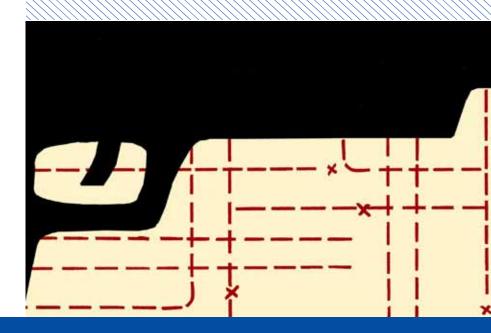**Background papers | Risk review**

Organised crime,
corruption,
and the vulnerability
of defence and
security forces

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Transparency International (TI) is the civil society organisation leading the global fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, Germany, TI raises awareness of the damaging effects of corruption, and works with partners in government, business and civil society to develop and implement effective measures to tackle it.

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Organised crime, corruption, and the vulnerability
of defence and security forces

Contents

Executive summary

This review paper provides the background to calls by Transparency International UK for a more comprehensive and integrated approach to tackling corruption and organised crime. The subject was raised in the April 2011 edition of 'Chatham House Today' by Mark Pyman of Transparency International UK and Bill Hughes, formerly Director General of the UK's Serious Organised Crime Agency (SOCA)[1]; and before that in the plenary discussion of the 14th International Anti-Corruption Conference in Bangkok on November 10th, 2010.

This paper takes a first step to bring the critical issue of transnational organised crime into the discussion of enhancing national security, improving governance, and rebuilding post-conflict states. It begins by elucidating the direct linkages between organised crime and corruption, in order to illustrate the overarching relationship between them, wherein criminal elements utilise corruption to execute their illegal activities and avoid whichever instruments of law enforcement may be able to reach them.

The review focuses on the particular vulnerability of defence and security organisations to infiltration and co-option by organised crime. It pays special attention to the context of armed conflict when considering this issue and emphasises the need for enhanced peace settlements in post-conflict situations to prevent the embedding of organised crime in the process of brokering between the warring parties.

Examples from a number of diverse states and socio-economic contexts are used to illustrate these various concepts.

There are two principal conclusions. First, that it is imperative to consider corruption and organised crime jointly, and to address the inter-related problems inclusively.

Left unchecked at the national and international levels, serious organised crime is more capable of undermining effective government, efficient business and ordinary citizens' lives, than many realise.

Second, a new form of coalition is urgently needed to combat this threat—one between organised crime law enforcement agencies, anti-corruption bodies and civil society. Organised Crime has surpassed the capability and capacity of law enforcement, and that painful but inevitable fact must be appreciated.

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1   Pyman, M. and Hughes B., 'Corruption and organised crime: joint responsibility', The World Today, Vol 67 No 4 (2011)

1. Introduction

This paper stems from the work carried out by Transparency International's Defence and Security Programme (TI DSP) aimed at integrating the expertise it has developed in the field of defence and security corruption with the academic body of knowledge that exists in this field.

The ultimate objective of TI DSP is a thorough understanding of corruption in the defence and security sphere, in its various manifestation and complexities, as well as formulation of effective measures to counter it. However, until now this effort has not included a focused overview—drawing on both conceptual and empirical elements— of specific linkages between corruption and organised crime and the relationship of this nexus to the security and defence field.

In particular, the material presented here sheds an initial light on the vulnerability of national defence and security establishments to organised crime and outlines the interaction between organised crime and corruption in post-conflict environments. The connection between organised crime and corruption is often remarked upon in an anecdotal context, but the issue has been seldom systematically explored and the aspect of security and defence in this field rarely highlighted.

The perspectives provided in this overview are intended to serve as lenses to clarify some of the complexity involved in this nexus. Very diverse examples—drawn from a number of countries— are used to achieve this. A commonality between them is not suggested, rather they are used to illustrate the variety of manifestations of organised crime in a corruption context. Another important objective of this briefing is to emphasise and facilitate cooperation between anti-corruption and counter-organised crime efforts to address these issues jointly and thus effectively.

In proposing and substantiating its argument, this paper has drawn on two main sources of evidence: the experience of one of Britain's most experienced counter-organised crime practitioners, Mr. Bill Hughes, and on published, open-source research on organised crime, its inter-relationship with corruption, and the threats posed by it.

In particular, work of the Center for the Study of Democracy (CSD) and United Nations Office on Drugs and Crime (UNODC) is relied on substantially.

Bill Hughes, the former Director General of the UK's Serious Organised Crime Agency (SOCA), has 35 years of experience in policing and law enforcement work, serving in numerous national and international roles, allowing him to provide a highly informed and nuanced view on the issues discussed below.

The paper has the following structure: Chapter 2 outlines the linkages between organised crime and corruption, while Chapter 3 reviews current practice in combating organised crime, and presents expert views on how it must evolve to become more effective. Chapter 4 reviews the particular vulnerability of defence and security forces to infiltration by organised crime. Chapter 5 reviews the debilitating impact on post-conflict environments when peace settlements are constructed without a focus on organised crime. Chapter 6 highlights the need of cooperation between the law-enforcement and anti-corruption communities, and calls for such a coalition on tackling organised crime. Finally, Chapter 7 draws on relevant country experience in presenting the measures necessary to address the threats and issues posed by the dynamics described above.

2. Relationships between organised crime and corruption

The relationship between organised crime and corruption is a simple one – criminal networks make extensive use of corruption, in its various forms, to carry out criminal activity, avoid investigation and escape prosecution. Conversely, corruption within society propagates and becomes much more entrenched when routinely instrumentalised by organised crime. A type of continuum exists, ranging from co-option of junior level officials, that is, effectively placing them on the crime group's payroll, through infiltration of managerial, senior spheres, to influencing heads of law enforcement agencies and finally ending in the capture of state policies and structures.[2] This, however, is rather a vague statement and merits examination in detail. How, exactly does the nexus between organised crime and corruption function? In order to examine the issue comprehensively, it is useful to look at each type of organised criminal activity to see how precisely it interacts with corruption.

A report produced by Europol in 2009 notes that criminal groups use corruptive means to obstruct law enforcement and judicial processes.[3] In particular, Europol states that organised crime actors exert such influence at the middle and low levels of law enforcement structures in order to avoid investigation or detection and to impede ongoing judicial or investigative processes. In the judicial sphere, judges and prosecutors can be corrupted by organised crime groups, who may alternatively activate already existing corruption networks within the judiciary, in order to escape pre-trial detention, obstruct court action or influence the trial decisions.[4]

As CSD emphasises, information regarding ongoing investigations may also be obtained from judges, prosecutors, and their clerking staff via corrupt means. Members of criminal groups may utilise social, political, professional and family networks to access the judiciary. For instance, in the professional sphere defence lawyers, who tend to be former prosecutors, come in contact with organised crime actors when intermediating between them and the judiciary. This was the situation in Italy during the 1980s and 1990s, with members of the judiciary shielding politicians involved in corrupt exchanges with the mafia. In Central and Eastern Europe, by contrast, organised crime elements exert a more direct influence over the judiciary via corruption.

Specific pathways include criminal groups using small-scale bribes, loans, or favours to establish influence over judges or magistrates, which is then escalated and transformed into extortion via blackmail or threat. An illustrative example comes from Lithuania, where between 1999 and 2001 only 4% of investigated smuggling cases reached trial. In 2003, it was revealed that three senior level judges were involved in a cigarette smuggling network headed by a retired police officer. Involvement of six more junior judges was also discovered, and there have been thirteen cases alleging judges to have unlawfully rejected prosecutors' arrest requests, aided criminals in avoiding detainment, and slashed sentences.[5] This is a stark demonstration of the nature and gravity of organised crime links to corruption.

A useful framework for analysis of corruption-organised crime linkage was developed by the National Strategy Information Center (NSIC) of the United States in 1999. Following a multi-national, multi-stakeholder research project, the NSIC put forward the concept of the Political Criminal Nexus, which entails "concentration and fusion of official political and professional criminal power."[6]

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2   Center for the Study of Democracy (CSD), *Partners in crime: the risks of symbiosis between the security sector and organised crime in southeast Europe*, Sofia, 2007, p. 34

3   EUROPOL, *EU organised crime threat assessment*, The Hague, 2009

4   Of course the link between organised crime and corruption in the judicial sphere is not something new. During his time as both Chief Council of the Senate Rackets Committee and Attorney General of the United States, Robert Kennedy became gripped by the role of organised crime in US politics during the 1950's and 1960's. He established the first coordinated program to tackle organised crime through the cooperation of all 26 federal law enforcement agencies. Amongst his greatest achievements was the successful prosecution of Jimmy Hoffa, a teamster, on jury tampering charges.

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5   CSD, p. 38

6   National Strategy Information Center (NSIC), 'Overview', *Trends in Organised Crime*, Vol 5, No 2 (1999), as cited in CSD, pp. 38-39

The formation of this nexus is facilitated by political, economic, and cultural conditions within the country. In particular, the formation of the political criminal nexus is more likely in cases of a one-party rule with strong bureaucracies combined with weak oversight and civil society; similarly, the presence of large criminal funds in the country and thus wide-reaching money laundering operations rely on political corruption. Culturally, the existence of patron-client relationships, such as in Mexico or Southern Italy, as well as a history of quasi-secret criminal groups, such as Italy's Mafia network in the 1970s and 1980s and the Yakuza in Japan, are also conducive to the development of political-criminal nexus.[7]

While specific manifestations of this nexus, such as politicians collaborating with criminal groups in the process of embezzling public funds, could be opportunistic or ad hoc, organised crime networks may also utilise corruption in order to infiltrate the political system directly. Such risks, of course, do not inevitably translate into corrupt practices, but the absence of robust, well-enforced campaign flow regulations does increase the likelihood of this scenario. For instance, in democratic systems, political parties depend on external funding sources to a large degree, introducing corruption risks into the system. As a result, campaign funds may be provided by criminal groups, to be "reciprocated" through award of contracts, extension of patronage, or alteration of legislation. Criminal organisations are also well-placed to "secure" votes from the population, exchanging it for political favours or protection. This dynamic could be directly observed in Sicily during the 1990s.[8]

Progressing further along this continuum leads to the more extreme and destructive fusion of organised crime and political, economic, and social structures of the state. In its most advanced form, this integration blurs the line between legitimate and illegitimate spheres, and enables criminal elements to wield political power. In this situation, organised crime and grand corruption become two parts of one whole. Such a dynamic took hold in Sicily and Taiwan in the past, where "professional criminals" were elected for political office.[9]

Southern Italy has been the subject of numerous studies of the political-criminal fusion. It is estimated that between 40 and 75 percent of the Christian Democrat deputies between 1950 and 1992 were, to some extent, supported by the Cosa Nostra although no party was free of criminal influence. More recently, in 2007, investigations were launched against eighteen of the fifty regional councillors of Calabria following allegations of 'barter votes' and involvement in Mafia associations. A further nine councillors were under investigation for other crimes. Although never charged, former Prime Minister Giulio Andreotti is alleged by many to have transformed his administration into a "permanent agency providing services to Cosa Nostra" in exchange for substantial electoral support.[10]

In the economic sphere, corrupting government administrators with oversight over potentially lucrative sectors is frequently employed by organised crime. Deforestation and illegal logging are poignant illustrations. A 2007 study estimates that illegal logging draws an annual income of USD10 billion and

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involves "commercial operators with presumed links to organised crime."[11] Illegal logging entails bribing administrative officials throughout the supply chain – not only forest service officials, forest guards, and bureaucrats, in order to obtain false logging permits, but also politicians and police. In the United States in particular, reforms preventing illegal logging have been impeded by the timber industry, which also constitutes the third largest political contributor.[12]

Corruption and organised crime also intersect within the private sector and what appears, on the surface, to be legitimate business.

7   NSIC, 1999, as cited in CSD
8   CSD, p. 39
9   Godson, R., *Menace to society: political-criminal collaboration around the world*, New Brunswick and London: Transaction Publishers, 2003

10   Briquet, J. L., 'Organised crime, politics and the judiciary on post-war Europe', in F. Allum and R. Siebert (eds.), *Organised crime and the challenge to democracy*. London: Routledge, 2003
11   Kishor, N., and Damania, R., 'Crime and justice in the garden of eden: improving governance and reducing corruption in the forestry sector', in Campos, E. and Pradham, S. (eds), *The many faces of corruption: tackling vulnerabilities at the sector level*, Wold Bank: Washington D.C., 2007
12   Kishor, p. 97

Organised crime feeds corruption and corruption feeds organised crime. Money laundering and transnational trafficking— whether of drugs, people, or illegal arms—rely on smuggling and on avoiding investigation, and it is corruption that directly enables both.

The interconnection between organised crime and private sector corruption is generally activated in order to produce, procure, traffic, or distribute illegal goods and services. For instance, managers of cigarette, clothing, or medicine factories could be bribed in order to orchestrate "second shift production" of goods destined for the illicit market. Similarly, security staff at sea ports and airports, typically employed by private companies, could be "persuaded" to facilitate transportation of illegal commodities, while the distribution of smuggled oil could be achieved via corrupt gas station mangers or employees.[13]

Consequently, transportation, private security, and construction industries are particularly popular "bridges" between corruption and organised crime. Another such linkage is actualised during money laundering operations. When businesses are utilised as money laundering conduits, it is corruption that prevents their employees from reporting potentially illicit activities they observe.[14]

In order to truly grasp the relationship between organised crime and corruption, it is useful to examine the pathways between the two in the context of particular criminal markets.

In order to truly grasp the relationship between organised crime and corruption, it is useful to examine the pathways between the two in the context of particular criminal markets. For instance, one of the largest illegal markets in Europe is that of contraband cigarettes. In cases of cigarette smuggling, customs agencies and checkpoints are bribed by criminals

in order to circumvent import controls and excise taxes. In jurisdictions where the police are tasked with targeting illegal smuggling, the corruption locus shifts accordingly. Similarly, corruption may serve as a means of securing the cooperation of transport industry employees, such as drivers and port authorities, to facilitate trafficking and distribution. Corrupt politicians may also be relied upon to shield and facilitate the corrupt activities described above. In the case of prostitution and human trafficking, public administration corruption is also used to "grease the wheels" of the trafficking process and prostitution ring operation.[15]

In countries with legalised and regulated prostitution, in particular, administrators are bribed to provide unlawful zoning requirements to allow brothel operation in prohibited areas, issue work permits and visas to victims of human trafficking for sexual exploitation, and conceal the true purpose of real estate functioning as a brothel. The latter is often observed in the Netherlands, where prostitution is legal. As is the case with cigarette smuggling, corrupt politicians are able to shield the criminals from investigation or prosecution. Furthermore, extensive research carried out by the Centre for the Study of Democracy (CSD) and published in a 2010 report, reveals that throughout the prostitution network in the EU, police corruption plays a key facilitating role. The organised crime-police corruption interaction tends to occur at low levels of the organisation's hierarchy, which has direct exposure to the prostitution network. For instance, there have been cases of direct police involvement in prostitution in Western Europe, where police officers were involved in establishing and operating brothels with prostitutes from Eastern Europe. In Greece, police officers have been arrested for involvement in human trafficking networks.[16]

Organised crime feeds corruption and corruption feeds organised crime. Money laundering and transnational trafficking— whether of drugs, people, or illegal arms—rely on smuggling and on avoiding investigation, and it is corruption that directly enables both. Heroin transit routes through the Balkans into the rest of Europe depend on corruption. Where illegal transactions and shipments can be legalised with paperwork, corruption is the means to achieve it, explaining why large-scale arms trafficking is literally built upon corruption.

13   CSD, p. 115
14   CSD, pp. 114-116

15   CSD, p. 125
16   CSD, p. 134-135

3. Combating organised crime effectively

THE IMPORTANCE OF INTER-AGENCY COLLABORATION

The perception within many governments and the public seems to be that the responsibility for tackling organised crime falls solely upon the law enforcement agencies. However, such an approach underestimates the complex and transnational nature of threats posed by organised crime. A poignant illustration is the sale of cocaine: it might be sold on the streets of Manchester, having been sourced from a "wholesaler" in London, who has in turn smuggled it through the UK's South Coast. The supply would have come from dealers in continental Europe, having originated in South America and transited though West Africa.[17] The picture that emerges is one of a wide-spanning and resilient market structure. It dwarfs and "outlives" the groups and individuals that operate it—and whom law enforcement agencies target. Thus, the Andean region has been the origin of cocaine trafficking for more than thirty years; it continues to be so despite numerous and varied efforts to eliminate the individuals and groups wielding it. The unprecedentedly fast paced movement of goods, services, information and people we are witnessing today facilitates smuggling and trafficking of licit and illicit goods, as well as people. Tellingly, 80 percent of organised crime manifestations identified by the UNODC span more than one continent.[18]

A strategic and comprehensive approach is needed, with involvement and commitment from a range of government agencies, to address the problem through the market structure, international organisations, which can foster the much needed international cooperation, and civil society, in order to mobilise public awareness and support.

In addition to the police, border agencies, and national serious crime investigation bodies such as the UK's SOCA and the US' FBI, as well as interior and justice ministries and departments tasked with law, taxation and trade are all key to effective organised crime reduction strategies. After all, banking, corporate secrecy, and information sharing policies directly affect the efficacy of intelligence gathering that organised crime investigations depend on. The relative success of the Kimberly Process in stemming the flow of conflict diamonds from West Africa highlights the utility of a strategic approach to disrupting the transnational market chain. It contrasts markedly with the failure of domestic armed operations. [19]

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It is also imperative to understand that a large proportion of organised crime consists of licit services and goods which have been obtained through illegal channels and means and have entered the mainstream commercial chain. Transnational organised crime networks entail numerous nodes, some of them located in the legitimate sphere of public and commercial life. Such white-collar criminals or "legitimate-side" businesses associated with organised crime also rely on corrupt members of law enforcement and judiciary to achieve their aims.[20]

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17   Home Office, Cabinet Office – Strategy Unit, *Extending our reach: a comprehensive approach to tackling serious organised crime*, London, July 2009, p. 19
18   United Nations Office on Drugs and Crime (UNODC), *The globalisation of crime: a transnational organised crime threat assessment*, Vienna, 2010 p. 277

19   UNODC, 2010, p. 32. The Kimberley Process (initiated in 2000 by UN resolution A/RES/55/56) was aimed at sopping the illicit trade in diamonds from conflict areas. Licit players in the industry devised a system to certify the origin of rough diamonds.
20   UNODC, 2010, pp. 277-278

Thus, companies can appear to be or, in fact, be ignorant of the illegal origin of the timber and minerals they sell, while the legal markets for goods such as ivory and pharmaceuticals directly facilitate the sale of illegal ivory and counterfeit medicines. The intersection between legal outlets and illegal flows thus greatly increases both the profits obtained from such criminal activity and its longevity.[21] What becomes apparent, then, is that achieving the requisite remedy involves bringing transparency and accountability to international trade flows, which would bring clarification regarding their source. This, again, is beyond the remit and capacity of national law enforcement agencies.

National law enforcement is critical as an initial, and decisive, response to organised crime threats, and as a potent deterrent tool. For instance, throughout the 1970s and into the early 1980s, the very stability of Italy was jeopardized by the Cosa Nostra, empowered by its massive profits from processing and trafficking heroin to the United States. Organised crime groups, of which Cosa Nostra was only one,[22] targeted public opposition to their destructive activity by assassinating high ranking public officials and carrying out a cross-country bombing campaign. It was concerted police and law enforcement action that eliminated the acute threat to the country's

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stability and functionality posed by their intractable violence. Although the Cosa Nostra and other mafia groups do persist and continue to present problems for Italy's law and order situation, blatant, direct attacks against the state are scant. Consequently, state law structures are essential.[23] However, as the displacement of Sicily's status as a key heroin hub to other region demonstrates, combating organised crime must be targeted at stymieing the entire market flow, and comprise a strategic, comprehensive, and international response.

This, in turn, requires hindering the dynamics of supply, demand, and transit. The grave danger is that the organised crime may "relocate" to states lacking capacity to extinguish the threat.[24]

Such an approach is also an essential complement to international anti-organised crime regimes, such as the UN Convention against Transnational Organised Crime, Financial Action Task Force, or the Council of Europe Convention on Action against Trafficking in Human Beings. These structures are well placed to facilitate global responses and strategies to combat transnational organised crime, with reach to both supply and demand sides. However, formal international mechanisms do not have the capacity to change behaviour and influence attitudes[25]—and this is crucial for bolstering both governmental and public responses to organised crime. Eliminating the culture of impunity which both fosters and is fostered by organised crime is an integral component of any comprehensive crime anti organised crime strategy.

Contrary to "ad hoc" crimes, such as murder or robbery, which clearly leave behind victims, organised criminal activity is seldom brought to the attention of law enforcement by the public. Those involved in criminal networks, on the "purchasing" side of illegal commodities, for instance, obviously are not interested in reporting the crime. Moreover, even when identifiable victims do exist, the fear of reprisal often prevents them from taking action.[26] Such public intimidation and repression only entrenches organised crime further.

APPRECIATING THE THREATS

While appreciating the international dynamics and complexities described above, it is nevertheless national governments that must operationalise the response to organised crime. States remain the principal decision makers and wielders of coercion mechanisms, whether military, economic, or diplomatic, despite the globalisation that is so often invoked in public and academic discourse.

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21   UNODC, 2010, p. 278
22   The other major criminal organisation at the time in Italy was the Red Brigade. Responsible for numerous bombings, kidnappings and murders the Brigade was regarded as one of the most dangerous terrorist organisations in Italy in the 1970's and 1980's.
23   UNODC, 2010, p. 223

24   UNODC, 2010, pp. 223-224
25   International Peace Institute (IPI), 'Transnational organised crime', IPI Blue Paper No. 2, New York and Vienna, January 2009, p. 4
26   UNODC, 2010, p. 25

How, then, are the resources, commitment, and public support necessary for comprehensively and strategically addressing organised crime to be brought about at the national level? In order to answer this question, it is important to understand the relationship between organised crime and national security.

In particular, state stability is in large part maintained through a strong system of criminal justice. A breach of criminal justice constitutes a failure in governance, particularly when carried out by an organised network. As such, organised crime becomes a matter of national security.[27]

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However, in order for this recognition to translate into an effective response, with the necessary level of resources, commitment—throughout all government agencies—and public support, threats posed by organised crime must be integrated into national security strategies.

One of the most striking examples of this relationship is the piracy situation off the coast of Somalia. By the end of 2010 nearly $250 million had been collected by pirates demanding ransom from international companies, governments and individuals.[28] This extraordinary level of activity has built up despite international naval vessels regularly and vigilantly patrolling the area. Their activities have also prospered due to poor coordination between Somalia, its neighbouring countries and the European Union.

However, recent events in Kenya emphasise that tackling the issue will not be so straightforward. Despite the Kenyan government's pledge to the European Union to prosecute any pirates that are handed over, its actual implementation has been plagued by complications.

The high judiciary seems to disagree as to whether the country enjoys the right to prosecute piracy outside its territorial waters.[29]

Whilst Justice Festus Azangalala has ruled that local courts have the jurisdiction to try pirates arrested outside Kenyan waters, Justice Mohammed Ibrahim ruled that the laws did not allow for such a prosecution to take place. In spite of this, Ibrahim granted a stay to his ruling which allowed the State Law Office to file an appeal[30]. A five-man strong judicial bench will rule on the matter later this year. Similarly, the Kenyan government has been slow to put in place reforms which would limit the ability of pirates to launder ransom money in the Nairobi property market. Once laundered, the proceeds could in principle be reinvested anywhere else.

The piracy saga represents a highly lucrative form of organised crime which operates independently of any government and is, as has been highlighted, generally immune to prosecution. However, its effectiveness is very much dependent on poor governmental commitment, inadequate international coordination and the willingness of international lawyers and security companies to act as intermediaries and facilitators during ransom negotiations.

Another example of this relationship is the situation in West Africa. The region has been plagued by rapacious trafficking of cocaine, natural resources, cigarettes, counterfeit medication, small arms, toxic waste, and migrant workers. Cocaine and natural resources, which are passed to Europe from their points of origin in South America through Ghana and the Niger Delta,[31] pose the most direct threats to regional and state stability. It is the exponentially high value of cocaine in relation to local comodities that makes it so dangerous. The proceeds obtained from it provide the criminals with highly potent leverage, which is then used to secure the cooperation of the most highly placed government, military, and law enforcement officials.

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27   UNODC, 2010, p. 29
28   General Insurance Research Organizing Committee (GIRO) estimate, as referenced in Anna Bowden et al., 'The economic cost of maritime piracy', One earth future working paper, December 2010

29   Mohamed, K., 12 November 2010. "Somali pirates 'not guilty' in Kenya." Radio Netherlands Worldwide Africa. Available at: http://www.rnw.nl/africa/article/somali-pirates-not-guilty-kenya
30   Wily, N., 14 December 2010. 'Kenya declines to take Somali pirates.' Al-Shahid News. Available at: http://english.alsha-hid.net/archives/16203
31   The World Bank, 'World development report 2011: conflict, security and development', Washington, D.C., 2011, p. 56

As the 2010 UNODC report on organised crime emphasises, it is corruption that provides the principal linchpin, giving "every political conflict…criminal undertones."[32] As the dire situation in many parts of Mexico demonstrates, drug violence may rival armed conflicts when it comes to death rates. The list of countries with the highest murder rates is dominated by drug source and transit countries.[33]

Similarly, the Niger Delta rebels rely on oil smuggling to sustain the violence they perpetuate, and, in a pattern which will be examined below, it is quite difficult to distinguish political agendas from simple greed. Criminals have come to see countries in the region as their staging posts and operating centres for the future, especially as Western countries bolster their counter crime efforts.

During the next several years, the entire continent of Africa will have a broadband Internet service capability that will rival or surpass that of many developed countries. Whilst this is to be applauded as a vital tool for the development of the continent, the opportunities it offers for crime and large-scale corruption are massive and must be taken into consideration.

Perhaps an even more persuasive argument against divorcing organised crime from the national security framework is the increasing interconnectedness between terrorism and organised crime in many parts of the world. In fact, many analysts and practitioners speak of a terror-crime nexus. Thus, collusive relationships have developed between many terrorist groups and drug traffickers aimed at profit generation. Such relationships may involve either direct involvement of terrorists in trafficking, or "collaboration" with the traffickers. Throughout Central Asia and Afghanistan, drug trafficking is the "fundraising" method of choice relied upon by insurgents and terrorists. Although to a lesser extent, owing to a smaller market relative to drugs, arms trafficking is another method of financing terrorist activity. The rebel group Kosovo Liberation Army (KLA) was also strongly linked to organised crime.[34]

An effective response to the nexus is often hindered by the lack of an integrated approach addressing both transnational threats. Nevertheless, an encouraging sign that the security implications of organised crime exist and are beginning to be recognised came in the shape of the February 2010 UN Security Council.

In particular, the Council noted "with concern the serious threat posed in some cases by drug trafficking and transnational organised crime to international security in different regions of the world." It also encouraged the UN Secretary General to "consider these threats as a factor in conflict prevention strategies, conflict analysis, integrated mission assessment and planning."[35] The prospects of realising these objectives, however, will depend on direction and implementation at the national level. And it is national security strategies that are best placed to channel the necessary resources, concentrate inter-agency cooperation, and foster public support.

> The current approach, relying as it does on intelligence and covert information, tends to leave the public unconcerned and uninvolved regarding the importance of fighting organised crime.

As has already been emphasised above, this will require the law enforcement of the twenty-first century to alter its approach to dealing with crime. The current focus of most law enforcement is tactical or technical: focused on investigation, leading to arrest and seizure, followed by prosecution and conviction. A study of the transnational organised crime conducted by the UNODC in 2010 emphasises that in today's globalised world, organised crime networks are less driven by linked individuals engaged in illicit activity and more characterised by a series of illicit activities with contingent involvement of particular actors. Consequently, prosecution and imprisonment of individuals does not prevent the continuation of the crime, since the underlying market, and its incentives, are left intact. However, police officers, investigators and prosecutors focus on investigation and indictment of individuals or groups of individuals within circumscribed jurisdictions.

32   UNODC, 2010, pp. 234-236
33   UNODC, 2010, p. 22
34   Howard R.D. and Traughber C.M., 'The new silk road of terrorism and organised crime: the key to countering the terror-crime nexus', in Norwitz J.H., *Armed groups: studies in national security, counterterrorism, and counterinsurgency*, Naval War College, 2008, pp. 372-378

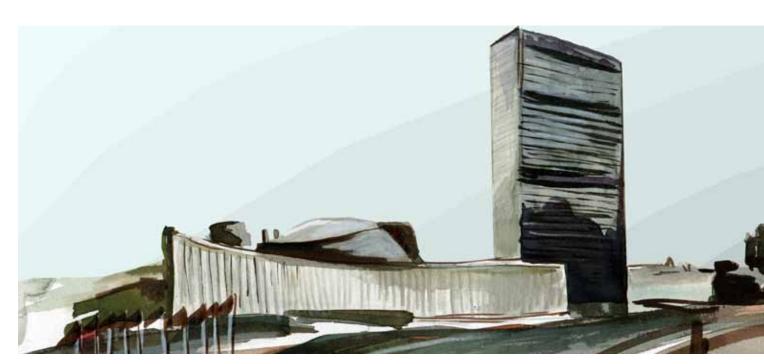35   UN Security Council, 24 February 2010, 'Threats to International Peace and Security', Presidential Statement S/PRST/2010/4

The underlying trafficking network and the flow it generates, both driven by illicit markets with their dynamics of supply and demand, are left unaddressed by such a technical and geographically limited approach. Furthermore, what results is a mismatch between the transnational structure of organised crime and the state-bound nature of tools for countering it. Criminal law and criminal justice are unique to the culture, history, and political orientation of each country.

The current approach, relying as it does on intelligence and covert information, tends to leave the public unconcerned and uninvolved regarding the importance of fighting organised crime. National security strategies, on the other hand, could garner the support of the population as they are seen to address the support structure for organised crime as well as its visible manifestation.

National security strategies could also catalyse the much-needed collaboration and cooperation between national law enforcement and other agencies, particularly the security apparatus. In addition to integrating organised crime into the overarching categorisation of security threats via national security strategies, plurilateral and multilateral monitoring and enforcement mechanisms are needed in order to amalgamate national efforts at an international level effectively.

The United Nations is perhaps best placed to infuse these initiatives with the necessary leadership and efficacy. However, this support must move beyond rhetoric and resolutions and focus, again, on enforcement vis-à-vis errant countries. The consequence of not taking a rigorous approach is the creation of "safe havens" for organised crime around the world, particularly in areas where the legitimate trade and financial markets are infiltrated. Investigative competency and the rule of law remain essential, but they must be augmented with a much more strategic and comprehensive approach if translational organised crime is to be combated successfully.

An encouraging sign that the security implications of organised crime exist and are beginning to be recognized came in the shape of the February 2010 UN Security Council.

4. The vulnerability of defence and security structures to organised crime

In functioning states, the involvement of national defence and security apparatuses in organised criminal activity is clearly an aberration of adequate state function. In other words, it is not something one associates with well-governed, democratic countries. A breakdown in state structures and oversight mechanisms allows organised crime to infiltrate and co-opt defence and security establishments. The military, security, and intelligence bodies possess not only a monopoly on the means of violence, as protectors of national security and enforcers of order, but also have privileged access to classified information, arms stocks, natural and financial resources, and high-placed contacts.

The dissolution of the Soviet Union and break-down of its empire in Eastern and Southeast Europe in many ways show precisely this pattern. In particular, as authoritarian control of all facets of state function disintegrated—ostensibly to be replaced by democratic systems—and central, closed economies were dismantled— in favour of liberalisation and globalisation, the chaotic period of transition gave rise to what has become known as the "lawless '90s," exacerbated by deep economic recession and severe inflation. It was in this context of erosion of social order, state control structures, and economic welfare that the downsizing, reorganising, and "privatising" measures of the defence and security establishments took place. It is hardly surprising, then, that the one-time members of the armed forces and security services, as well as defence officials took advantage of the ensuing vacuum to make a "smooth and seamless" transition to organised crime.[36]

Bulgaria's Communist-era secret police entitled Committee for State Security and dubbed *'darzhavna sigurnost'* (DS), utilised its close links with the KGB to engage in various smuggling activities, including arms and drugs, as well as trafficking of advanced and security-related technology.[37]

This security- and defence-sponsored foothold arguably made Bulgarian post-Communist organised crime so widespread and notorious. Similarly, the Securitate of Romania was the largest secret police in the ex-Warsaw Pact countries and contained approximately 14,000 agents and 500,000 informants, a number of whom were heavily involved in arms, drugs, and cigarettes smuggling. The so-called "lustration" laws, designed to prevent Communist-regime security service employees from holding public office, have not only had poor implementation records, but, together with the overarching post-Communist restructuring measures, have led to dismissals of thousands of former security services employees, among whom involvement in organised crime was already prevalent.[38]

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While they lacked skills for alternative professions, they still possessed their informational resources, and extensive contact networks. As a result, many established or began working for the burgeoning private security businesses, which, in addition to incorporating criminal elements in terms of personnel, also ventured into criminal or quasi-criminal activity as a whole.[39] The fact that the Romanian Constitutional Court struck down the proposed lustration law only in June 2010, ending a three-year controversy around the issue, illustrates that the positions of former security employees is still a significant issue in the region.[40]

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36   Berdal, M., *Building peace after war*, New York: Routledge, 2009, p. 68
37   United Nations Office on Drugs and Crime (UNODC), *Crime and its impact on the Balkans and affected countries*, Vienna, 2008, p. 48

38   UNODC, 2008, p. 48
39   UNODC, 2008, p. 49
40   Konrad Adenauer Stiftung (KAS), 'The short history of the Romanian Lustration Law', Country report, Berlin, 20 July 2010

In Russia itself, the pervasiveness of organised crime in the armed forces has proven so intractable and widespread that in July 2009 President Medvedev announced the appointment of the first post-1917 military chaplains as a countering measure. This move is significant, since the introduction of military chaplains has been proposed for a number of years, but has always been resisted by senior officers.[41]

The involvement of Russian armed forces in organised crime has repercussions beyond the country's geographical area. Russian border guards stationed on the Tajik-Afghan border are widely suspected of involvement in cross-border drug trafficking and dealing. This is not to suggest that the Russian armed forces are solely responsible for the organised crime plaguing Central Asian countries, as the arrests of the 2003-2004 Tajik former Minister of Interior Yakub Salimov, former Ambassador to Kazakhstan Sadullodjon Negmatov, and then Head of a regional Counter-Narcotics Agency Kholikh Zakirov for organised crime and drug trafficking illustrate.[42]

In the 'Southern Cone' countries of Latin America— namely Argentina, Chile, Paraguay and Uruguay— the involvement, the composition and reach of organised criminal groups is an outcome of several intertwining tendencies. In particular, these include the existence of extensive informal, or "black" economy and financial services, a societal demand for illegal goods and services, and notable geographical and social gaps in effective state regulation, welfare provision, and control. What is significant for the topic discussed here is that organised crime groups are largely small-scale and as such enjoy direct protection, favour and involvement by state police security forces. What is also noteworthy about these cases is that, unlike in other countries of the region such as Colombia, Mexico, Guatemala, and El Salvador, organised crime groups in the Southern Cone are small-scale enough to be dependent on state (ie. police) structures, rather than controlling, "capturing," or engaging in conflict with them.[43]

There have been numerous allegations against military officers, by parliamentary committees and the auditor general among others, of embezzlement and misuse of public funds.

A different situation exists in Venezuela. The Chavez government has become increasingly military in constitution,[44] which, in a country notorious for organised crime and corruption reaching to the highest levels of government, can only mean the involvement of defence and security forces in such networks.

There have been numerous allegations against military officers, by parliamentary committees and the auditor general among others, of embezzlement and misuse of public funds. Yet none has been charged, and some still occupy official positions. The veneer of military secrecy, again, is often used to prevent public investigation and prosecution.[45] The longevity of the destructive consequences of military rule is borne out strikingly by Guatemala's experience, which has suffered grave repression, violence, and human rights abuses. Despite restoration of formal civilian government in the late 1980s, reform of the defence and security sector has proven frustratingly difficult and patchy, further encumbered by widespread organised crime—particularly drug trafficking— violence, and poverty.

41   Herspring D.R. and McDermott R.N., 'Chaplains, political officers, and the Russian armed forces', *Problems of Post-Communism*, Vol 57, No 4 (2010), pp. 51-59
42   Marat E., 'Impact of drug trade and organised crime on state functioning in Kyrgyzstan and Tajikistan', *China and Eurasia Forum Quarterly*, Vol 4, No 1 (2006), p. 108
43   Thoumi F.E., Manaut R.B., Sain M.F. and Jacome F., 'The impact of organised crime on democratic governance in Latin America', Study, Friedrich Ebert Stiftung, 2010, p. 24

44   The Economist, 30 March 2006, 'Venezuela: the sickly stench of corruption', available at: http://www.economist.com/node/6749208?story_id=6749208
45   The Economist, 30 March 2006, 'Venezuela: the sickly stench of corruption', available at: http://www.economist.com/node/6749208?story_id=6749208

There are also discouraging examples of the defence and security establishments' role in these afflictions. In particular, President Colom dismissed the director general of the police in 2009, along with his deputy, operations head, and investigations head, for involvement in the disappearance of a large amount of cocaine and government funds.[46]

In 2005, the head of the drug enforcement agency, his deputy, and another senior drugs officials were arrested for drug trafficking in the United States. What is more, that drug enforcement branch was itself a "replacement" for one that was dismantled due to its employees' arrests for similar diversion crimes.[47]

Fujimori-era Peru is yet another example. During the 1990-2000 rule of former President Alberto Fujimori an elaborate network of organised transnational crime, particularly arms and drug trafficking, corruption, and human rights abuses flourished in Peru.

This network intersected and cooperated with a criminal grouping led by Vladimiro Montesinos Torres, head of Peru's National Intelligence Service (NIS) and primary security advisor to Fujimori. After Fujimori's authoritarian government collapsed following his attempt to secure an unconstitutional third term, video recordings were made public depicting him bribing members of the opposition. The following investigations exposed the Montesinos-Fujimori network as a multi-million dollar criminal enterprise engaged in drugs and arms smuggling, extortion, embezzlement, and bribery.

It is noteworthy that the exorbitant graft was enabled by legal regulations permitting the executive powers to shield the military procurement process from disclosure or public scrutiny.[48] What is more disturbing is that during Fujimori's rule, not only the police but also the entire Ministry of Interior were subordinated to the military, while the NIS was the de factor power in Peru. Fujimori relied on the intelligence service to exert control over the armed and security forces, and effectively turned them into enforcers of his authoritarian regime.

To sustain its power, Fujimori's machinery bribed and blackmailed senior security and defence officials, as well as members of the industry, media, legislative bodies, and judicial system. As one observer subsequently noted, the Fujimori government aimed to "incorporate corruption as a structuring element of the various aspects of the police organised, which was to cross-section not only processes and systems, but also people and values, thus making it easier to subdue and dominate their members."[49]

46   US Department of State, Bureau of Democracy, Human Rights and Labor, '2009 Human rights reports: Guatemala', 2009 Country reports on human rights practices, 11 March 2010, available at: http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136114.htm
47   UNODC 2010, p. 241
48   Jimu I., 'Managing Proceeds of Asset Recovery: The Case of Nigeria, Peru, the Philippines and Kazakhstan', Working Paper Series No 6, Basel, Basel Institute of Governance, 2009, p. 11

49   Costa G., 'Two steps forward, one and a half steps back: police reform in Peru, 2001-2004', Civil Wars, Vol 8 No 2 (2006), p. 216

5. Organised crime and conflict: a debilitating combination

States embroiled in or emerging from territorial conflict are usually associated with widespread organised crime. Not only has the state lost its capacity to perform essential functions such as provision of security and enforcement of order, but lack of economic and employment opportunity combines with the disintegration of legal systems to create a culture of impunity. This, in turn, is ideal for the expansion of organised crime. At the same time, in a vicious cycle dynamic, organised crime actors further undermine whatever is left of the state's monopoly on the use of force. The presence of a large number of international troops and massive inflows of financial and military aid combine with weakened institutions and lack of security to make the post-conflict environment yet more violent.

> Organised crime groupings can replace state security tools in some cases, and spread security problems, that is, drugs, violence, arms smuggling, transnationally.

Organised crime groupings can replace state security tools in some cases, and spread security problems, that is, drugs, violence, and arms smuggling, transnationally.[50] In Haiti, despite numerous UN peace keeping missions since 1994, by 2006 organised crime and corruption had permeated state institutions almost completely, putting the country on the verge of state failure.

Even after a devastating earthquake in 2010, Haiti is still experiencing pervasive disorder as crime gangs fight for control of the massive international aid funds that have poured into the country. El Salvador was also a hotbed of organised crime after the formal end of the civil war, despite being held up as a peace-keeping success.[51]

This can also occur in the context of ambiguous or ineffective peace settlements, which focus on short-term gains but do not lead to sustainable peace. For example, according to the prominent Africa analyst Gerard Prunier, the 2002 "all-inclusive Peace Agreement" that was meant to pave the way for "post-conflict peacebuilding" following the Second Congo War, "necessary as it was to stop major organised violence, reeked of rewards for crime coupled with pork-barrel politics."[52] The DRC remains a fragile state until now, with large sections of its population facing violence and dire humanitarian conditions.

Post-2003 Iraq is perhaps one of the most informative illustrations of the point being made here. It is, according to scholar Phil Williams, a "perfect storm of corruption and organised crime."[53] In 2005, organised crime accounted for approximately 80 percent of violence.[54] In fact, organised crime was widespread during Saddam's regime, and centred on his family members and immediate circles enriching themselves by oil smuggling, perpetrated through the UN 1996 oil-for-food programme.[55] Furthermore, the elite involved in crime networks also forged links with smugglers, facilitators, and tribal leaders on whom it increasingly relied to maintain public order. Over the ensuing years, the spoils the tribal groups were able to obtain made them more and more autonomous. They also began turning to criminal activity and clashed with Iraqi state, security, and military agents.[56]

50   Hazen J., 'Chapter eight: war transitions and armed groups', *Adelphi Papers*, Vol 50, No 412 (2010), p. 159
51   Berdal, pp. 49-50

52   Prunier, G., *Africa's world war: Congo, the Rwandan genocide, and the making of a continental catastrophe*, Oxford: Oxford University Press, 2009, p. 277
53   Williams P., 'Organised crime and corruption in Iraq', *International Peacekeeping*, Vol 16 No 1 (2009). p. 116
54   Berdal, p. 59
55   Testimony of Charles A. Duelfer, 'The Oil for Food program: tracking the funds,' Hearing Before the Committee on International Relations, US House of Representatives, 17 November 2004, available at: http://commdocs.house.gov/committees/intlrel/hfa96930.000/hfa96930_0f.htm, as cited in Williams, p. 117
56   Williams, p. 117

Another important feature of this dynamic was decentralisation of the organised crime networks, which became much more pronounced and diverse following the 2003 invasion, and in turn multiplied the opportunities and scope of criminal activity.

In addition to foreign criminals and criminal groupings involved in oil smuggling, there emerged Shiite militias, Sunni insurgents and transnational jihadists, all engaged in criminality. In the context of the post-2003 collapse of the Iraqi state structures, criminal actors forged collusive links to those with political agendas. The failure of the coalition forces to stamp out widespread pervasive looting of government and businesses disabled state functions and resulted in a culture of impunity and lawlessness which proved very "sticky." What emerged in this context is what Toby Dodge refers to as 'industrial strength' criminal gangs—highly organised, well armed, vicious and diverse. In the post-Saddam context, criminal and political groupings and agendas blurred.[57]

The Iraqi case also illustrates the exacerbating influence of natural resource abundance in heightening/strengthening the interaction of organised crime and corruption in post-conflict environments. In particular, oil smuggling is decidedly the largest criminal activity, which is causing violent "turf battles" for its control and fuelling the insurgency.[58] Recent developments in the eastern DRC also demonstrate this case, and illustrate a "unified" picture of post-conflict transition, organised crime and corruption, and the involvement of defence and security forces therein. The tragic paradox is that after President Joseph Kabila banned mineral mining in the east of the country in order to stamp out "mafia groups" allegedly controlling the enterprise, widespread allegations surfaced stating that the army's top brass had assumed control of the mines, allowing its activities to continue and lining its pockets with a substantial cut of the profits. This inserts yet another destructive driving force into the already bloody conflict over gold mining profits perpetuated by rebels against civilians.[59]

It will come as no surprise that Afghanistan is currently at serious risk of "re-living" many of these vicious cycles. What many call a "narco-state," it produces 90 percent of the global opium volume, which is largely supplied to markets in Europe and Eurasia. This title is a bit of a misnomer, however, as there is significant debate regarding classification of Afghanistan as a state in the traditional sense, due to its highly decentralised nature and tribal structure. In addition to perpetrating the international transitional drug trafficking network, Afghanistan's rampant heroin trade is also feeding the conflict and insurgency, perpetrating economic underdevelopment, and increasing the public's distrust of the few central structures that do exist. The flip-side is of course that it is increasing the power base of the Taliban, particularly its non-ideological, "commercial" members. Again, in conflict and post-conflict situations it becomes very difficult very quickly to distinguish the political from the criminal actors.

Another key source of organised crime in post-conflict societies is poor, ill thought-through disarmament, demobilisation and rehabilitation (DDR) programmes and security sector reform (SSR) measures. This was the case in El Salvador, Haiti, and Iraq, where members of regular and irregular armed groups were swiftly released from hierarchical, military control into unstable and chaotic environments with very few

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employment opportunities and weak to non-existent rule of law and social welfare provision. In Colombia, as well, demobilised pro-government paramilitary groups gradually transformed into organised crime groups.[60] Combined with an ineffective and/or corrupt police force, this is a recipe for disaster. Similarly inadequate or non-existent DDR programmes also had dire consequences in Tajikistan, where still-mobilised militias that had participated in the civil war contributed to mafia being strengthened as a political and economic power.[61]

57   Dodge, T., 'Written testimony of Dr. Toby Dodge, Consulting Senior Fellow for the Middle East', Hearings on Iraq, Senate Foreign Relations Committee, 25 January 2007
58   Dunn, D.H. and A. Futter. 'Short-term tactical gains and long-term strategic problems: the paradox of the US troop surge in Iraq,' Defence Studies, Vol 10 No 1 (2010), p. 209
59   Fessy, T., 10 November 2010. 'Congo general profits from blood gold', BBC News. Available at: http://www.bbc.co.uk/news/world-africa-11722142

60   Hazen, p. 163
61   Hazen, p. 165

The DDR process can also be intentionally corrupted, as was the case in Sierra Leone, where ex-combatants were rearmed by politicians and made into security squads, in essence political thug groups, for the 2007 elections.[62] Yet another reality to grapple with is that security and military intelligence structures of warring parties often develop a privileged position and access to means of violence, economic resources, and intelligence during the actual conflict or war. When combined with decrepit law-enforcement bodies, these (positions) are not so easily dispelled and disrupted.

Often such groups come to dominate organised crime in post-conflict states. A 2005 study carried out by the UN found that across West Africa demobilised soldiers from recently ceased wars and conflicts had become involved in a spectrum of organised crime activity from transnational criminal gangs to armed robbery as a source of subsistence. [63]

Since the provision of security is a core state function which allows for stabilisation to occur, the orchestrators of peace settlements and reconstruction programmes need to realise the threat to it posed by the various ex-combatant groups. They also need to dedicate adequate resources and thought to implementing and designing timely and adequate DDR and SSR programmes. The record of the UK in Sierra Leone may give us a reason to be cautiously hopeful. After the near-failure of the UN peacekeeping mission, the UK significantly bolstered its commitment to a broad-based SSR programme.

In particular, emphasis was placed on training, financial support of reform, and operational management of Sierra Leonean police and armed forces. While not negating continuing problems, an encouraging trend is the resulting improvement in the security environment and public safety on the ground, as well as decreased overall levels of violence between 2001 and 2009.[64] The focus of the United Nations Mission in Liberia (UNMIL) on police reform, while of decidedly mixed overall record, nevertheless has fostered an increased public trust in the force as the guarantor of personal safety.

In Liberia this alone may be considered significant progress.[65]

Two other aspects of delivery merit attention. The first is the balance between international and local initiatives. Work in Afghanistan suggests that national development and governance programmes may often be more effective than international ones, and that sometimes international community involvement in delivery can breed corruption, rather than the reverse. One distressing example is NATO intervention in Kosovo. Following the establishment of the UN Kosovo Force (KFOR) in 1999, Kosovo has become a major destination for trafficking women into the sex industry.

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This was facilitated by the lack of border security and weak visa regimes.[66] Parallels may be drawn to the arrival of UN peacekeepers in Haiti. The UN stabilisation mission for Haiti (MINUSTAH) has been criticised for its failure to tackle the various criminal networks which contributed to a tremendous upsurge in violence and sexual crimes. It appears that MINUSTAH's focus on fighting rebel groups blinded its ability to realise that the criminal networks were the principle cause of violence.[67] Furthermore, there are damaging examples of external intervening forces' involvement in criminal activity, including the involvement in the DRC of UN peacekeepers in sexual exploitation and abuse and of Pakistani and Indian troops in gold and arms smuggling.[68]

62   Hazen, p. 163
63   United Nations Office on Drugs and Crime (UNODC), *Transnational organised crime in the west African region,* Vienna, 2005, p. 30
64   Berdal, p. 61
65   Bendix D. and Stanley R., 'Security sector reform in Africa: the promise and the practice of a new donor approach', Occasional Paper Series, Vol 3, No 2 (2008), p. 26
66   Godec, S.T., 'Between rhethoric and reality: exploring the impact of military humanitarian intervention upon sexual violence – post-conflict sex trafficking in Kosovo', *International Review of the Red Cross*, Vol 92 No 877 (2010), pp. 245-246
67   Cockayne, J., 'Winning Haiti's protection competition: organised crime and peace operations past, present and future', *International Peacekeeping*, Vol 16 No 1 (2009), p. 83
68   United Nations, 'Letter from the Secretary-General to the President of the General Assembly,' A/59/710, as cited in Berdal, 24 March 2005, pp. 99-100

"Spending too much too quickly with too little oversight in insecure environments is a recipe for fueling corruption, delegitimizing the Afghan government, and undermining the credibility of international actors."[66]

In conflict and post-conflict states, a thriving black market often develops. Foreign intervention brings an influx of foreign currency which further increases the profit margins of criminal networks operating in these markets. Intervention by external forces risks breeds dissidence and encourages certain elements of the population to rebel against their presence.

The potentially ensuing conflict in turn generates a demand for weapons and ammunition amongst the dissidents, and thus contributes to the growth of organised crime networks through the illegal arms trade.

In post-conflict environments, financial and military assistance (and development aid) flows pouring into the country are often massive, with Iraq and Afghanistan in particular receiving extraordinarily large sums of money.

These funds then flow through ineffective or nonexistent institutional structures, a political leadership often lacking legitimacy or competence, and a "technocratic cadre" with inadequate financial management skills.[69]

Again, this trend is particularly acute in the case of Afghanistan. This case is of course made more complicated by clan-and-tribal based divisions in the country.

As Andrew Wilder and Stuart Gordon put it, based on their extensive research and knowledge of the issue, "spending too much too quickly with too little oversight in insecure environments is a recipe for fueling corruption, delegitimising the Afghan government, and undermining the credibility of international actors."[70]

The end of this continuum is that, due to irresponsible and short-sighted contracting and spending practices, the international funds and assistance—military or otherwise—are in fact ending up in the hands and coffers of warlords, quasi-criminal security companies, and the Taliban.

Disturbingly, according to the estimates of US military officials in Kabul, at least ten percent of the Pentagon's logistics contracts, amounting to hundreds of millions of dollars, constitute de facto payments to insurgents. Given the nexus between corruption, insurgency and crime in post-conflict and conflict countries discussed above, it becomes evident that the deluge of international money is contributing to the emergence of an environment alarmingly suited for organised crime and corruption.[71]

69   World Bank Operations Evaluation Department, 'Aid coordination and post-conflict reconstruction: the West Bank and Gaza experience'. Available at: http://lnweb90.worldbank.org/oed/oeddoclib.nsf/DocUNIDViewForJavaSearch/3F3D58D22EC51BB3852567FC0057B000/$file/185precis. pdf. *Precis*, Spring 1999, p. 4

70   Gordon, S. and A. Wilder, 1 December 2009, 'Money can't buy America love'. Available at: http://www.foreignpolicy.com/articles/2009/12/01/money_cant_buy_america_love?page=ful,2
71   Gordon, S. and A. Wilder, 1 December 2009, 'Money can't buy America love'. Available at: http://www.foreignpolicy.com/articles/2009/12/01/money_cant_buy_america_love?page=ful,2

6. Parallel universes

Counter-organised crime and counter-corruption communities travel in separate, parallel universes. Even the widely-used definition of corruption – "the abuse of entrusted power for private gain" – might require strengthening if the 'private gain' is a multi-national organised criminal enterprise. While law enforcement agencies countering organised crime tend to maintain a low profile, focussing on the use of covert information with very little public profile, anti-corruption agencies and civil society are able to foster much more public engagement. The other side of the coin, however, is that they possess little or no access to powerful tools such as investigative powers and intelligence.

Consequently, a balanced and effective approach to combating organised crime must address the pervasiveness of corruption throughout criminal markets. The complementary nature between "hard," decisive instruments of law enforcement and the norm-setting and influencing ability of the anti-corruption apparatus is valuable resource which is currently under-utilised and under-appreciated.

Robust, strategic cooperation between the anti-corruption and counter-organised crime world will go a long way towards addressing both problems in a truly sustainable and comprehensive manner.

There is a pressing need for prioritising inter-agency and international cooperation in combating organised crime. Law enforcement efforts alone are undoubtedly necessary but not sufficient in this regard, as organised crime relies on an extensive and resilient market structure, the supply and demand forces of which are much broader and more potent than the individuals using them. It is precisely individuals, however, that law enforcement agencies target.

The example of the Andean region, which for more than three decades has been an epicentre of cocaine trafficking despite numerous law enforcement operations and arrests, illustrates this point well.[72] In order to begin eradicating the supporting structures of such markets as well as the culture of impunity perpetuating them, this paper recommends according importance to improving transparency and accountability of international commercial flows through international regimes and institutions, as well as drawing upon the success of the anti-corruption movement.

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Although it of course continues to face numerous challenges, its success in building a wide consensus across society and the international community that corruption is a scourge to be tackled cooperatively is significant. A similar public momentum against organised crime, built between the agencies tackling organised crime, the anti-corruption community, and the wider public, may go a long way to dismantling the elaborate market infrastructure of today's organised crime. Recognising, nevertheless, that it is national governments that are the ultimate drivers and implementers of successful counter-organised crime initiatives, the overview above has also called for the inclusion of combating organised crime in national security strategies. This framework will be able to generate the necessary resources, mobilise inter-agency cooperation, and raise the public support necessary for a truly comprehensive approach to tackling organised crime.

This paper has emphasised the particular vulnerability of national defence and security establishments to infiltration and co-option by organised crime, and illustrated the interconnectedness between sustainable post-conflict stabilisation and state-building and combating organised crime.

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72   UNODC, 2010, p.223

These rather distinct lenses highlight both the importance of accountable and effective defence and security forces to adequate state function and security, as well as the threat posed by organised crime.

Furthermore, these two perspectives demonstrate that the erosion and breakdown of governance systems and democratic institutions, whether through violent conflict or political crisis, akin to the collapse of the Soviet Union or the military coup – military dictatorship cycle in Central and South America, enables the direct involvement of national defence and security apparatuses in organised crime. An exacerbating factor is of course that state defence and security forces possess not only a monopoly on, or at least highly privileged access to, the means of violence, confidential information, and influential contacts.

Moreover, due to their privileged position as guardians of state security and sovereignty, they have become accustomed to operating away from public scrutiny and accountability. Thus, the painful transition of post-Communist countries from authoritarian regimes and autarchic economies, also featuring severe economic depression, unemployment, and inflation, was accompanied by the transition of members of the defence, security, and intelligence corps into organised crime.

It is important to note, however, that these elements, notably the Romanian and Bulgarian communist-era secret services, had already gained firm footholds in transnational smuggling and corruption.

Although in a completely different geographical context, former president Fujimori's Peru and, in many ways, Venezuela under the current Chavez leadership, illustrate similar debilitating dynamics. The former witnessed the development of an elaborate, wide-reaching network of drugs and arms smuggling, embezzlement, and extortion around the authoritarian, repressive, and corrupt administration of Fujimori and his security chief Vladimiro Montesinos. The latter currently appears to be taking on similar dynamics, with persistent allegations of the armed forces' involvement in organised crime and misuse of public crimes being persistently ignored or suppressed by the government.

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7. The way forward: country experience and recommendations

Allowing a small measure of optimism about this grim picture, governments are recognising the gravity of the problem and beginning to address it.

In the very same Peru for instance, a police reform was carried out in the context of a broader SSR soon after Fujimori's departure. Although its record is decidedly mixed and it did face significant obstacles, it also achieved notable successes. Paramount among these was an increasing level of professionalism among the police force, instituting merit as the basis for officers' promotions and admissions to academic institutions, creating an Ombudsman's office, and, importantly, regaining some of the eroded public trust and support.[73]

What enabled these achievements is, to a large degree, the leadership of the process not by the police itself or international actors, but by a group of reform-committed civilians in the Ministry of Interior.

In Southeast Europe, also, emphasis is being increasingly placed on tackling organised crime. Governments are beginning to commit significant resources to organised crime investigations. Bulgaria, for instance, has initiated a substantial reform of the defence and security sector. Similarly, Croatian authorities, with considerable assistance from international organisations, have made significant progress in police reform and professionalisation.[74]

An example of what can be accomplished through international efforts is the recently-formed Union of South American Nations (Unasur), and particularly the South American Defence Council (CDS) it created. Its first meeting in March 2009 includes as one of its focal points the promotion of transparency in defence spending.[75] Such a measure could prevent the recurrence of a Fujimori-type individual corrupting the military establishment in order to turn into a vehicle for organised crime and abuse.

Whether the CDS will reach its potential remains to be seen. What the reform efforts discussed above demonstrate is that the sustained commitment of political leadership, which transcends individual terms in office, is absolutely crucial.

The above discussion also demonstrates the importance of external leverage and commitment. In particular, EU and NATO membership has played a crucial catalysing role in defence and security sphere reforms in Southeast Europe. Furthermore, emphasis on change—albeit to varying degree and with patchy consistence—stemmed from the national government, acting as a push, while the influence of NATO and the EU provided the critical pull for this process. While these bodies will obviously not have sway in every case, they do demonstrate that international actors are able to provide the much needed leadership, assistance, and impetus for reform. The question is whether they are willing.

After all, it is not only the so-called "conflict" or "developing" countries that face threats of organised crime infiltration into national defence and security apparatuses. In fact, as recently as 2009 the FBI noted with alarm the growing number of gang members within domestically and internationally stationed military ranks. In addition to being a direct law enforcement threat, the "soldier gang members" abuse their privileged, military positions to participate in drugs and arms smuggling.[76]

The preceding review has provided concrete examples of instances wherein organised crime has thrived as a result of post-conflict realities, namely dilapidated political and judicial institutions, disabled state functions, economic depression, porous borders, and unaddressed threats posed by combatant groups.

73   Costa, p. 216
74   Grillot S.R., 'Policing via principles: reforming the use of force in the western Balkans', *East European Politics and Societies*, Vol 22 (2008), p. 330
75   Thoumi F.E., Manaut R.B., Sain M.F. and Jacome F., 'The impact of organised crime on democratic governance in Latin America', Study, Friedrich Ebert Stiftung, 2010, p. 31

76   Federal Bureau of Investigation (FBI). 'National gang threat assessment: 2009', National Gang Intelligence Center, Washington D.C., 2009

A variety of examples—all of which are of course distinct— have been used to highlight these points. The entrenchment of organised crime may be further facilitated by the presence of large numbers of armed international forces and the massive inflows of external aid.

In order to reduce the likelihood of such destructive trajectories, this paper calls those shaping post-conflict reality to address organised crime in post-conflict peace settlements—by ensuring the sustainability and accountability of state structures—rather than solely focusing on parcelling out political power and territory between the former warring parties.

The overarching urgent question, however, is who should deliver a durable and comprehensive peace settlement and how? One key element in the immediate post-conflict phase is the role of the military, as opposed to civilian security providers, in delivery. Several analysts[77] have suggested that in dealing with organised crime, peacekeeping and peacemaking operations may need to serve as a direct delivery vehicle of state functions such as border and law enforcement, as well as to coordinate other actors and act as a clearing house for the development of longer term capacity building. This would be backed up by work in INTERPOL and the UN system to provide strategy setters and operational planners with comprehensive contingency analyses.

> The overarching urgent question, however, is who should deliver a durable and comprehensive peace settlement and how? One key element in the immediate post-conflict phase is the role of the military, as opposed to civilian security providers, in delivery.

This model might require the military to plan for or develop new, more targeted 'soft power' capabilities and would certainly lead to an enhanced role for the 'civil security' side of peacekeeping operations. There is a need to consider how the scenario would play out in complex multi-stakeholder operations such as Afghanistan, where other multilateral organisations such as the World Bank, EU and NATO have taken on responsibility for specific aspects of the mission and key national donors have important roles.

Within NATO, the debate has already materialised in the framework of implementation of the Alliance's Comprehensive Approach.[78]

As such, it calls for regular coordination, consultation and interaction among all actors involved in a particular operation, for which the Alliance has developed a set of pragmatic proposals. However, while there is consensus that NATO needs to be able to plan for and draw on the delivery of civil effect by others, there is not yet an agreement on how far it should go in delivering non-military activities itself.

Nevertheless, it must be acknowledged that the deployment of military power in the last two decades, including Panama, Somalia, Haiti, Bosnia, Kosovo, Afghanistan and Iraq has attempted to address— albeit to varying degrees and success—the conditions which gave rise to the respective conflicts.[79]
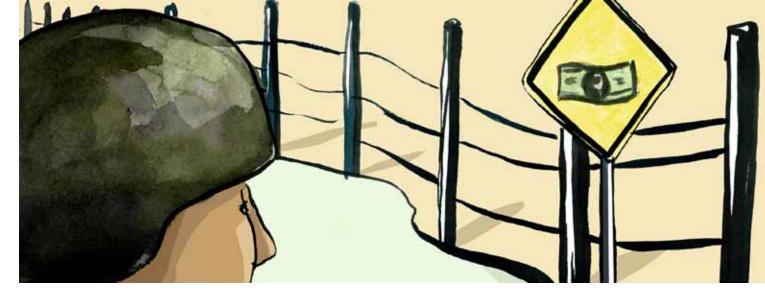
The case of post-Dayton Accords in Bosnia and Herzogovina (BiH) illustrates this dynamic very poignantly. One objective of the EU's military mission EUFOR, a follow-on peacekeeping operation to NATO's SFOR, was supporting the fight against organised crime. Although this was diplomatically acknowledged as a "new and …different" military task by Lieutenant General A. D. Leakey, countering organised crime was also recognised as an essential component of securing and stabilising BiH –EUFOR's mandate.[80] In order to help overcome this obstacle, as well as the reluctance of national contingent commanders to engage their troops in "police" tasks, Lt. Gen. Leaky introduced a guiding principle for EUFOR: uncover criminal activity, but then hand over the BiH law enforcement elements for subsequent action.

Organised crime also permeated into the customs and tax authorities, the trading standards authority, BiH intelligence service, forestry authorities. To tackle these problems, EUFOR was tasked with supporting and training BiH law enforcement agencies, reduce the popular resignation regarding the high levels of organised crime, and actually tackle organised crime.

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77   Cockayne, J. and Pfister, D., 'Peace operations and organised crime', The Geneva Centre for Security Policy (GCSP), GCSP Geneva Papers 2, 2008

78   Details available at: http://www.nato.int/cps/en/natolive/topics_51633.htm
79   Tuck, C., 'Borneo, counter-insurgency and war termination,' *Defence Studies*, Vol 10 No 1 (2010), pp. 107-108
80   Leakey D., 'ESDP and civil/military cooperation: Bosnia and Herzegovina, 2005' in Deighton A. and Mauer V (eds), *Securing Europe?: implementing the European security strategy*, Center for Security Studies, 2006, Zurich

The military is obviously indispensable in providing immediate post-conflict security of the population, but effective combating of organised crime requires more nuanced and less blunt instruments.

In order to achieve these objectives, EUFOR cooperated with other EU institutions, international organisations and actors, such as EUFOR's engineers and Civil-Military Cooperation experts.[81]

Although Leakey acknowledged that progress—albeit modest— was made in tackling organised crime on the ground, EUFOR's experience also raised questions as to the level of military's engagement in unorthodox police and coordination tasks. While EUFOR supported all actors in combating organised crime, Lt. Gen. Leaky also argued that this was really a more appropriate job for a civil body – namely, the EU Special Representative for BiH.[82]

The military is indispensable in providing immediate post-conflict security of the population, but effective combating of organised crime requires more nuanced and less blunt instruments.[83] In order to reduce the likelihood of this situation, initiatives which increase the local stake and voice in post-conflict stabilisation and reconstruction are to be welcomed and supported. An encouraging example is the formation in 2003 of the African Security Sector Network (ASSN). Consisting of five member countries spanning the continent, the ASSN aims to strengthen African involvement in the SSR discourse and consequently decrease the "donor bias" that is so prevalent in SSR structure and execution.[84] Similarly, preventing the destructive impact of foreign funds means reconsidering the volume, timing, and structure of the follows. Policymakers and external stakeholders need to aim for a much better alignment with post-conflict countries' absorption capacity and cycles of violence.

Redesigning incentives for military and civilian actors to focus on effectiveness and accountability of projects, rather than their quantity and the amount of money spent is absolutely essential in this regard.

The second aspect of delivery is the balance between centrally and locally directed efforts. Here, circumstances will vary by country and the state of the governance and other systems in place. In Afghanistan and Pakistan, experience suggests a need to operate as closely to the ground as possible, but that can itself give rise to tensions with central government, particularly if that government is weak or uncertain.

Circumstances may be different in more stable or centrally regulated societies, for example in West Africa. In any case, the challenge lies in paying sufficient attention and dedicating adequate resources to local governance and security issues. The potential gains in terms of stabilisation and reconstruction of such a focus are truly significant.

A carefully considered approach to reconstruction, which rests on political will and tailors reform efforts to the specific conditions within each country, can affect significant change even in the midst troubled and conflict-prone areas.

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81   See Leakey D., 2005
82   See Leakey D., 2005
83   See Leakey D., 2005
84   Bendix D. and Stanley R., p.29

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