical evaluation of the model.

## **Moving to the Third Way**

In addressing transnational organized crime and peacekeeping, the international community is facing two different and fairly unique problems simultaneously in the same

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place. The problem does not lie with peacekeeping standards, and the purposes of intervention remain pretty static, but a question does arise when peacekeepers are used for law enforcement as it lies outside their normal operating parameters. Traditionally, the military has had a role in humanitarian missions such as East Timor, Kosovo, or Bosnia, but the role is an in-and-out type of mission that the military would like to retain. Hence, one participant noted that the central issue is how to return to that kind of mission. Current military capabilities allow intervening and preventing the populous from harming itself, but is that their central mission?

The likely answer, according to a participant, springs from a new paradigm. If the United Nations or a regional organization is going to sponsor a peacekeeping operation, then it must have a plan that goes beyond placing troops in a place like Kosovo or Bosnia without a mandate for addressing organized crime and without an end-game. One possible solution suggested during the discussion for addressing the organized crime problem within the structure of a peacekeeping operation is for the creation of a professional police force. While feasible, the creation of such a force relies on a number of requirements, including the identification of trusted individuals to staff it, adequate and thorough training, the provision of a coercive capability, and most importantly it must have authority. Regarding the latter, one must ask what form authority will take and what laws it will seek to enforce. If the international community is going to continue engaging in this kind of an operation, then it must consider the process more comprehensively.

Implementing such a notion returns to a central idea that participants discussed earlier in the conference—public/private partnership. If the international community

is going to restore an area to a form of civil responsibility, then it is not going to happen through just a military, State Department, or other presence alone. It requires a partnership of all the societal groups and organization bodies, foreign and local, that have an interest in the area. A new paradigm will recognize that the international community can send troops into a country when there is no effective sovereignty.

Because the international community apparently has failed to address the need for a new paradigm, participants generally agreed that the responsibility could fall to NGOs and other citizenship groups to develop a new paradigm. Individuals and NGOs that believe in and promote increased international cooperation now have increasing opportunities to do so because of the various processes associated with globalization. Globalization is breaking down barriers and leading to increasing opportunities for communication and travel that promote increased cooperation across borders. Such processes are reflected in the European model that, while encountering resistance, is comprised of countries giving up part of their sovereignty for harmonization of economic and social policies. The common European model offers a new approach to sovereignty that might prove useful for peace operations.

Participants generally agreed that the private sector also has a significant role to play in such a paradigm as it has an economic stake in ensuring a stable world. The United States has only begun to tap the private sector to fulfill their role in moving forward the way peace missions are conducted. One participant noted the example of the National Infrastructure Protection Center (NIPC), housed in the FBI, which addresses the problems of economic espionage and computer intrusion in the private sector while working with industry in ways that prioritizes the



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protection of their privacy. The foundation of the NIPC was a process in which private industry promoted the creation of a center to address a new problem. Another such initiative that a participant noted is the new foundation that Rod Hills, a former chairman of the SEC, has created to promote research on transnational crime and corruption through engaging the corporate community. The foundation is planning in the next few months to work with more of the private sector, especially accounting and international insurance firms, to make them understand that they have a responsibility in this area.

Participants were quick to note, however, that while the public sector retains the utmost importance in implementing this new paradigm because it is the public sector that, in the end, has the responsibility for making policy and deploying peacekeeping forces, it is anchored in bureaucracy and thus is rarely the source for change. Looking at the U.S. government, one participant noted, there is no department of complex contingencies, and no personnel are devoted full-time to that operation. As such, the United States must form an interagency committee together on an ad hoc basis to address an emergency, and usually can only do that one emergency at a time. Should a new paradigm take hold, it would have to reach those with full-time jobs in government devoted to other business and give them some policy options that could take these good ideas and translate them into specific actions.

Participants noted that a new paradigm should include five components. The first component is identifying the types of actors present in the intervention and the standards required for each type of actor to work within, including:

- the military;
- police and other law enforcement agents;

- contractors and other civilian groups the international community employs to support or conduct peacekeeping functions;
- NGOs.

Each should define standards and responsibilities to uphold. Second, some mechanism for enforcement of those standards is important, and it is likely that some international body should conduct the enforcement of these standards. A third component is the need for agreement among the participants from the international community on the laws that will serve as the basis for the temporary order. The final component is a plan for establishing the rule of law for the local citizenry. Participants agreed these are four important and difficult tasks that the international community must manage through some form of coordination. In conclusion, the mission should have its own version of the Hippocratic Oath, which is, "First of all, do no harm." In the case of Kosovo, a case can be made that the intervention created more problems in Southeastern Europe than it solved. Hence, the new paradigm must address the unintended consequences or ripple effects that interventions invariably create.

In terms of organization, one participant noted that the new paradigm clearly would require the use of international organizations. A number of suggestions for possible forums were presented, with the leading candidate the U.N. Outside the U.N., however, one suggestion was the use of European institutions with which Americans and other non-European countries could cooperate more closely. Beyond this, participants noted three broad potential sectors of involvement—NGOs, the private sector, and the public sector.



## **Critical Reflections**

Given the high level nature of the discussion concerning the new paradigm, a number of points of contention or critique arose during the discussion. First, the conceptualization of sovereignty became an issue. Sovereignty has eroded and, while in and of itself is not a concern, the use of sovereignty during the conference tended to reflect the moving border—it is useful when it is useful and disregarded when it is not useful. Thus, it is important to recognize that political sovereignty is less important than it was in prior history, which led to a discussion of the opinion that the Westphalian model was never real, but rather served as an ideal type or goal. Hence, in the discussion of a new paradigm, one is cautioned against committing the fallacy of misplaced concreteness and imagining that the Westphalian paradigm was ever real. It may indeed be better not to speak of new paradigms but rather of new roles and methods of conveying power. In this method, participants in international relations each have a role to play in peacekeeping operations. For example, one participant noted that even educators at institutions of higher learning can provide an important forum for members of the uniformed services to interact with civilians, improving understanding across the civil-military divide, as well as identifying new ideas and testing hypotheses. Hence, such an approach leads to broader considerations.

Regarding the need for increased international cooperation, participants noted that the importance of individual contexts likely clouds the ability to engineer universal solutions. Because each country has its own problems, the international community must rely on the local people and their own abilities to cope with transnational organized crime. For example, in Bosnia-Herzegovina, the local and regional authorities are looking to partner

with international organizations rather than act unilaterally because that is the only way to control effectively the local and transnational organized criminal activity in specific areas.

Finally, some participants felt that the discussion of the two frameworks might lead to the conclusion that peacekeeping and transnational organized crime are not as deeply connected as perhaps the conference might have thought at the beginning. A peacekeeping operation, these participants noted, is conducted for a specific purpose. The mission must absolutely be cognizant of the organized and transnational organized crime that is present in the country. However, the effort to combat organized crime might not be the result of peacekeepers entering that country, but rather the peacekeepers will likely facilitate those counter-crime efforts. These participants felt that perhaps the focus should lie on engendering anti-transnational organized crime efforts in that country and then building the local capacity to join the international effort. Thus, the peacekeepers themselves need to be aware of how they can contribute toward that effort.

However, other participants countered that peace operations have evolved over the past 50 years. In the past, such operations were pretty straightforward, involving consent of the conflicting parties, a call to separate their forces, and a minimal number of operations. Turning to contemporary peacekeeping operations, what connects them to transnational organized crime are the reasons provided for undertaking a peacekeeping operation. These participants emphasized that what countries see as threats to international security and thus worth a peacekeeping effort, such as ethnic conflict, transnational organized crime sees as opportunities due to the creation of black markets (i.e. arms or oil embargo) or the weakness in institutions

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provides safe transit or haven for their activities and members.

Furthermore, other participants noted that contemporary peacekeeping operations were more akin to the trusteeship system, and thus a peace operation actually is an enforcement action to create a situation of peace and then remains until institutions are in place so that it will not happen again. This is where the relationship between transnational organized crime and peacekeeping has not been thought through in the past. Thus, a solution lies in

recognizing that sovereignty is redefined in the sense of rulers who violate the human rights of their citizens are now subject to international intervention, and transnational organized crime is likely to be present in such situations. With the end of the Cold War, the international community is facing a future of regional conflicts that will require peacekeeping on a level that can interact in concrete ways with existing authorities to combat challenges associated with transnational organized crime and corruption.

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